



City Council Chambers 214 SE 8th
Street, 2nd Floor Topeka KS 66603
<https://www.topeka.org>

Governing Body Agenda

December 10, 2024
6:00 PM

Mayor: Michael A. Padilla

Councilmembers

Karen A. Hiller	District No. 1	Marcus D.L. Miller	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
David Banks	District No. 4	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

City Manager: Dr. Robert M. Perez

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes.

If you need any accommodations for the meeting, please contact the City ADA Coordinator at 785-368-4470. Kansas Relay Service at 800-766-3777. Please provide a 48 Hour Notice if possible. Assistive listening devices are available for use in the community forum.

Agendas are available by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. APPOINTMENTS:

A. Board Appointment - Board of Mechanical Appeals

BOARD APPOINTMENT recommending the reappointment of Bill Naeger to the Board of Mechanical Examiners for a term ending December 31, 2026. *(Council District No. 6)*

B. Board Appointment - Topeka Tourism Business Improvement District Advisory Board

BOARD APPOINTMENT recommending the appointment of Lee Evans to the Topeka Tourism Business Improvement District Advisory Board for the unexpired term ending December 31, 2025. *(Outside City Limits)*

C. Board Appointment - Board of Building and Fire Appeals

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending December 31, 2026. *(Council District No. 7)*

D. Board Appointment - Metropolitan Topeka Airport Authority

BOARD APPOINTMENT recommending the appointment of Michael Odupitan to the Metropolitan Topeka Airport Authority Board for a term ending November 30, 2027. *(Council District No. 1)*

3. PRESENTATIONS:

- **Domestic Violence Prosecution Update**

4. CONSENT AGENDA:

A. Resolution - City Boundary 2024

RESOLUTION introduced by In City Manager Dr. Robert M. Perez, declaring the entire boundary of the City of Topeka for 2024.

(Approval will comply with K.S.A.12-517 which requires an annual declaration of City boundaries if property has been annexed during the year.)

B. MINUTES of the regular meeting of December 3, 2024

C. APPLICATIONS:

5. ACTION ITEMS:

A. Operational Agreement - Topeka Performing Arts Center, Inc. Supplemental Funding

APPROVAL of an operational funding agreement between the City of Topeka and the Topeka Performing Arts Center, Inc. (TPAC) for supplemental operational funding in an amount not to exceed \$150,000.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will authorize the City Manager to sign and execute the contract, providing supplemental operational funding up to \$150,000 per year from the date of execution through December 31, 2026, with an option to renew for two additional two-year periods by mutual written agreement.)

B. Ordinance - American Medical Response (AMR) Franchise Renewal

ORDINANCE introduced by City Manager Dr. Robert M. Perez, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka until December 31, 2025, and replacing the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2024.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would renew the AMR franchise for 2025.)

C. Discussion/Possible Action - Citizen Government Review Committee Resolution

DISCUSSION with POSSIBLE ACTION of a RESOLUTION introduced by Dr. Robert M. Perez, relating to the convening of a Citizens Government Review Committee to study and review the form of government for the City of Topeka.

Voting Requirement: Action requires at least (6) votes of the Governing Body.

(Approval would appoint five (5) individuals and (1) alternate to the Committee. The Committee shall convene in January 2025.)

D. Discussion/Possible Action - Capital City Business Improvement District 2025 Service Fee Ordinance

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 relating to the Capital City Downtown Business Improvement District, amending Section 3.40.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on downtown businesses.)

E. Discussion/Possible Action - NOTO Business Improvement District 2025 Service Fee Ordinance

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 for the NOTO Business Improvement District, amending Section 3.70.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on NOTO businesses.)

F. Discussion/Possible Action - Topeka Tourism Business Improvement District 2025 Service Fee Ordinance

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 relating to the Topeka Tourism Business Improvement District, amending Section 3.65.035 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee of \$1 per room per night on hotel room rentals.)

G. Resolution - 2024-2033 CIP and 2024-2026 CIB Amendment - 2024 Traffic Signal Replacement Program Project No. 141036.00

RESOLUTION introduced by the Public Infrastructure Committee amending the 2024-2023 CIP and the 2024-2026 CIB regarding the 2024 Traffic Signal Replacement Program. (Project No. 141036.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2024 Traffic Signal Program Project.)

H. Resolution - 2024-2033 CIP and 2024-2026 CIB Amendment - 2024 Neighborhood Infrastructure (DREAMS I) Project No. 601160.00

RESOLUTION introduced by the Public Infrastructure Committee amending the 2024-2033 CIP and the 2024-2026 CIB regarding the 2024 Neighborhood Infrastructure DREAMS 1 Program. (Project No. 601160.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2024 Neighborhood Infrastructure (DREAMS 1) Project.)

I. Resolution - 2025-2034 CIP and 2025-2027 CIB Amendment - 2025 FIRM Program Project No. 131088.00

RESOLUTION introduced by the Public Infrastructure Committee amending the 2025-2034 CIP and the 2025-2027 CIB regarding the 2025 FIRM Program. (Project No. 131088.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2025 FIRM Program.)

J. Resolution - 2023-2032 CIP and 2023-2025 CIB Amendment - 2023 Infill Sidewalk Program/Pedestrian Plan Project No. 241078.00

RESOLUTION introduced by the members of the Public Infrastructure Committee amending the 2023-2032 CIP and 2023-2025 CIB regarding the 2023 Infill Sidewalk/Pedestrian Plan.
(Project No. 241078.00) (The Public Infrastructure Committee recommended approval November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for 2023 Infill Sidewalk/Pedestrian Plan Project.)

K. Resolution - Additional Funding Request Hotel Topeka

RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional funding for operations and maintenance of Hotel Topeka in the amount of \$72,343.54.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize an additional funding request of \$72,343.54.)

L. Resolution - 2025 Governing Body Meeting Schedule

RESOLUTION introduced by Deputy Mayor Christina Valdivia-Alcala, cancelling Governing Body meetings and scheduling Special Meetings for calendar year 2025.

(Approval would provide notice that meetings would not be held on August 5, 2025, Primary Election Day; November 4, 2025, General Election Day; and November 11, 2025, Veteran's Day Holiday. Special Meetings will be scheduled on June 24, 2025, August 26, 2025, November 5, 2025; and November 12, 2025.)

6. NON-ACTION ITEMS:

A. Discussion - 2024 Budget Amendments

DISCUSSION on the proposed amendments to the 2024 Operating Budget.

(Proposed amendments total \$3,080,000. An increase from \$130,581,319 to \$133,661,318.)

B. Discussion - Common Consumption Area Amendment

DISCUSSION concerning the Common Consumption Area Amending the Downtown encompassing area to include the Topeka Performing Arts Center (TPAC). *(The Policy and Finance Committee approved by consensus on November 18, 2024.)*

(Proposed Common Consumption Area Amendment. The defined areas allow for individuals to possess and consume alcoholic liquor outside of a licensed bar, restaurant, or other eligible establishment that is permitted to sell alcoholic beverages by the State of Kansas.)

7. PUBLIC COMMENT:

Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols

prior to the meeting. Written public comment may also be considered to the extent it is personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 012B, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

8. ANNOUNCEMENTS:

9. EXECUTIVE SESSION:

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

(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)

10. ADJOURNMENT:



City of Topeka
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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board of Mechanical Examiners Appeals **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Bill Naeger to the Board of Mechanical Examiners for a term ending December 31, 2026. *(Council District No. 6)*

VOTING REQUIREMENTS:

Action requires at least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Councilmember Miller nominates and Mayor Padilla recommends the reappointment of Bill Naeger to the Board of Mechanical Examiners for a term ending December 31, 2026. The position requires the member hold a mechanical master license. Mr. Naeger meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of five members; two masters licensed in the particular trade, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. A board member who is otherwise qualified but does not reside in the City may be appointed if the candidate resides in Shawnee County and is employed or operates a business within the City and will serve a two-year term.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

B. Naeger Application

City of Topeka Boards and Commissions Application

Submitted on	22 October 2024, 1:03PM
Receipt number	284
Related form version	8

Profile

First Name	William J.
Last Name	Naeger
Email Address	bill.naeger@bartwest.com
Street Address	1933 SW Westwood Drive
Suite or Apt	
City	Topeka
State	Kansas
Zip	66604
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 6
Primary Phone	7852152006
Alternate Phone	7852283311
Employer	Bartlett & West, Inc
Job Title	Vice-President
Which Board would you like to apply for?	Board of Mechanical Appeals
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I believe that my background as a professional engineer allows me to utilize my skills to interpret the building codes appropriately to keep the citizens of Topeka safe.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

BS in Architectural Engineering, 40 years of experience working as a consulting engineer, ASHRAE, ASPE, IES, LEED AP BD+C

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Professional Engineer (current)

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[billresume1.pdf](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature

William J. Naeger

[Link to signature](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



City of Topeka
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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Tourism **PROJECT #:**
Business Improvement
District Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Lee Evans to the Topeka Tourism Business Improvement District Advisory Board for the unexpired term ending December 31, 2025. (*Outside City Limits*)

VOTING REQUIREMENTS:

Action requires at least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

The Topeka Tourism Business Improvement District was established to provide services to the District identified in K.S.A. 12-1784, including the architectural design for the downtown plaza.

STAFF RECOMMENDATION:

The Mayor recommends appointment of Lee Evans to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending December 31, 2025.

BACKGROUND:

The advisory board shall be comprised of seven members to be appointed by the Mayor with the consent of the Council. Five members shall be representatives from hotels that are current in the payment of their service fees. Two members shall be representatives from the travel and tourism industry.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

L. Evans Application & Resume

City of Topeka Boards and Commissions Application

Submitted on 7 November 2024, 1:17PM
Receipt number 290
Related form version 9

Profile

First Name Lee

Last Name Evans

Email Address bamalee698@gmail.com

Street Address 401 East Park Dr

Suite or Apt

City Auburn

State Kansas

Zip 66402

Are you a resident of the City of Topeka? No

What district do you live in? Other/Outside City Limits

Primary Phone 7852302142

Alternate Phone

Employer Swami, Inc d/b/a Sleep Inn & Suites/Garner Hotel Topeka West

Job Title General Manager

Which Board would you like to apply for? Topeka Tourism Business Improvement District Advisory Board

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission: I have been in the hotel business for over 30 years, most of that here in Topeka. I have lived in Shawnee County for over 25 years. I want to lend my expertise to the tourism industry here in Topeka.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking. I have been in the hotel business for over 30 years, most of that here in Topeka. All of the hotels I have managed in Topeka have been members of the Topeka Lodging Association.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) None

**Please upload a resume or any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

Alternative electronic signature

Lee Evans

Notification to applicants for City Board/Commissions

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If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

Lee Evans
401 E. Park Drive
Auburn, KS 66402
bamalee698@gmail.com
785-230-2142

Experienced, Results-Oriented, Successful Manager

- *Adaptability and responsiveness
- *Excellent communicator
- *Customer service oriented
- *Exceptional multi-tasker
- *Strong work ethic
- *Bookkeeping and inventory
- *Training & development experience
- *Team player
- *Consistently meet goals
- *Time management

Work Experience

General Manager

Sleep Inn & Suites/Garner Hotel – Topeka, KS
September 2020 to present.

I am responsible for operations for a 65-room hotel and its 10 employees. Oversee human resources, training of employees, accounts payable/receivable, personnel, revenue management, security, maintenance, housekeeping, reservations, and customer relations. I audit and approve payroll weekly. I excel at communication and providing assistance to customers and my staff. A large part of my job relies on customer service in keeping my staff, business accounts, and customers happy. I keep abreast of all changes in regulations as they relate to the hotel and ensure that we are complying. The hotel performance has been on a continued upward trend since I became general manager, despite the challenges that the pandemic brings to the hospitality business.

Utility Locate Technician

Integrity Locating Services - Topeka, KS
May 2019 to September 2020

Responsible for a route locating utility services underground for contractors, homeowners, and other clients. Emphasis on customer service, attention to detail, accuracy in locating and marking the correct utility lines, managing my time effectively, multi-tasking, meeting deadlines, and maintaining my tools and work vehicle. I receive inquiries from clients, and I excel at communication, attention to detail, and I have a strong work ethic. I am responsible for reviewing payroll reports for accuracy and submitting my personal payroll weekly. My work performance is exceptional, and I routinely volunteer to travel to surrounding areas to assist other teams with their workload. Worked outdoors in all-weather successfully.

Utility Locate Technician

USIC - Topeka, KS
Jan 2019 to May 2019

Responsible for a route locating utility services underground for contractors, homeowners, and other clients. Emphasis on customer service, attention to detail, accuracy in locating and marking the correct utility lines, managing my time effectively, multi-tasking, meeting deadlines, and maintaining my tools and work vehicle. I was a quick study in learning this business and excelled at communication with our clients as well as my team. My work performance was exceptional as I met goals and volunteered to help my teammates whenever possible. Worked outdoors in all-weather successfully.

General Manager - Opening

Hilton Garden Inn Topeka - Topeka, KS
April 2018 to August 2018

Hired to open brand-new hotel with 123 rooms, restaurant, bar, and banquet facilities. I was responsible for interviewing and hiring all hotel staff including managers, training all the new staff, and setting up the hotel for a successful opening. I oversaw human resource functions for the approximately 30 employees, advised supervisors how to handle employee issues, preparing reports for the owner, preparing correspondence to clients, and ensuring compliance with applicable laws and regulations. I was responsible for the hotel's payroll utilizing a system named Kronus for 30 employees by auditing, approving, and submitting payroll weekly. I have experience in researching pay situations and categories to record, reconcile, and balance pay data and to resolve any discrepancies I find. The hotel opened in July 2018.

General Manager

Ramada Downtown Topeka Convention Center and Hotel - Topeka, KS

2016 to 2018

I began as the Guest Services Manager and was promoted to General Manager in March 2017. Our revenues had increased 7% over the previous year and we had risen in our TripAdvisor rank from 7th to 4th.

I oversaw all aspects of this full-service hotel including guest services, housekeeping, maintenance, sales, revenue management, food and beverage, events, banquets and the commercial and residential space. I was responsible for payroll and human resources for approximately 70 employees, coordinated interviewing and hiring, processed leave requests, audited and prepared hotel performance reports, and prepared correspondence to clients.

Contact Representative

US Department of Veterans Affairs, Health Resource Center - Topeka, KS

2015

Responsibilities

I provided excellent customer service while answering phone calls from Veterans who needed assistance with enrollment, eligibility, scheduling appointments, employment assistance, billing questions, and other general questions. I excelled at communication and customer service, while meeting all required call statistics.

Service Operations Manager 2014

Eligibility Supervisor 2013

Eligibility Specialist 2012

MAXIMUS - Topeka, KS

Responsibilities

I started as an Eligibility Specialist and promoted to Eligibility Supervisor after 8 months. As Supervisor, I led a team of specialists with varying duties including Passive Reviews (Audits), Application Processing, and Case Maintenance processing. After promoting to Service Operations Manager, I oversaw the day-to-day operations of the KanCare call center, data entry, and mailroom staff. I supervised approximately 40-50 employees directly and was responsible for approving their payroll in the Paychex system and verifying that all submitted transactions were accurate. I routinely prepared reports and correspondence regarding the center's performance and ensured that we were operating within the applicable laws and regulations. I oversaw the expansion of the call center, which doubled the number of seats, and coordinated the addition of the data entry team. I also coordinated the upgrade of the telephone system and the quality assurance recording software upgrades. During this time, we also assisted the state with developing a new computer system for the center. I was chosen as management employee of the month in February 2014.

Service Manager 2010-2011

Schendel - Topeka, KS

Responsibilities

Supervised and supported 15 technicians in the pest control industry. I handled quality control, client care, sales, revenue management, ordering supplies and cost controls. I also was responsible for human resource functions, processing leave requests, auditing payroll, handling employee issues as they arose, preparing various reports and correspondence for management, and ensuring we were operating within applicable laws and regulations. I have experience in researching pay situations and categories to record, reconcile, and balance pay data and to resolve any discrepancies I find. I received bonuses for my performance while employed here.

Director of Operations 2008-2010

Maa Amba, Inc - Topeka, KS

Responsibilities

I was responsible for overseeing daily operations at 7 hotels located in Kansas and Missouri and the approximately 120 employees employed there. Responsible for payroll for all 120 employees utilizing an old-fashioned spreadsheet method as it was processed off an excel spreadsheet. I audited and approved payroll weekly. I researched pay situations to record, reconcile, and balance pay data and to resolve any discrepancies I found. Oversaw human resources, training of employees, including providing management training to general managers, accounts payable/receivable, personnel, revenue management, security, maintenance, F&B, housekeeping, reservations, and customer relations. I advised my managers on employee relations and assisted when complaints and problems arose between the employees and the manager. The managers came to me for direction as to how to proceed with disciplinary actions or other HR functions. I ensured compliance with all laws and regulations. I reported directly to Owner and prepared reports and communications for the company.

General Manager 2003-2007

Fairfield Inn - Topeka, KS

I was responsible for operations for a 65-room hotel and its 10 employees. Oversaw human resources, training of employees, accounts payable/receivable, personnel, revenue management, security, maintenance, housekeeping, reservations, and customer relations. I audited and approved payroll weekly.

References

Eric Patel	Sleep Inn	(785) 817-7307
Alan Ostenson	Integrity Locating Services	(913) 333-1781
Judy Williams	Retired	(785) 393-9826



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December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board of Building and Fire Appeals **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a term ending December 31, 2026. (Council District No. 7)

VOTING REQUIREMENTS:

Action requires at least five (5) votes of the City Council. Mayor does not vote.

POLICY ISSUE:

The City of Topeka Board of Building and Fire Appeals (BBFA) is responsible for reviewing and deciding on appeals relative to the application and interpretation of the currently adopted commercial and residential building and fire codes utilized within the Topeka jurisdiction. The BBFA has authority to hear and decide upon proposed alternatives, equivalencies and performance measures that may not be specifically prescribed by these codes. To be approved, any proposal must comply with the intent of the provisions of these codes. The BBFA does not have the authority to waive the requirements of these codes.

STAFF RECOMMENDATION:

Councilmember Dobler nominates and Mayor Padilla recommends the reappointment of Steve Mohan to the Board of Building and Fire Appeals for a two-year term that will end December 31, 2026. The position requires the member be a licensed general contractor. Mr. Mohan meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. If no nominations are received, the Mayor may appoint.

The board shall be comprised of seven members who shall be currently licensed or engaged in or have substantial past experience in the following fields or professions: licensed professional engineer, licensed

architect, licensed commercial contractor, or other experienced professional working in a field related to building construction. The board shall always consist of at least two engineers, two architects, and one contractor. A board member who is otherwise qualified but does not reside in the City may be appointed if the candidate resides in Shawnee County and is employed or operates a business within the City and will serve a two-year term.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

S. Mohan Application

City of Topeka Boards and Commissions Application

Submitted on	16 October 2024, 10:52AM
Receipt number	281
Related form version	8

Profile

First Name	Steve
Last Name	Mohan
Email Address	smohan@mohanconstruction.com
Street Address	901 NE River Road Suite 103
Suite or Apt	103
City	Topeka
State	Kansas
Zip	66616
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 7
Primary Phone	7859251694
Alternate Phone	7852331615
Employer	Mohan Construction
Job Title	President
Which Board would you like to apply for?	Board of Building and Fire Appeals
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission: I am reapplying for another term.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking. Kansas State University, Construction Science
Rockhurst College, MBA
President of Mohan Construction for 34 years

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) City of Topeka Contractors License

**Please upload a resume or any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature

Alternative electronic signature Steve Mohan

Notification to applicants for City Board/Commissions Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Metropolitan Topeka **PROJECT #:**
Airport Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Michael Odupitan to the Metropolitan Topeka Airport Authority Board for a term ending November 30, 2027. *(Council District No. 1)*

VOTING REQUIREMENTS:

At least five (5) votes of the City Council is required. Mayor does not vote.

POLICY ISSUE:

The MTAA has responsibility for development, improvement, operation and maintenance of public airport facilities in the city of Topeka and Shawnee County

STAFF RECOMMENDATION:

Mayor Padilla recommends the appointment of Mr. Odupitan to fulfill a term ending November 30, 2027.

BACKGROUND:

The board of directors shall consist of five members. Three members shall be registered voters and city residents who are appointed by the Mayor with the approval of the City Council. Two members shall be Shawnee County residents residing outside the Topeka city limits and are appointed by the Shawnee County Commission.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

M. Odupitan - Application & Resume

City of Topeka Boards and Commissions Application

Submitted on	4 December 2024, 9:46AM
Receipt number	326
Related form version	9

Profile

First Name	Michael
Last Name	Odupitan
Email Address	michael.odupitan@omnicircle.org
Street Address	1301 SW Topeka Blvd
Suite or Apt	
City	Topeka
State	Kansas
Zip	66612
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 1
Primary Phone	5619514214
Alternate Phone	7854227459
Employer	Omni Circle
Job Title	CEO and President
Which Board would you like to apply for?	Metropolitan Topeka Airport Authority
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission: Impact on improving Topeka's economic development

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking. Washburn University Graduate
17 years social service
8 year foster parenting
5 year entrepreneur

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) None

**Please upload a resume or any additional information you believe may be helpful in considering your application. [Resume.pdf](#)

Voluntary Self Identification

Ethnicity African American

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

MICHAEL ODUPITAN

5202 E 81st St , Tulsa, OK, 74137 561.951.4214 modupitan@gmail.com

CAREER OBJECTIVE

Youth and Family Services professional with over 15+ years of experience working directly and indirectly with clients and providers. My goal is to invest my professional skills in a milieu conducive to my unique skill set. Working collaboratively to discuss issues, set goals, and formulate solutions is what I'm most passionate about.

SKILLS

Organization	Customer Service	Research & Strategy	Decision Making
Time Management	Emotional Intelligence	Program Implementation	Self Confidence
Communication Skills	Strong Computer Skills	Conflict Resolution	Management

WORK EXPERIENCE

Intercept Specialist, Jan 2018 - Dec 2018

Youth Villages, Tulsa, OK

Carried a caseload of 5-6 families. Developed and implemented individual therapeutic treatment plans. Met with families' minimum of 3x per week and collaborated with other providers.

Program Implementation Manager - 2017 - 2018

KidsTLC, Olathe, KS

Implementation of systems and solutions. Overseeing and supporting multiple levels of the organization. Developed project plans to improved overall quality. Managed and supported 50+ employees on a daily bases.

Therapeutic Care Coordinator - 2015 - 2017

KidsTLC, Olathe, KS

Managing treatment goals and objectives for clients. Acquiring information and assisting with the development of treatment plans and data entry for clients. Facilitating and organizing team meetings. Maintain accurate and timely documentation.

After-Care Specialist - 2011 - 2015

TFI Family Service - Topeka, KS

Provided wide range of supportive services to help ensure that families maintain safety, stability and well-belling for their children. Complete all paper work and other documentation timely and in accordance with the DHS guidelines.

EDUCATION

Bachelor of Science in Criminal Justice, Dec 2006

Washburn University, Topeka, KS

CERTIFICATIONS / LICENSES

Licensed Foster Parent (8+ years)

Intensive Care Certification

DDP - Level 1 and 2 Certification

Professional Foster Certification

JKM - SCM Instructor Certification

First and CPR Certification

REFERENCES

Mark Siegmund

Interim CEO

O: 913 324 3608

P: 913 832 4320

Roy White

Therapist

O: 913 324 3611

P: 913 486 8370

Ana Broadwater

Care Coordinator

O: 913 832 4320

P: 913 832 4320

Wendy Bennett

Therapist

P: 913.378.8794



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Brigid E. Markey, Assistant City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Legal
PROJECT #:
CATEGORY/SUBCATEGORY:
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

- Domestic Violence Prosecution Update

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Domestic Violence Prosecution Presentation



CITY OF
TOPEKA



Domestic Violence

PROSECUTION

Assistant City Attorney
Brigid Markey

HOW DOES A CASE BEGIN?

1) Topeka Police Department responds to call –
Usually a domestic disturbance

- TPD could respond to an incident that seems unrelated to a domestic disturbance.
- Officer(s) conduct an investigation.
- Relationship of the parties are identified.
- Officer(s) make probable cause determinations about domestic violence offenses.
- If probable cause exists, an arrest is made of the party (or parties) determined to be the perpetrator(s) of the DV incident.



HOW DOES A CASE BEGIN? – CONT.

The following morning, a judge reviews the incident for probable cause, and bond conditions are determined for the individual.

TPD creates a citation listing the offenses of the individual.

- The citation is the charging document for the Prosecution Office.
- Citations are reviewed by the prosecutor.
- Prosecutor determines whether amendments need to be made.
- Prosecutor determines whether the individual will be charged with the alleged offense(s).



HOW DOES A CASE BEGIN? – CONT.

2) A case can also begin when an incident is investigated by TPD, and the investigation is referred to the Prosecution Office for review and charging.

- This is referred to as long forming a case.
- Citations are not written by TPD for these referrals.
- The prosecutor fills out a charging sheet and begins the case.
- Or the prosecutor fills out declination paperwork with an explanation as to why the incident will not be charged.



DOMESTIC VIOLENCE OFFENSE

If law enforcement determines probable cause exists for a domestic violence offense, a mandatory arrest will occur.

A domestic violence offense is not solely a domestic battery.

- Domestic violence can include the following incidents:
 - Assault
 - Trespass
 - Criminal damage
 - Telephone harassment
 - PFA violations
 - Unlawful restraint
 - Theft
 - Disorderly conduct



KSA 21-5111 – DEFINITION OF DOMESTIC VIOLENCE

(i) "Domestic violence" means an act or threatened act of violence against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. "Domestic violence" also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. . . .



WHAT OCCURS DURING THE CASE?

An individual may be granted an OR bond and provided a Domestic Violence Arraignment date to appear.

An individual may have a certain amount they must provide to bond out.

- If they fail to bond out, they will be seen at the At-Jail Docket to inform the Judge of how the individual wishes to proceed to resolve the case.
- If they do bond out, the individual is provided a court date to appear, along with bond conditions ordered by the Court.



WHAT OCCURS AT AN ARRAIGNMENT DATE?

The defendant may be eligible to apply for a Diversion.

- If so, the defendant may take an application and turn it into the Prosecution Office for consideration within 7 days.
- The defendant is not required to apply for Diversion if they are eligible.

The defendant may request a continuance to attempt to hire an attorney.

The defendant may fill out a financial affidavit to determine if they're eligible for a court-appointed attorney.

The defendant may choose to represent one's self without legal counsel and set trial date. (pro se representation)



DOMESTIC VIOLENCE TRIALS

Pro se defendants are provided pro se trial docket dates.

Defendants who hire attorneys are provided represented docket dates.

Defendants with CAA are provided CAA trial docket dates.

- CAA trials occur once a month.
- Pre-Trial Conferences occur once a month to filter cases for the trial dockets.
 - The cases Prosecution knows it will not or cannot move forward to trial are dismissed at this docket.
 - Provides Prosecution with an opportunity to determine if subpoenas are reaching victims; victim input; and victim safety concerns.



DIVERSION

Prosecutor reviews the following to make determinations about Diversion:

- General criminal history of the defendant
- Criminal history regarding domestic violence
- Ongoing history between the defendant and alleged victim (if any)
- Whether the defendant already owes money to the Court (and how much)
- Victim input when applicable
- Statements on the Diversion application (accountability by the defendant)
 - Claims of innocence?



DIVERSION – CONT.

Family Peace Initiative assessments for their Batterer's Intervention Program

- Readily accessible since receiving our grant

Online Anger Management Class offered through the City of Topeka

Contact conditions

Restitution

Drug and alcohol evaluations

Alternative Sentencing Court attendance



VICTIM COMMUNICATION

Victim/Witness Coordinator provides the following services for victims:

- Initial contact to the victim(s) to provide information about bond conditions
- The court date set for the individual
- Information regarding the process of the case
- Provides case updates to the victim(s)
- Sets phone and in-person appointments for the prosecutor
- Facilitates trial dockets
- Gathers victim input for referred cases
- Updates the prosecutor of any requests/concerns/questions that the co-ordinator is unable to provide (point of contact for the Prosecution Office)
- Contacts the YWCA for victim connections
 - YWCA advocate can provide emotional support; provide information about available resources; transportation assistance for trials; PFA filing assistance



WHAT IF A CASE GOES TO THE COUNTY?

All City cases are to have an affidavit included.

If the City refers a case to the County, these affidavits are designed to be copied and pasted for easy referral.

This saves time in the referral process – Allows for the County to charge quickly.



SHAPING CITY OF TOPEKA PROSECUTION APPROACHES

YWCA trained the Prosecution Office regarding trauma and victim communication.

Toured another municipality recently taking on domestic violence prosecution.

- Necessary to have victim room
- Parking concerns
- Witness preparation
- Separate dockets

Continuing education through training opportunities.



DOMESTIC VIOLENCE IS DIFFERENT

Victims often remain in relationships with perpetrators – Or have ongoing communication due to children in common.

Victims are often concerned about how prosecution will affect the defendant's employment and liberties.

Victims often want to see a defendant provided services for anger management, substance abuse issues, and mental health.

Victims may be compliant up until the day of trial – Or contact is lost throughout a case.

It is important to remember these case may be only scratching the surface of extremely dangerous situations.





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214 SE 8th Street
Topeka, Kansas 66603
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December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Dan Warner, AICP, Planning and Development Department
DOCUMENT #:
SECOND PARTY/SUBJECT: City of Topeka Boundary 2024
PROJECT #:
CATEGORY/SUBCATEGORY: 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by In City Manager Dr. Robert M. Perez, declaring the entire boundary of the City of Topeka for 2024.

(Approval will comply with K.S.A.12-517 which requires an annual declaration of City boundaries if property has been annexed during the year.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to comply with Kansas law that requires that the Governing Body declare the boundary of the City when property has been annexed in the calendar year.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the resolution as part of the consent agenda.

BACKGROUND:

KSA 12-517 requires city governing bodies to declare, by resolution, the boundary of the city when property has been added during the year. The following properties were annexed in 2024:

- 3533 and 3536 NW 25th Street

- 3600 and 3620 SE 6th Street
- 6545 and 6549 SW 10th Avenue
- NW Button Road and NW 25th Street

BUDGETARY IMPACT:

Cost of recording the resolution with the Shawnee County Register of Deeds

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Resolution- City Limits 2024

2024 Annexations

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez, declaring the entire
4 boundary of the City of Topeka for 2024.

5
6 WHEREAS, K.S.A. 12-517 provides that municipalities shall, by resolution, declare the
7 entire boundary of the municipality if territory has been added; and

8 WHEREAS, the resolution must be passed before December 31 of the year in which
9 territory was added; and

10 WHEREAS, in 2023, the City annexed property.

11 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY
12 OF TOPEKA, KANSAS, that it hereby declares the following to be the entire boundary of the
13 City:

14 A. Corporate Limits and Boundaries as Follows to Wit:
15

Beginning at the intersection of the West line of the Southeast Quarter of Section 34, Township 11 South, Range 16 east of the 6th PM in Shawnee County, Kansas, with a line which is 40 feet north of the South line of said Southeast Quarter; thence North 88°31'07" East, North American Datum 1983, Kansas North Zone, parallel with the South line of said Southeast Quarter, and on the North line of SE 6th St and its extension, 182.36 feet; thence North 0°24'32" West on the North line of SE 6th St, 13.00 feet; thence North 88°31'07" East on the North line of SE 6th St, 180.38 feet; thence easterly on a curve concave northerly being the North line of SE 6th St, having a radius measure of 11,394.16 feet and an arc length of 262.22 feet and a chord which bears North 87°51'34" East, 262.22 feet; thence North 80°50'48" East on the North line of SE 6th St, 45.29 feet; thence North 87°11'07" East on the North line of SE 6th St, 73.07 feet to the West line of Reser's Croco Subdivision No. 3 extended Southerly; thence North 00 degrees 17 minutes, 28 seconds West, 295.18 feet along the said West line and its extension therof; thence South 88 degrees 28 minutes 22 seconds West, 210.15 feet along said West; thence North 00 degrees 24 minutes 37 seconds West, 1977.80 feet along said West line to the Northwest corner of said Reser's Croco Subdivision No. 3; thence North 88 degrees 42 minutes 43 seconds East, 797.60 feet along the North line of said Reser's Croco Subdivision No. 3; thence South 00 degrees 09 minutes 57 seconds East, 327.35 feet along said North line; thence North 88 degrees 37 minutes 54 seconds East, 371.45 feet along said North line, thence South 00 degrees 01 minute 46 seconds East, 399.26 feet along said North line; thence North 88 degrees 37 minutes 54 seconds East, 922.49 feet along said North line to the West line of Croco Rd; thence South 0°01'45" East, on the West line of Croco Rd, and parallel with the East line of said Southeast Quarter, 816.04 feet; thence South 88°31'07" West on the West line of Croco Rd, 15.00 feet;

thence South 0°01'45" East on the West line of Croco Rd and its extension, 725.24 feet to an intersection with the North line of the Northeast Quarter of Section 3, Township 12 South, Range 16 east of the 6th P.M.; thence South 0°28'27" East parallel with the East line of said Northeast Quarter, 40.01 feet to an intersection with a line which is 40 feet south of the North line of said Northeast Quarter; thence South 88°31'07" West, parallel with the North line of said Northeast Quarter, on the South line of SE 6th St, 280.62 feet; thence South 0°25'53" West on the South line of SE 6th St, 10.00 feet to the Northeast corner of Lot 2, Block "A" in England Mobile Home Estates Subdivision; thence southerly, on the East line of said Lot 2, 477.03 feet; thence easterly, to a point which is 527.03 feet south of and 12.5 feet west of the Northeast corner of the Northeast quarter of said Section 3; thence on an assumed bearing of South 00°21'23" East, parallel with the East line of said Northeast Quarter, 1248.45 feet; thence South 88°38'12" West, 40 feet; thence southerly, on a line which is 52.50 feet west of the East line of the last said Northeast Quarter, 535.29 feet; thence easterly 2.50 feet; thence southerly, on the East line of the last said Lot 1, and its extension, 360.00 feet, to an intersection with the South line of the Northeast Quarter of Section 3, Township 12 south, Range 16 east; thence South 88°38'15" West, 25.89 feet; thence South 09°10'00" West, 156.20 feet; thence South 50°49'00" West, 907.50 feet; thence South 74°51'00" West, 547.39 feet to the East line of the West Half of the Southeast Quarter of said Section 3; thence southerly on said East line to the South Right-of-Way Line of U.S. Highway 40 as condemned in Case Number 91169; thence northeasterly on said South Right-of-Way Line and on a curve to the left that has a radius of 3969.83 feet, an arc distance of 443.15 feet; thence on an assumed bearing of North 83°34'24" East, on said South Right-of-Way Line, 820.00 feet to a point 80.00 feet west of the East line of said Southeast Quarter; thence south-southeasterly, 325.00 feet to a point that is 10.00 feet east of the Northeast corner of Lot 1, Altair Heights Subdivision; thence westerly 10.00 feet to the Northeast corner of Lot 1, Altair Heights Subdivision, being a point on the West Right-of-Way Line of Croco Road; thence southerly on the West line of Croco Road on an assumed bearing of South 02°34'12" West, 222.94 feet to the Southeast corner of Lot 2 of said Subdivision; thence west 300.00 feet along the Southerly line of Lots 2 and 3 of said Subdivision; thence South 00°13'27" seconds West, 89.68 feet along the East Line of Lot 5 extended northerly of said Subdivision; thence South 89° 44' 07" East, 134.33 feet, thence South 56°48'24" East, 137.13 feet, thence South 07°46'52" West, 348.90 feet, thence South 38°41'10" West, 98.11 feet, thence North 89°46'33" West, 142.97 feet to a point on the East line of Lot 8 of said Subdivision, thence South 32°26'30" West, 203.21 feet; thence South 61°42'24" West, 671.80 feet; thence South 74°32'18" West, 89.94 feet; thence South 88°25'06" West, 194.71 feet, to a point 30.00 feet north of the Southeast corner of the West Half of the Southeast Quarter of Section 3; thence south to the Northeast corner of the West Half of the Northeast Quarter of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence on an assumed bearing of South 00°48'00" West, on the East line of the West Half of the Northeast Quarter of said Section 10, 158.83 feet to the North line of the Kansas Turnpike Right-of-Way; thence South 63°15'40" West, on said right-of-way line, 790.86 feet; thence South 69°36'00" West, continuing on said right-of-way line, 452.77 feet; thence North 70°46'40" West, continuing on said right-of-way line, 337.69 feet to the Easterly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority; thence southwesterly to the intersection of the Westerly Right-of-Way Line of Service Road "L" of the Kansas Turnpike Authority, and the Northerly Right-of-Way line of

the Kansas Turnpike; thence southwesterly approximately 290 feet on the Northerly Right-of-Way line of the Kansas Turnpike to a point which intersects with a line bearing North 27°15'56" West, extended from the most Northerly corner of Lot 24, Block "N", Aquarian Acres Subdivision; thence South 27°15'56" East, 300 feet, more or less, to said most Northerly corner of Lot 24; thence easterly on the Southerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of Section 10, also being the Northeast corner of Aquarian Acres Subdivision; thence on an assumed bearing of North 62°16'17" East, on the north line of Capricorn Woods Subdivision No. 2, 308.09 feet, to the North corner of Lot 11, Block 'C' in said subdivision; thence North 08°05'50" West, on the West line of Capricorn Woods Subdivision No. 3, a record distance of 462.28 feet to the most westerly West corner of Lot 11, Block A in said subdivision; thence North 51°49'07" East, on a North line of Capricorn Woods Subdivision No. 3, 399.13 feet; thence North 64°31'42" East, on a North line of Capricorn Woods Subdivision No. 3, a record distance of 896.71 feet to a point on the East line of the West Half of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence South 00°19'45" West, on an East line of Capricorn Woods Subdivision No.3, 728.46 feet to the Northwest corner of Lot 1, Block "AA" in Shawnee Gardens Subdivision; thence North 89°29'35" East, 1283.60 feet, to the Northeast corner of Lot 6, Block "B" in said subdivision; thence easterly, on the North line of Shawnee Gardens Subdivision, to an intersection with a line which is 30 feet west of the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 00°29'01" East, parallel with the East line of said Northeast Quarter, to an intersection with a line which is an extension of the South line of the North 792.0 feet of the Northwest Quarter of Section 11, Township 12 South, Range 16 east of the 6th P.M.; thence North 89°47'56" East, parallel with the North line of said Northwest Quarter, 1356.93 feet, to a point which is 6.99 feet west of the East line of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 00°27'04" West, 537.79 feet, to a point on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, which is 5.50 feet west of the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 11; thence South 89°58'08" West, on the South line of the Northwest Quarter of the Northwest Quarter of said Section 11, 1287.20 feet, to the Northwest corner of Lot 1, Block 'E' in Belhaze Subdivision No. 2; thence southerly, to the Northwest corner of Lot 8, Block 'D' in Belhaze Subdivision No. 2; thence westerly, to the Northeast corner of Lot 1, Block "D" in Shawnee Gardens Subdivision; thence on an assumed bearing of South 00°15'33" West, parallel with the East line of the Northeast Quarter of Section 10, Township 12 South, Range 16 east of the 6th P.M., to the Southeast corner of Lot 4, Block "D" in Shawnee Gardens Subdivision; thence North 89°44'27" West, 275.00 feet, to an East corner of Lot 15, Block "D" in said subdivision; thence South 00°15'33" West, 215.00 feet, to the most Easterly Southeast corner of Lot 16, Block "D" in said subdivision; thence South 89°44'27" East, 275.00 feet to the Northeast corner of Lot 27, Block "D" in said subdivision; thence South 00°15'33" West, 362.57 feet to the Southeast corner of Lot 12, Block "E" in said subdivision; thence North 89°26'55" East, on the North line of the Southeast Quarter of Section 10, to an intersection with a line which is 30 feet west of the East line of said Southeast quarter; thence southerly on the West line of Croco Road, 1432.51 feet; thence south on said West line of Croco Road 1176.40 feet to the North Right-of-Way Line of S.E. 29th Street; thence westerly on the North Right-of-Way Line of 29th

Street to the East Right-of-Way Line of Wittenberg Road; thence northerly on the East Right-of-Way Line of Wittenberg Road to a point 1689.93 feet north of the South line of Section 10, Township 12 south, Range 16 east of the 6th P.M.; thence westerly parallel with and 1689.93 feet north of the South line of said Section 10 to the West line of Section 10; thence northerly on the West line of Section 10 to its intersection with the North Right-of-Way Line of the Kansas Turnpike; thence southwesterly on the Northerly Right-of-Way Line of the Kansas Turnpike to its intersection with the East line of the West Half of the West Half of Section 16, Township 12 South, Range 16 east of the 6th P.M.; thence south to the Northeast corner of the West Half of the Southwest Quarter of said Section 16; thence easterly, on the North line of said Southwest Quarter, 1324.26 feet, to the Northeast corner of said Southwest Quarter; thence on an assumed bearing of 00°05'54" East on the West line of the Northeast Quarter of said Section 16, 1771.63 feet to an intersection with the Southeast right of way line of United States Interstate Highway 470/335, also known as Kansas Turnpike Tract No. 27-70; thence on said Southeast right of way line, being a curve concave northwesterly, having a radius measure of 5879.58 feet and an arc length of 1005.83 feet, the chord of which bears North 45°01'09" East, 1004.60 feet; thence North 40°07'06" East on said Southeast right of way line, 5.75 feet to the Southwest corner of Kansas Turnpike Tract 27-20E; thence North 84°56'53" East on the South line of said Turnpike Tract 27-20E, 524.39 feet; thence North 60°49'13" East on a South line of said Turnpike Tract 27-20E, 80.71 feet to an intersection with the South right of way line of SE 29th Street; thence South 89°28'02" East on the South right of way line of SE 29th Street, being 50.00 feet south of the North line of the West Half of said Northeast Quarter, 28.16 feet to a point on the East line of said West Half; thence South 00°15'13" West on the East line of said West Half, to a point on a line which is 300.00 feet south of the North line of the Northeast Quarter of Section 16; thence easterly, parallel with the North line of said Northeast Quarter, to the Southwest corner of Franklin Subdivision; thence northerly on the West line of said subdivision to the Northwest corner of Lot 1, Block A in Franklin Subdivision; thence easterly, to the Northeast corner of Lot 9, Block "J" in Shawnee Estates Subdivision; thence southerly, on the East line of Lot 9, to an intersection with a line which is 50 feet south of the North line of the Northeast Quarter of said Section 16, said line being the South line of Southeast 29th Street; thence easterly, parallel with the North line of said Northeast Quarter, to an intersection with a line which is 20 feet west of the East line of said Northeast Quarter, said line being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the North line of Lakeview Subdivision; thence westerly, on the North line of Lakeview Subdivision, to the Northeast corner of Lot 1 in said subdivision; thence southerly, to the Southeast corner of Lot 28 in Lakeview Subdivision; thence easterly, to an intersection with a line which is 20 feet west of the East line of the Northeast Quarter of said Section 16, said line also being the West line of West Edge Road; thence southerly, parallel with the East line of said Northeast Quarter, to an intersection with the South line of said Northeast Quarter; thence westerly, on the South line of said Northeast Quarter, to the Northeast corner of Lot 9, Block "D" in Lake Shawnee Subdivision "C"; thence southerly to the Southeast corner of Lot 19, Block "H" in Lake Shawnee Subdivision "C"; thence westerly, on the North line of S.E. 35th Street Terrace, and its extension, to an intersection with the West line of Shoreline Drive; thence southerly on the West line of Shoreline Drive to the Southeast corner of Lot 10, Block N in Shawnee Lake Subdivision 'C'; thence westerly to the Southwest corner of Block K in Shawnee Lake Subdivision 'C'; thence southerly on the East line of the Southwest Quarter of

said Section 16 to an intersection with a line 30.00 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of said Southwest Quarter to a point 100 feet easterly distant from the West line of the East Half of said Southwest Quarter; thence northerly to the Southeast corner of Lot 1 in Rolling Meadows Subdivision No.2; thence westerly to the Southwest corner of said Lot 1; thence southerly to the Southwest corner of the East Half of the Southwest Quarter of said Section 16; thence continuing Southerly on the East line of the West Half of the Northwest Quarter of Section 21, Township 12 South, Range 16 East of the 6th P.M. to Southeast corner of the Southwest Quarter of said Northwest Quarter of Section 21; thence westerly along the South line of said Northwest Quarter to the Southwest corner of said Northwest Quarter; thence Northerly on the West line of said Northwest Quarter 660.00 feet; thence South 88°21'14" West, 1648.96 feet; thence North 01°40'19" West 661.21 feet; thence South 88°21'35" West, on the South line of the North Half of the Northeast Quarter of said Section 20, to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 20; thence southerly, 1320.35 feet, to the Northeast corner of the Southwest Quarter of Section 20, Township 12 South, Range 16 east of the 6th P.M.; thence on an assumed bearing of North 88°21'37" East, 2186.81 feet along the South line of the Northeast Quarter of Section 20, to the Southwest corner of Lot 1, Block 'A' KPL Substation Subdivision; thence Northerly to the Northwest corner of said Lot 1; thence Easterly along the North line of said Lot 1 to a point on the Westerly right of way line of existing California Avenue, said point being 30 feet West of the East line of said Northeast Quarter; thence Northerly along said right of way line 463 feet; thence Easterly 30 feet to the East line of said Northeast Quarter of Section 20; thence Southerly along said East line 660 feet to the Northeast corner of the Southeast Quarter of Section 20, said point also being the Northwest corner of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M.; thence easterly on the North line of said Southwest Quarter, 275.30 feet; thence southerly, on a line which is 275.30 feet east of the West line of said Section 21, 516.00 feet; thence west 8.90 feet; thence southerly, on a line which is 266.40 feet east of the West line of Section 21, 553.00 feet; thence easterly 75.40 feet; thence southerly on a line which is 341.80 feet east of the West line of Section 21, 216.50 feet; thence westerly on the North line of the South Half of the Southwest Quarter of Section 21, Township 12 South, Range 16 east of the 6th P.M., to a point on a line which is 30 feet east of the West line of the Southwest Quarter of Section 21; thence southerly, parallel with the West line of said South Half, 210.00 feet; thence easterly on a north line of Stone Crest Subdivision, to the Northwest corner of Lot 4, Block 'E' in Stone Crest Subdivision; thence northerly to the Northwest corner of Lot 22, Block 'E' in Stone Crest Subdivision; thence easterly on the North line of the South Half of the Southwest Quarter of said Section 21, to the East corner of Lot 9, Block 'H' in Stone Crest Subdivision; thence southerly on the East line of the South Half of the Southwest Quarter of said Section 21, to the Southeast corner of Lot 1, Block 'I' in Stone Crest Subdivision; thence westerly on the North line of S.E. 45th Street and its extension, to the Southwest corner of Lot 9, Block 'D' in Stone Crest Subdivision; thence northerly at a right angle to the Northwest corner of Lot 4, Block 'D' in Stone Crest Subdivision; thence westerly parallel with the South line of the Southwest Quarter of said Section 21, to a corner of Stone Crest Subdivision on the East line of Lot 8, Block 'C' in said subdivision; thence southerly on the East line of Block 'C' and its extension, in Stone Crest Subdivision, to an intersection with a line which is 50 feet south of the North line of the Northwest Quarter of Section 28, Township 12 South, Range 16 east of the 6th P.M.; thence

South 88°35'26" West, North American Datum 1983, Kansas North Zone, 527.09 feet to a point 662.59 feet east of the West line of said Northwest Quarter; thence South 1°43'10" East, 610.78 feet; thence South 88°37'51" West, 662.61 feet to an intersection with the West line of said Northwest Quarter, said intersection also being the Southeast corner of Marlatte Center Subdivision; thence South 88°20'31" West on the South line of Marlatte Center Subdivision to the Southwest corner of said subdivision; thence northerly, on the Westerly line of said subdivision and its extension, to an intersection with a line which is 45 feet north of the North line of Section 29; thence westerly parallel with the South line of Section 20, to the West line of the East Half of said Section 20; thence on an assumed bearing of South 1°23'17" West, on the East line of the Southwest Quarter of said Section 20, 40.00 feet to the Northeast corner of the Northwest Quarter of Section 29, Township 12 South, Range 16 east of the 6th P.M.; thence South 1°52'43" East on the East line of said Northwest Quarter, 1650.18 feet; thence South 88°25'22" West, 1594.70 feet; thence North 2°08'17" West, 1692.12 feet to a point on a line which is 40.00 feet north of the South line of the Southwest Quarter of said Section 20; thence westerly on a line which is 40.00 north of the South line of the Southwest Quarter of said Section 20, to the East line of Section 19; thence continuing westerly to a point 30.00 feet west of the East line of Section 19, also being the West line of Adams Street; thence westerly parallel with and 40.00 feet north of the South line of Section 19, to a point that is 40.00 feet north of the Northeast corner of the West Half of the Northeast Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly 2694.79 feet on the East line of South Village Subdivision, to the Southeast corner of said subdivision; thence westerly, on the South line of said subdivision to the Northeast corner of the Southwest Quarter of Section 30, Township 12 South, Range 16 east of the 6th P.M.; thence southerly on an assumed bearing of South 02°24'27" East, on the East line of said Southwest Quarter, to a point which is 44.20 feet north of the Southeast corner of Terra Heights Subdivision, said point also being on the Southwesterly line of the right of way of the former Missouri Pacific Railroad Company; thence South 56°03'19" East on the Southwesterly line of said right of way, 1304.94 feet; thence southeasterly, southerly and southwesterly on said right of way line, on a curve concave westerly having a radius measure of 419.28 feet and an arc length of 1020.97 feet, the chord of which bears South 20°32'28" West, 786.78 feet; thence South 88°10'41" West on said right of way line, 132.83 feet; thence westerly on said right of way line, on a curve concave southerly having a radius measure of 613.69 feet and an arc length of 207.93 feet, the chord of which bears South 78°26'03" West, 206.93 feet, to a point on a line which is 45 feet north of the South line of said Southeast Quarter; thence South 88°10'41" West parallel with the South line of said Southeast Quarter, 407.12 feet; thence South 88°35'12" West on a line which is 45 feet north of the South line of said Southwest Quarter, 2224.75 feet to a point on the East line of Topeka Boulevard; thence North 02°07'29" West on the East line of Topeka Boulevard, 602.47 feet; thence North 01°34'34" West on the East line of Topeka Boulevard, 878.59 feet; thence northerly on the East line of Topeka Boulevard, to an intersection with the North line of the Southwest Quarter of said Section 30; thence westerly, on the South line of the Northwest Quarter of Section 30 to the Southeast corner of the Northeast Quarter of Section 25, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Northeast Quarter, 20.00 feet, to the North line of S.W. 49th Street, extended from the west; thence westerly, on a line which is 20.00 feet north of the South line of the Northeast Quarter of said Section 25, to an intersection with the West line of the right of way of the Burlington Northern Santa Fe Railway

Company; thence southerly, on the West line of said right of way, to the Northeast corner of Lot 1, Block "A" in Laird Noller Subdivision; thence westerly, to the Northwest corner of said Lot 1; thence southerly, to the Southwest corner of said Lot 1; thence westerly, 33.00 feet, to a corner of Lot 1, Block "A" in S.W. 57th Street Distribution Center Subdivision; thence southerly on the most westerly East line of the last said Lot 1, and its extension, to an intersection with a line which is 30 feet south of the North line of the Southeast Quarter of said Section 36; thence westerly, on an assumed bearing of South 88°03'15" West, parallel with the North line of the Southeast Quarter of said Section 36, to an intersection with a line which is 40 feet west of the East line of the Northwest Quarter of the Southeast Quarter of said Section 36; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 50 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, 280.00 feet; thence southerly, parallel with the East line of the Northwest Quarter of the Southeast Quarter of said Section 36, to an intersection with a line which is 60 feet south of the North line of said Southeast Quarter; thence South 88°03'15" West, to a point which is 535.10 feet east of the Northwest corner of the Southeast Quarter of said Section 36, and 60.00 feet south of the North line of said Southeast Quarter, as measured on the North line of, and normal from the North line of said Southeast Quarter; thence South 76°44'39" West, 101.98 feet; thence South 88°03'15" West, 400.00 feet; thence South 61°29'21" West, 55.90 feet; thence South 88°03'13" West, 1535.10 feet; thence North 87°38'30" West, 199.78 feet; thence North 01°56'47" West, normal to the North line of the Southwest Quarter of said Section 36, 90.00 feet, to an intersection with said North line at a point which is 893.59 feet east of the Northwest corner of said Southwest Quarter; thence continuing North 01°56'47" West, 90.00 feet; thence South 88°03'13" West, parallel with the South line of the Northwest Quarter of said Section 36, 358.12 feet; thence North 07°53'08" East, 679.72 feet; thence North 23°43'11" East, 509.21 feet; thence North 14°17'25" East, 517.29 feet; thence North 00°04'32" West, 210.05 feet; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 719.40 feet, the chord of which bears North 06°17'43" East, 718.95 feet, to an intersection with the South line of the Southwest Quarter of said Section 25; thence northerly, on a curve which is concave westerly, having a radius measure of 5889.58 feet and an arc length of 547.79 feet, the chord of which bears North 00°16'44" West, 547.59 feet; thence North 01°48'09" West, 1517.06 feet; thence North 02°03'30" East, 514.28 feet; thence North 01°48'02" West, normal to the South line of the Northwest Quarter of said Section 25, 80.00 feet, to an intersection with said South line at a point which is 1149.74 feet east of the Southwest corner of said Northwest Quarter; thence continuing North 01°48'02" West, to an intersection with a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25; thence westerly, on a line which is 20 feet north of the South line of the Northwest Quarter of said Section 25, to an intersection with the East line of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence continuing westerly, parallel with and 20.00 feet north of the South line of the North Half of said Section 26 to the East line of Burlingame Road; thence northerly on the East line of Burlingame Road to an intersection with the North line of S.W. 45th Street, extended from the west, said North line of S.W. 45th Street being 30.00 feet north of the South line of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, parallel with and 30.00 feet north of the South line of said Section 23 to an intersection with the West line of

the East Half of the Southeast Quarter of Section 23; thence northerly on the West line of the East Half of the Southeast Quarter of Section 23, to an intersection with the North line of the Southeast Quarter of said Section 23; thence westerly, on the North line of said Southeast Quarter, to the Northeast corner of the Southwest Quarter of Section 23, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 87°44'36" West, on the North line of said Southwest Quarter, to the Northeast Quarter of Lot 4, Block 'B' in Misty Harbor Estates No. 2 Subdivision; thence South 08°11'25" West, 149.95 feet; thence on a curve concave southerly, having a radius measure of 537.50 feet and an arc length of 22.92 feet, the chord of which bears South 80°35'17" East, 22.92 feet; thence South 10°38'02" West, 250.08 feet; thence South 88°30'14" East, 53.58 feet; thence South 71°00'42" East, 57.83 feet; thence South 01°29'46" East, 281.87 feet; thence South 88°30'14" West, 75.00 feet; thence South 01°28'50" East, 522.53 feet; thence South 88°30'14" West, 27.13 feet; thence South 01°29'46" East, 130.00 feet, to the Northeast corner of Lot 1, Block 'E' in Misty Harbor Estates No. 2 Subdivision; thence North 88°30'14" East, 580.41 feet; thence on a curve concave easterly, having a radius measure of 500.00 feet and an arc length of 5.01 feet, the chord of which bears North 3°32'39" West, 5.01 feet; thence North 88°31'10" East, 449.05 feet to a point on the East line of said Southwest Quarter; thence South 1°28'50" East on the East line of said Southwest Quarter, 894.93 feet; thence South 1°28'50" East, on the East line of said Southwest Quarter, 1280.18 feet to the Northeast corner of the Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M.; thence South 00°09'12" East, on the East line of said Northwest Quarter, 1299.00 feet; thence South 56°16'49" West, 720.00 feet; thence South 00°09'12" East, parallel with the East line of said Northwest Quarter, 919.99 feet; thence South 89°02'19" West, on a line which is 45 feet north of the South line of said Northwest Quarter, 708.43 feet; thence westerly, on a curve concave southerly, having a radius measure of 447.50 feet and an arc length of 35.26 feet, the chord of which bears South 86°46'54" West, 35.25 feet, to a point which is 16.84 feet north of the Southeast corner of Lot 9 Block "G", in Colly Creek Subdivision No. 6; thence on an assumed bearing of South 00°13'06" East, on the East line of the West Half of the Northwest Quarter of Section 26, Township 12 South, Range 15 east of the 6th P.M., 16.84 feet, to the Southeast corner of Lot 9, Block "G" in Colly Creek Subdivision No. 6; thence on a 460.00 foot radius curve to the right, 264.29 feet; thence North 79°51'05" West, 493.87 feet; thence on a 540.00 foot radius curve to the left, 410.24 feet; thence South 56°37'15" West, 38.90 feet; thence on a 460.00 foot radius curve to the right, 206.79 feet; thence South 82°22'40" West, 261.54 feet; thence North 83°24'11" West, 163.01 feet; thence westerly, 80 feet south of and parallel with the South line of the Northeast Quarter of Section 27, Township 12 South, Range 15 east of the 6th P.M., 429.69 feet; thence North 73°38'13" West, 382.80 feet; thence North 00°20'44" West, 139.53 feet; thence North 89°44'11" East, 217.86 feet; thence North 00°15'49" West, 400.00 feet; thence South 89°44'11" West, 85.12 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, 58.01 feet; thence North 00°15'49" West, 200.00 feet; thence South 89°44'11" West, to an intersection with the East line of S.W. Gage Boulevard; thence North 00°39'50" West, 860.02 feet; thence North 89°44'11" East, 250.39 feet; thence North 00°15'39" West, 200.00 feet; thence South 89°44'11" West, 251.79 feet; thence North 00°39'50" West, 636.15 feet, to a point on the South line of Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said line 11.76 feet to the Southwest corner of Lot 4 in said Section 22; thence continuing

westerly on said South line, to an intersection with a line which is 30 feet west of the East line of Lot 5 in said Section 22; thence northerly, on a line which is 30 feet west of the East line of Lots 5, 6 and 7 in said Section 22, to a point which is 502.00 feet north and 30 feet west of the Southeast corner of said Lot 7; thence westerly, on the South line of S.W. 40th Street, and its extension, to the Southwest corner of Blackburn Subdivision; thence northerly, to the Northwest corner of Lot 1, Block 'A' in Blackburn Subdivision; thence easterly, on the North line of Blackburn Subdivision, and its extension, to an intersection with a line which is 30 feet west of the East line of said Lot 7; thence northerly, on a line which is 30 feet west of the East lines of Lots 7 and 8 in said Section 22 to an intersection with the North line of Section 22; thence west on the North line of Section 22 to a point 527.20 feet east of the Northeast corner of the Northwest Quarter of Section 22, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 00°47'14" West, 1321.98 feet; thence North 89°29'14" West, 527.19 feet; thence North 89°23'29" West, 2650.19 feet, to an intersection with the West line of Section 22; thence southerly on the West line of said section to the East Quarter corner of Section 21, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 88°46'43" West, on the North line of the Southeast Quarter of said Section 21, 464.91 feet; thence South 54°02'14" West, 363.09 feet; thence South 50°29'18" West, 44.16 feet; thence southwesterly, on a curve concave northwesterly, having a radius measure of 1030.00 feet and an arc length of 710.30 feet, the chord of which bears South 70°14'39" West, 696.31 feet; thence South 90°00'00" West, 8.57 feet; thence northwesterly, on a curve concave northeasterly, having a radius measure of 810.00 feet and an arc length of 272.67 feet, the chord of which bears North 80°21'22" West, 271.39 feet; thence North 70°42'44" West, 708.74 feet; thence northwesterly, on a curve concave southwesterly, having a radius measure of 966.50 feet and an arc length of 348.32 feet, the chord of which bears North 81°02'12" West, 346.44 feet; thence South 88°38'20" West, 332.17 feet; thence South 86°43'47" West, 180.10 feet; thence South 88°38'20" West, 35.22 feet; thence South 01°21'40" East, 51.49 feet; thence South 34°56'17" West, 344.26 feet; thence South 03°56'09" West, 122.53 feet; thence South 11°52'54" West, 231.70 feet; ; thence South 89°06'31" East, 71.26 feet; thence South 67°46'48" East, 126.07 feet; thence South 49°59'15" East, 218.99 feet; thence South 28°03'34" East, 130.00 feet; thence South 00°23'53" East, 154.39 feet; thence South 76°03'46" West, 147.76 feet; thence southerly, on a curve concave westerly, having a radius measure of 412.00 feet and an arc length of 155.03 feet, the chord of which bears South 00°28'07" West, 154.12 feet; thence South 70°02'14" East, 187.76 feet; thence South 86°46'44" East, 149.34 feet; ; thence South 67°24'25" East, 163.14 feet; thence South 42°41'52" East, 80.40 feet; thence South 24°46'56" East, 142.36 feet; thence South 68°32'44" East, 173.53 feet; thence South 32°54'02" East, 129.08 feet; thence South 00°32'09" East, 213.07 feet; thence South 16°50'03" West, 30.00 feet; thence westerly, on a curve concave southerly, having a radius measure of 530.00 feet and an arc length of 124.82 feet, the chord of which bears North 79°54'45" West 124.53 feet; thence South 03°20'26" West, 60.00 feet; thence westerly, on a curve concave southerly, having a radius measure of 470.00 feet and an arc length of 28.84 feet, the chord of which bears North 88°25'02" West, 28.83 feet; thence South 00°38'39" East, 149.80 feet; thence South 89°27'34" West, 645.28 feet; thence North 00°40'39" West, 224.59 feet; thence South 89°28'25" West, 896.92 feet; thence North 00°30'03" West, 462.09 feet; thence South 87°33'24" West, 826.16 feet; to the northeast corner of Elevation Hill

Subdivision; thence South $88^{\circ}36'57''$ West, 227.50 feet; thence North $01^{\circ}10'51''$ West, on a line which is 52.50 feet east of the west line of the southwest quarter of said Section 21, to an intersection with a line which is 30.00 feet north of the South line of the North Half of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M.; thence westerly, on said extension, to an intersection with the East line of said Southeast Quarter; thence westerly, on a line which is 30.00 feet north of the South line of the North Half of said Southeast Quarter, 100.00 feet; thence southerly, parallel with the East line of said Southeast Quarter, to an intersection with the South line of the North Half of said Southeast Quarter; thence on an assumed bearing of South $89^{\circ}28'33''$ West, on the South line of the North Half of said Southeast Quarter, 726.34 feet, to the Northeast corner Lot 4, Block 'D' in Brian's Addition No. 3; thence South $25^{\circ}50'40''$ East 202.34 feet to the East corner of Lot 5, Block 'D' in Brian's Addition No. 3; thence southwesterly on a curve concave southeasterly, having a radius measure of 280.00 feet and an arc length of 55.87 feet, the chord of which bears South $58^{\circ}22'32''$ West, 55.78 feet; thence southwesterly on a curve concave northwesterly, having a radius measure of 220.00 feet and an arc length of 23.68 feet, the chord of which bears South $55^{\circ}44'31''$ West, 23.67 feet; thence South $31^{\circ}09'29''$ East, 312.31 feet to the most northerly East corner of Lot 1, Block 'E' in Brian's Addition No. 3; thence South $00^{\circ}49'39''$ East 78.55 feet to the Southeast corner of Brian's Addition No. 3; thence North $89^{\circ}28'53''$ East on the North line of Lauren's Bay Villas No.2, to the Northeast corner of Lot 15, Block A in said subdivision; thence South $0^{\circ}54'31''$ East on a line which is 60.00 feet west of the East line of the Southeast Quarter of Section 20, Township 12 South, Range 15 east of the 6th P.M., to an intersection with the South line of said Southeast Quarter; thence South $0^{\circ}18'18''$ East, on a line which is 60.00 feet west of the East line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the 6th P.M., to the Southeast corner of Lot 30, Block B in Lauren's Bay Villas No. 2; thence North $89^{\circ}45'29''$ West, 375.60 feet to the Southwest corner of Lot 29, Block B in said subdivision; thence South $0^{\circ}18'18''$ East, 200.00 feet to the Southeast corner of Lot 7 in Block B in said subdivision; thence North $89^{\circ}45'29''$ West on the South line of the Pottawatomie Reserve, 820.94 feet to the Northwest corner of Lot 1, Block E in Woodland Heights 2nd Subdivision; thence South $0^{\circ}15'48''$ East on the West line of Woodland Height 2nd Subdivision, 405.65 feet; thence South $0^{\circ}10'48''$ East on the West lines of Woodland Heights Subdivision No. 3 and Woodland Heights 2nd Subdivision, 220.00 feet; thence North $89^{\circ}39'50''$ East on the South line of SW 46th Terrace, formerly SW 47th Street Terrace as platted in Woodland Heights 2nd Subdivision, 195.70 feet; thence South $0^{\circ}17'38''$ East on the West line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 155.00 feet; thence North $89^{\circ}42'22''$ East on the South line of Lot 2, Block "G" in Woodland Heights 2nd Subdivision, 244.57 feet; thence South $0^{\circ}18'26''$ East on a West line of Woodland Heights 2nd Subdivision, 214.07 feet; thence North $89^{\circ}40'25''$ East on a South line of a public street platted in Woodland Heights 2nd Subdivision, 107.64 feet; thence northeasterly on a South line of a public street platted in Woodland Heights 2nd Subdivision, on a curve concave northwesterly, having a radius measure of 282.00 feet and an arc length of 168.26 feet, the chord of which bears North $72^{\circ}34'49''$ East, 165.78 feet; thence South $34^{\circ}33'36''$ East on the Southwest line of Lot 5, Block "C" in Woodland Heights 2nd Subdivision, 261.85 feet; thence South $30^{\circ}20'26''$ East, 182.33 feet; thence North $89^{\circ}45'39''$ East, 44.40 feet; thence South $30^{\circ}23'44''$ East, 59.89 feet to a point on the South line of Algonquin Trafficway as platted in Woodland Heights Subdivision; thence North $59^{\circ}44'00''$

East on the South line of Algonquin Trafficway, 31.97 feet; thence northeasterly on the South line of Algonquin Trafficway on a curve concave southeasterly, having a radius measure of 222.00 feet and an arc length of 116.20 feet, the chord of which bears North 75°02'50" East, 114.89 feet; thence North 89°41'27" East on the South line of Algonquin Trafficway, 40.04 feet to an intersection with a line which is 60 feet west of the East line of said Northeast Quarter; thence South 0°19'43" East parallel with the East line of said Northeast Quarter, 386.19 feet to a point on the North line of Algonquin Trafficway as platted in Woodland Heights Subdivision; thence South 89°40'16" West on the North line of said Algonquin Trafficway, 40.00 feet; thence westerly on the North line of said Algonquin Trafficway, on a curve concave northerly, having a radius measure of 792.00 feet and an arc length of 142.16 feet, the chord of which bears North 84°50'50" West, 141.97 feet to an intersection with an extension of the West line of Block D in Woodland Heights Subdivision; thence South 10°30'07" West on the West line of said Block D and its extension, 636.35 feet to the Southwest corner of Lot 3 in said Block D; thence South 89°16'56" West on the South line of said Northeast Quarter, 398.96 feet; thence South 0°15'47" East parallel with the East line of the Southeast Quarter of said Section 29, 1128.48 feet to a point 198.0 feet north of the South line of the Northeast Quarter of said Southeast Quarter; thence North 88°57'31" East, 99.94 feet; thence South 0°17'00" East, 198.12 feet to a point on the South line of the Northeast Quarter of said Southeast Quarter which is 660.00 feet west of the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence North 89°11'00" East on the North line of the Southeast Quarter of the Southeast Quarter of said Section 29, 620.00 feet to an intersection with a line which is 40.00 feet west of the East line of said quarter-quarter section; thence South 0°15'52" East, parallel with the East line of said quarter-quarter section, 1189.27 feet; thence South 16°46'48" West, 53.30 feet to a point which is 85.00 feet north of the South line of the Southeast Quarter of the Southeast Quarter of said Section 29 and 55.62 feet west of the East line of said quarter-quarter section; thence South 77°37'36" West, 80.57 feet to a point which is 69.00 feet north of the South line of said quarter-quarter section; thence South 0°57'05" East, 29.00 feet; thence South 89°02'55" West on a line which is 40.00 feet north of the South line of said quarter-quarter section, 335.89 feet; thence South 0°57'05" East, 15.00 feet; thence South 89°02'55" West on a line which is 25.00 feet north of the South line of the Southeast Quarter of the Southeast Quarter of said Section 29, 848.08 feet to an intersection with the West line of said quarter-quarter section; thence North 0°19'05" West on the West line of said quarter-quarter section, 1303.00 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 29; thence South 89°11'00" West on the South line of the North Half of the Southeast Quarter of said Section 29, 1319.04 feet to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 29; thence North 0°30'27" West on the West line of the North Half of the Southeast Quarter of said Section 29, 1329.04 feet to the Northwest corner of the Southeast Quarter of said Section 29; thence South 89°19'02" West, on the South line of the Southeast Quarter of the Northwest Quarter of said Section 29, 1319.13 feet; thence North 0°30'32" West on the West line of the Southeast Quarter of the Northwest Quarter of said Section 29 and on the West line of the East Half of Lot 2 in the Northwest Quarter of said Section 29, 1693.97 feet; thence North 89°49'59" East, 676.36 feet; thence North 0°32'21" West, 673.72 feet to a point on the North line of Lot 2 in the Northwest Quarter of said Section 29, also being the Southwest corner of Lot 3, Block C in Bridle Path Acres Subdivision; thence North 89°51'00" East on the North line of Lot 2 in the Northwest Quarter of said Section 29, 650.24

feet to the Northeast corner of said Lot 2; thence North 00°25'18" West, on the West line of the Northeast Quarter of Section 29, Township 12 South, Range 15 east of the 6th P.M., 308.95 feet, to the Southwest corner of the Southeast Quarter of said Section 20; thence North 00°39'49" West, 1314.81 feet, to the Northwest corner of the Southwest Quarter of said Southeast Quarter; thence northerly, on the West line of said Southeast Quarter, also being on the West line of Monarch Meadow Subdivision, 1320.79 feet, to the Northwest corner of said Southeast Quarter; thence on an assumed bearing of North 00°39'56" West, on the West line of the Northeast Quarter of said Section 20, 1321.86 feet, to the Northwest corner of Lot 8, Block "B" in South Branch Subdivision; thence on an assumed bearing of North 00°39'11" West, 376.40 feet; thence South 57°47'36" East, 129.93 feet; thence North 18°16'12" East, 45.99 feet; thence North 89°19'37" East, 91.26 feet; thence South 07°42'39" West, 111.46 feet to the front common lot corner of Lots 9 and 10, Block "A", Glenwood Subdivision also being on the North line of S.W. 38th Place; thence southerly and easterly on said North line and its extension across S.W. Arvon Place to the Southwest corner of Lot 28, Block "B", Glenwood Subdivision; thence North 00°40'23" West, on the West lines of Lots 28 through 15, Block "B" to the Northwest corner of said Lot 15, being on the South line of S.W. 37th Street; thence easterly on said South line, to an intersection with the West line of Shadywood West Subdivision, when extended southerly; thence northerly on said extension to the North line of S.W. 37th Street; thence North 00°47'12" West, 1280.10 feet; thence North 00°13'15" East, 529.59 feet; thence South 89°20'15" West, 340.00 feet; thence North 00°13'15" East, 200.00 feet to the South line of S.W. 34th Terrace; thence South 89° 20'15" West, 100.00 feet; thence North 00°13'15" East, 270.02 feet; thence North 89°20'15" East, 100.00 feet; thence North 00°13'15" East, 321.13 feet, to the North line of the Southeast Quarter of Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence easterly on the North line of said Southeast Quarter, 1424.63 feet; thence on an assumed bearing of South 00°17'23" East, 208.71 feet; thence North 89°20'50" East, to the West line of S.W. Wanamaker Road; thence northerly on the West line of Wanamaker Road to the South line of Crestridge Square Subdivision No. 2; thence on an assumed bearing of South 89°37'17" West, to the Southwest corner of Lot 9, Block "A" of said subdivision; thence westerly, on the South line of Mission Center Subdivision No. 1, to the Southwest corner of said subdivision also being on the West line of the Northeast Quarter of Section 17; thence northerly, on said West line to the Southeast corner of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, on the East line of said Southwest Quarter, to the Southeast corner of Lot 19, Block "A", Southwest Meadows Subdivision; thence westerly, on the North line of S.W. 29th Street, and its extensions to the Southeast corner of Lot 1, Block "A", Mission Woods Subdivision No. 2; thence westerly on a line which is 50 feet north of the South line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M. to a point which is 738.59 feet east of the Southwest corner of said Southwest Quarter; thence westerly on the North line of S.W. 29th Street, to an intersection with an extension of the East line of Sherwood Estates Subdivision No. 23; thence southerly on the East line of Sherwood Estates Subdivision No. 23, and its extension, to the Southeast corner of said subdivision; thence westerly on the South line of said subdivision to an intersection with the East line of S.W. Urish Road, being a line which is 40 feet east of the West line of the Northwest Quarter of Section 17, Township 12 South, Range 15 east of the 6th P.M.; thence northerly, parallel with the West line of the Northwest Quarter of said Section 17 to an intersection with the North Line of said Northwest Quarter; thence northerly on a line

which is 40 feet east of the West line of the Southwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M., to an intersection with an extension of the North line of SW 29th Street from the East, also being a line which is 50 feet north of the South line of said Southwest Quarter; thence westerly parallel with the South line of the Southwest Quarter of said Section 8 to an intersection with the West line of said Southwest Quarter; thence west-southwesterly to the intersection of the West line of Urish Road and the North line of SW 29th Street, being an intersection of a line which is 40 feet west of the East line of the Southeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M. with a line which is 40 feet north of the South line of said Southeast Quarter; thence northerly on said West line of Urish Road to the Southeast corner of Lot 1, Block "A", Good Shepherd Lutheran Church Subdivision; thence westerly on the South line of said Lot 1, 458.98 feet, to the East line of Lot 2, Block "A", of said subdivision; thence southerly on the East line of said Lot 2 to the North line of S.W. 29th Street; thence westerly on said North line to the Southwest corner of Lot 1, Block "A", Tallgrass Subdivision; thence northerly on the West line of said Lot 1, 1268.94 feet, to an intersection with the South line of the North Half of the South Half of Section 7, Township 12 south, Range 15 East of the 6th P.M.; thence westerly on the South line of the North Half of said South Half to a point that is 694.00 feet easterly of the West line of the Southwest Quarter of said Section 7; thence northerly, parallel with said West line, 200.00 feet; thence westerly parallel with the South line of the North Half of the Southwest Quarter, 654.00 feet, more or less, to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly, parallel with the West line of said Southwest Quarter, to an intersection with the South line of the North Half of said Southwest Quarter; thence westerly on the South line of the North Half of said Southwest Quarter, to the Northeast corner of the South Half of the Southeast Quarter of Section 12, Township 12 South, Range 14 east of the 6th P.M.; thence westerly on the North line of the South Half of said Southeast Quarter, to an intersection with a line which is 52.50 feet west of the East line of said Southeast Quarter; thence on an assumed bearing of South 00°01'43" West, on a line which is parallel with the East line said Southeast Quarter, also being the West line of S.W. Indian Hills Road, to the most southerly Northeast corner of Lot 9, Block "D" in Sherwood Park Subdivision; thence South 05°44'27" West, 120.60 feet to an East corner of Lot 8, Block "D" in Sherwood Park Subdivision; thence South 00°01'43" West, 161.79 feet to an East corner of Lot 7, Block "D" in Sherwood Park Subdivision; thence South 45°31'42" West, 39.25 feet to a South corner of said Lot 7; thence North 88°58'19" West, 11.79 feet to a South corner of said Lot 7; thence South 87°12'50" West, 180.40 feet to a South corner of Lot 6, Block "D" in Sherwood Park Subdivision which is 50.50 feet east of the Southwest corner of said Lot 6; thence North 88°58'19" West, on a line which is 52.50 feet north of the South line of said Southeast Quarter, to an intersection with the West line of said Southeast Quarter; thence on an assumed bearing of North 88°58'19" West, on a line which is 52.50 feet north of the South line of Southwest Quarter of said Section 12, 748.83 feet to the Southwest corner of Lot 4, Block 'A' in Sherwood Park Subdivision No. 8; thence South 01°10'29" West, 52.50 feet to the South line of the Southwest Quarter said Section 12; thence Westerly on said South line, 50 feet, thence North at right angle to said South line 140 feet, thence West parallel with said South line, 100 feet, thence South at right angle to previous line, 140 feet to said South line, thence West along said South line to the Southwest corner of said Southwest Quarter, thence North along the West line of said Southwest Quarter to the Northwest corner of said Southwest Quarter, thence East along the North line of said Southwest Quarter to the

Northwest corner of the Southeast Quarter of said Section 12; thence North 89°47'32" East, North American Datum 1983, Kansas North Zone, on the North line of said Southeast Quarter to the Southwest corner of the East Half of the Northeast Quarter of said Section 12; thence North 00° 01'14" East, on the West line of said East Half, 2593.22 feet; to a point on a line which is 52.50 feet south of the North line of said Northeast Quarter; thence North 89°33'47" East, parallel with the North line of said Northeast Quarter, 765.65 feet; thence South 00°26'13" East, 38.58 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 100.00 feet and an arc length of 78.54 feet, the chord of which bears South 22°56'13" East, 76.54 feet; thence South 45°26'13" East, 193.72 feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of 200.00 feet and an arc length of 107.09 feet, the chord of which bears South 30°05'49" East, 105.82 feet; thence South 14°45'26" East, 41.00 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 200.00 feet and an arc length of 110.34 feet, the chord of which bears South 30°33'47" East, 108.95 feet; thence South 46°22'07" East, 168.38 feet; thence North 88°37'53" East, 110.00 feet, to a point on a line which is 52.50 feet west of the East line of said Northeast Quarter, thence South 01°22'07" East, parallel with the East line of said Northeast Quarter, 329.06 feet; thence North 87°04'11" East, 52.52 feet, to the Southwest corner of the North 966.50 feet of the Northwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North 88°26'14" East, on the South line of said North 966.50 feet, to an intersection with the West line of the Northeast Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence northerly on the West line of the Northeast Quarter of said Section 7 to the Northwest corner of said Northeast Quarter; thence northerly to the Southwest corner of Tract 16 in Busby Subdivision; thence easterly to the Southwest corner of Tract 2 in Busby Subdivision; thence northerly to the Northwest corner of said Tract 2; thence easterly on the North line of Busby Subdivision, and its extension, to an intersection with a line which is 30 feet east of the West line of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence southerly parallel with the West line of said Southwest Quarter to the Southwest corner of Lot 45 in Broadview Acres; thence westerly on an extension of the South line of said Lot 45 to an intersection with a line which is 25 feet east of the West line of said Southwest Quarter; thence southerly parallel with the West line of said Southwest Quarter to an intersection with a line which is 30 feet north of the South line of said Southwest Quarter; thence easterly parallel with the South line of said Southwest Quarter to an intersection with an extension of the East line of Lot 4, Block "D" in Brookfield West Subdivision No. 3; thence southerly on said extension to the North line of the Northwest Quarter of Section 8, Township 12 South, Range 15 east of the 6th P.M.; thence southerly on said extension and on the East line of said Lot 4, 268.00 feet; thence east 163.00 feet; thence northerly on the West lines of Lots 10 and 11, Block "D" in Brookfield West Subdivision No. 3, to the Northwest corner of said Lot 11; thence easterly on a line which is 50 feet south of the North line of said Northwest Quarter to an intersection with an extension of the West line of the East Half of the East Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M.; thence North 0°1'15" East, North American Datum 1983, Kansas North Zone, on the West line of the East Half of the East Half of said Southwest Quarter, to a point on the South line of SW 17th Street, 52.56 feet southerly distant from the Northwest corner of the East Half of the East Half of said Southwest Quarter; thence South 87°43'46" West on a line which is 52.50 feet south of the North line of said Southwest Quarter, also being the South line of SW

17th Street, to an intersection with the West line of Lot 20 in Broadview Acres; thence northerly on the West line of Lot 20 to a point 15.02 feet southerly distant from the Northwest corner of said lot; thence westerly on a line which is 15 feet south of the North line of Lot 38 in Broadview Acres, and its extension, to a point 105.00 feet westerly distant from the East line of Lot 38; thence North 65°05'26" East, 32.84 feet to the North line of Lot 38; thence westerly on the North line of Lots 38 and 39 in Broadview Acres to a point which is 65.00 feet easterly distant from the Northwest corner of Lot 39; thence South 36°58'08" West, 47.74 feet; thence South 16°29'26" West, 52.37 feet to a point on a line which is 52.5 feet east of the West line of said Southwest Quarter; thence North 0°43'59" East parallel with the West line of said Southwest Quarter, to an intersection with the South line of the Northwest Quarter of said Section 5; thence North 0°53'14" East, on a line which is 52.5 feet east of the West line of said Northwest Quarter, 1589.09 feet; thence North 87°53'48" East parallel with the North line of said Northwest Quarter, 1601.67 feet to a point on the West line of Lot 1, Block A, Arbor Valley Subdivision; thence North 0°39'21" West on the West line of said Lot 1, to a point on a line which is 30 feet south of the North line of said Northwest Quarter; thence South 87°53'48" West on a line which is 30 feet south of the North line of the Northwest Quarter of said Section 5, 1601.44 feet to a point on a line which is 25 feet east of the West line of said Northwest Quarter; thence North 00°53'14" East, parallel with the West line of said Northwest Quarter, 30.04 feet to a point on the North line of said Northwest Quarter; thence North 01°50'24" West, on a line which is 25 feet east of the West line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M., 552.48 feet; thence North 87°53'51" East, 620.82 feet; thence north-northeasterly on a curve concave easterly, having a radius measure of 288.50 feet and an arc length of 236.75 feet, the chord of which bears North 22°25'24" East, 230.03 feet; thence North 37°31'27" East, 73.75 feet; thence North 87°53'51" East, 67.65 feet; thence South 61°37'24" East, 93.15 feet; thence North 87°18'00" East, 381.34 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter of said Section 32; thence North on the said West line 551.73 feet to the Northeast Corner of said Quarter-Quarter Section; thence Westerly on the North line of said Quarter-Quarter Section, 1277.01 feet to the East line of Urish Road; thence North 01°50'38" West, on the East line of Urish Road, and its extensions, 1327.96 feet, to an intersection with the North line of the Southwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°57'54" West, on the North line of said Southwest Quarter, to the Southeast corner of the Northeast Quarter of Section 31, Township 11 South, Range 15 east of the 6th P.M.; thence South 87°16'57" West on the South line of said Northeast Quarter, 40.01 feet; thence North 01°42'41" West parallel with the East line of said Northeast Quarter, 40.01 feet to the Southeast corner of Lot 1, Block 'A' in Gail Subdivision; thence South 87°16'57" West on the South line of Lot 1, 418.68 feet; thence South 89°11'01" West on the North line of SW 10th Street, 509.17 feet; thence North 70°28'23" West on the North line of SW 10th Street, 251.06 feet to the West corner of Lot 12, Block 'A' in Gail Subdivision; thence North 58°39'21" West, 60.29 feet to the South corner of Lot 2, Block 'A' in Gail Subdivision; thence northwesterly on the Southwest line of Lot 2 being a curve concave northeasterly, having a radius measure of 527.96 feet and an arc length of 130.17 feet, the chord of which bears North 43°36'28" West, 129.84 feet; thence North 01°04'20" West on the West line of Gail Subdivision, 631.43 feet to the Northwest corner thereof; thence North 87°24'52" East on the North line of Gail Subdivision, 835.00 feet; thence South 89°30'42" East on the North

line of Gail Subdivision, 375.50 feet to a point on the West line of SW Urish Road; thence South $11^{\circ}48'27''$ East on the West line of Urish Road, 409.64 feet; thence North $88^{\circ}17'19''$ East, 75.00 feet to an intersection with a line which is 25 feet east of the West line of the Northwest Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence North $01^{\circ}42'41''$ West, parallel with the West line of said Northwest Quarter, to an intersection with the North line of said Northwest Quarter; thence North $87^{\circ}45'17''$ East, 2613.78 feet, to the Northwest corner of the Northeast Quarter of Section 32, Township 11 South, Range 15 east of the 6th P.M.; thence easterly, on the South line of the Southeast Quarter of Section 29, Township 11 South, Range 15 east of the 6th P.M., 134.78 feet; thence northerly, at a right angle, 30.00 feet; thence westerly, parallel with the South line of said Southeast Quarter, 134.33 feet; thence Northerly, on the West line of said Southeast Quarter, to the Northwest corner of Lot 15, Block 'A' in River Hill Residential Subdivision; thence westerly on the North line of the South Half of the Southwest Quarter of said Section 29, to the most westerly Southwest corner of Lot 13, Block 'A' in River Hill Residential Subdivision; thence northerly to the Northwest corner of said Lot 13; thence easterly, to the Northeast corner of Lot 11, Block 'A' in River Hill Residential Subdivision; thence southerly, to the Northwest corner of Lot 10, Block 'A' in River Hill Residential Subdivision; thence on an assumed bearing of North $87^{\circ}45'41''$ East, on a North line of River Hill Residential Subdivision, 996.42 feet; thence North $00^{\circ}42'20''$ West, 39.40 feet; thence North $87^{\circ}45'41''$ East, on a North line of River Hill Residential Subdivision, 330.00 feet, to an intersection with the West line of the Southwest Quarter of Section 28, Township 11 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of North $01^{\circ}23'09''$ East, on the West line of the last said Southwest Quarter, to the Southwest corner of the Northwest Quarter of said Section 28; thence North $00^{\circ}27'26''$ East, on the West line of said Northwest Quarter, to the Northwest corner of Lot 1, Block A in Menninger Subdivision; thence easterly, on the North line of said Lot 1, to the Northeast corner of said Lot 1; thence northerly, on the West line of the Northeast Quarter of said Section 28, to the South bank of the Kansas River; thence continuing northerly on the West lines of the East Halves of Sections 28 and 21, Township 11 south, Range 15 east of the 6th P.M., to the North line of Lower Silver Lake Road; thence east on the North line of Lower Silver Lake Road to the East line of Menoken Road; thence northerly on the East line of Menoken Road, 1281.10 feet; thence easterly on the North line of Sun Valley Subdivision No. 2 to the Northeast corner thereof; thence southerly on the East line of said subdivision, 1279.38 feet, to the North line of Lower Silver Lake Road; thence easterly on said North line to the West line of Kaw Half-Breed Reserve No. 1; thence north on the West line of Kaw Half-Breed Reserve No. 1, to the Northwest corner of said Reserve No. 1; thence northeasterly to the intersection of the North right-of-way line of U.S. Highway No. 24 and the West line of the Southwest Quarter of Section 14, Township 11 South, Range 15 east of the 6th P.M. said point being 100.00 feet north of the Centerline of U.S. Highway 24; thence on an assumed bearing of North $00^{\circ}25'08''$ West, 1065.79 feet, to a point which is 287.2 feet south of the Northwest corner of said Southwest Quarter, being an intersection with the Northwest line of US Highway 75; thence South $52^{\circ}13'52''$ West, on the Northwest line of US Highway 75, 25.16 feet; thence North $00^{\circ}25'08''$ West, on a line which is 20 feet west of the East line of Lot 3 in Section 15, Township 11 South, Range 15 east of the 6th P.M., 302.19 feet, to a point on the North line of said Lot 3; thence North $01^{\circ}18'04''$ East, on a line which is 20 feet west of the East line of Lot 2 in said Section 15, 18.96 feet; thence North $88^{\circ}12'36''$ East, on a line which is 30 feet north of the Centerline of Northwest 25th Street, 1010.99 feet; thence North

01°47'24" West, 92.55 feet; thence North 37°59'36" East on the Southeast line of US Highway 75, 364.65 feet to the Northwest corner of Lot 1, Block A in ADR Industrial Park; thence North 38°01'44" East on the Southeast line of US Highway 75, 266.26 feet to the North corner of said Lot 1; thence South 51°59'33" East on the Northeast line of Lot 1, 89.98 feet to the Northeast corner of said lot; thence North 38°03'02" East on a West line of Lot 4, Block A in ADR Industrial Park, 89.91 feet; thence North 51°59'33" West on a West line of said Lot 4, 90.03 feet; thence North 37°44'54" East on a West line of Lot 4, 15.74 feet; thence North 4°25'54" West on the East line of US Highway 75, 367.87 feet; thence North 3°20'43" East on the East line of US Highway 75, 87.90 feet to a corner of Lot 7, Block A in ADR Industrial Park; thence South 86°36'56" East on a West line of said Lot 7, 89.99 feet; thence North 3°26'25" East on a West line of Lot 7, 89.99 feet; thence North 86°36'56" West on a West line of Lot 7, 90.12 feet; thence North 3°30'12" East, 189.43 feet to the most westerly Northwest corner of Lot 7 also being a corner of Lot 1, Block A, J.A. Fleeker Addition; thence North 03 degrees 27 minutes 06 seconds East, per the said Addition Plat, 297.41 feet along the West line of said Addition; thence North 12 degrees 54 minutes 23 seconds West, 44.00 feet along said West line to the Northwest corner of said Addition; thence Easterly along the North line of said addition an arc length of 1203.26 feet to the Northeast corner of said Addition; thence South 01 degree 03 minutes 03 seconds East 1012.41 feet along the East Line of said Addition; thence South 88 degrees 07 minutes 33 seconds West 137.77 feet along said East line; thence South 00 degrees 53 minutes 42 seconds East, 1009.56 feet along the said East line to the South line of the Northwest Quarter of said Section 14, Township 11 South, Range 15 East; thence South 88 degrees 19 minutes 20 seconds West, 271.89 feet along the South line of said Quarter Section; thence South 1°16'09" East, per the ADR Industrial Park Addition, to the South line of NW 25th Street; thence South 89°49'44" West on a line which is 30 feet south of the Centerline of NW 25th Street, also being the South line of NW 25th Street, 437.89 feet; thence South 75°49'43" West on the South line of NW 25th Street, 163.8 feet; thence South 84°49'43" West on the North line of Lot 1, Block "A" in Midwest Subdivision No. 2, 136.9 feet to the Northwest corner of said lot; thence South 87°12'27" West, 200.66 feet to the Northeast corner of Lot 1, Block 'A' in BRB Subdivision No. 2; thence South 04°20'53" East, 375.00 feet; thence South 11°14'02" West, 519.20 feet; thence South 41°56'26" West, 471.70 feet, to the south corner of BRB Subdivision No.2; thence Easterly on a line which is 150.00 feet north of the Centerline of existing US Highway 24 to the Southwest corner of Lot 3 of Six Zero North Subdivision; thence Northerly along the West line of said Lot 3 to the Northwest corner of said Lot 3; thence Easterly along the North line of said Lot 3 to the Northeast corner of said Lot 3, also being a point on the West line of Lot 2 of said Six Zero North Subdivision; thence Northerly along the West lines of said Lot 2 and Lot 1 of said Six Zero North Subdivision to the North line of Government Lot 4 of Fractional Section 14, Township 11 South, Range 15 East of the 6th P.M.; thence Easterly 330.94 feet along the North line of said Government Lot 4 to the Southwest Corner of the East Half of the Northeast Corner of Section 14 Township 11 South, Range 15 East also being the Southwest Corner of Haas Subdivision; thence North 01 degree 26 minutes 07 seconds West, 1893.34 feet along the West line of said Subdivision to the Northwest Corner of said Subdivision; thence South 80 degrees 05 minutes 47 seconds East, 10.74 feet along the North line of said Subdivision; thence North 88 degrees 19 minutes 17 seconds East 427.97 feet along said North line; thence North 61 degrees 00 minutes 53 seconds East, 284.64 feet along said North line; thence North 81 degrees 04 minutes 30 seconds East,

228.19 feet along said North line to the Northeast Corner of said Subdivision; thence South 01 degree 44 minutes 20 seconds, 2025.18 feet along the East line of said Subdivision to the North line of Government Lot 5 of Fractional Section 14, Township 11 South, Range 15 East; thence North 88 degrees 18 minutes 12 seconds East, 397.74 feet along the North line of said Lot 5 to the to the Northeast corner of said Government Lot 5; thence Southerly along the East line of said Government Lot 5 to said line which is 150.00 feet north of the Centerline of existing US Highway 24; thence Easterly along said line to the East right-of-way line of the Chicago Rock Island and Pacific Railroad; thence northerly on the East right-of-way line of said railroad to its intersection with the West line of Section 18, Township 11 south, Range 16 east of the 6th P.M.; thence north on the West line of said Section 18 to the South line of Menninger Road; thence west on the South line of Menninger Road to its intersection with the West line of Green Hills Road; thence north on said West line to its intersection with the South line of the Southeast Quarter of Section 12, Township 11 South, Range 15 East of the 6th P.M.; thence westerly on said South line to the East right-of-way line of the Chicago Rock Island and Pacific Railroad; thence northwesterly on said East line to the South line of N.W. 35th Street; thence easterly on said South line to the Northeast corner of Lot 1, Block "D", Forest Hills Estates Subdivision; thence southerly on the East lines of Lots 1 and 2, Block "D" in said subdivision to the Southeast corner of Lot 2, Block "D" in said subdivision; thence easterly, 242.00 feet south of and parallel with the North line of said Southeast Quarter, to an intersection with the East line of Green Hills Road; thence southerly on the said East line of Green Hills Road to an intersection with a line which is 20 feet north of the South line of the Southwest Quarter of Section 7, Township 11 South, Range 16 east of the 6th P.M.; thence easterly, parallel with the South line of the Southwest Quarter of said Section 7, to an intersection with an the West line of Daisy Brown Martin Subdivision; thence northerly, to the Southwest corner of Lot 11 in said subdivision; thence easterly, on the North line of Menninger Road, to the Southeast corner of Lot 36 in Daisy Brown Martin Subdivision; thence southerly, on an East line of Daisy Brown Martin Subdivision, to an intersection with a line which is 20 feet north of the South line of the Southwest Quarter of said Section 7; thence easterly, on an assumed bearing of North 88°20'01" East, parallel with the South line of the Southwest Quarter of said Section 7, to an intersection with the West line of Rochester Cemetery; thence North 00°51'36" West, 1467.73 feet; thence North 89°40'29" East, on the North line of Rochester Cemetery, 98.5 feet to the Southeast corner of Lot 49 in Daisy Brown Martin Subdivision; thence North 01°24'25" West, 323.50 feet, to the Northeast corner of said Lot 49; thence South 86°51'36" West, 434.00 feet, to the Northwest corner of said Lot 49; thence North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section 7, 467.64 feet; thence South 88°05'43" West, parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, parallel with the West line of the Southwest Quarter of said Section 7, 300.0 feet; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 50.0 feet; thence North 01°24'25" West, 60.0 feet, to an intersection with a line which is 20 feet south of the North line of the Southwest Quarter of said Section 7; thence North 88°05'43" East, parallel with the North line of the Southwest Quarter of said Section 7, 970.09 feet; thence South 01°26'37" East, parallel with the East line of said Southeast Quarter, 580.0 feet; thence North 88°05'43" East, parallel with the North line of said Southwest Quarter, 179.50 feet, to an intersection with the West line of the Southeast Quarter of said Section 7; thence North 88°17'11" East, parallel with the North line of the Southeast Quarter of said Section 7, 200.0

feet; thence South 01°26'37" East, parallel with the West line of the Southeast Quarter of said Section 7, 1739.28 feet; thence South 88°01'54" West, parallel with the South line of said Southeast Quarter, 200 feet; thence South 01°26'37" West, on the West line of said Southeast Quarter, 289.97 feet, to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7, also being the North line of Menninger Road; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with an extension of the West line of Lot 2A in Tolin Subdivision; thence northerly, to the Southwest corner of Lot 2A in Tolin Subdivision; thence easterly, to the Southeast corner of Lot 1A in Tolin Subdivision; thence southerly, on an extension of the East line of Lot 1A in Tolin Subdivision to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with the West line of Ward Lot Subdivision; thence northerly, to the Southwest corner of Ward Lot; thence easterly, to the Southeast corner of Ward Lot; thence southerly, on the East line of Ward Lot Subdivision, to an intersection with a line which is 20 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly, parallel with the South line of said Southeast Quarter, to an intersection with the Centerline of Rochester Road; thence northerly on the Centerline of Rochester Road, to an intersection with a line which is 50 feet north of the South line of the Southeast Quarter of said Section 7; thence easterly parallel with the South line of said Southeast Quarter, to an intersection with the West line of the Southwest Quarter of Section 8, Township 11 South, Range 16 east of the 6th P.M.; thence northerly to the Southwest corner of Lot 1 in Dale Lots; thence easterly, to the Southeast corner of Lot 2 in Dale Lots; thence southerly, on an extension of the East line of Dale Lots subdivision, to an intersection with a line which is 50 feet north of the South line of the Southwest Quarter of said Section 8; thence easterly, parallel with the South line of said Southwest Quarter, to an intersection with the West line of the East Half of said Southwest Quarter; thence southerly, to an intersection with a line which is 8 feet north of the South line of said Southwest Quarter; thence easterly, parallel with the South line of said Southwest Quarter, to a point which is 496 feet east of the Southwest corner of the East Half of the Southwest Quarter of said Section 8, as measured on and normal from said South line; thence east-northeasterly, to an intersection with a line which is 20 feet north of the South line of the East Half of said Southwest Quarter, at a point which is 678 feet east of the Southwest corner of the East Half of said Southeast Quarter, as measured on and normal from said South line; thence easterly, parallel with the South line of the East Half of said Southwest Quarter, to an intersection with the West line of the Southeast Quarter of said Section 8; thence easterly, on a line which is 20 feet north of the South line of said Southeast Quarter, to an intersection with a line which is 30 feet east of the West line of said Southeast Quarter; thence southerly, parallel with the West Line of said Southeast Quarter, to an intersection with the North line of Section 17, Township 11 south, Range 16 east of the 6th P.M.; thence easterly, on the North line of said Section 17, to the East Right-of-way line of Soldier Creek Cutoff and Channel Improvement; thence southerly and easterly on said right-of-way line to the East line of Kaw Half-Breed Reserve No. 5; thence southerly, 592.92 feet on said East line to its intersection with the Centerline of Indian Creek, the same being the Northwest corner of Hillyers Subdivision; thence in an easterly direction, following the meandering of said Indian Creek, to a point which is 17.00 chains west of the East line and 14.13 chains north of the Southeast corner of the Northeast Quarter of Kaw Half-Breed Reserve No. 6; thence southerly, parallel with the East line of said Kaw Reserve No. 6 about

51.50 chains distance to the North Bank of the Kansas River; thence northwesterly on the said Kansas River bank to the intersection with the East line of Oakland Addition when extended north; thence southerly, on said extension of the East line of Oakland Addition to the Northeast corner of said addition; thence continuing southerly on the East line of said addition, to a point 2657.77 feet north of the Southwest corner of Section 22; thence on an assumed bearing of North 88°34'44" East, 139.90 feet; thence South 47°09'21" East, 1915.20 feet; thence North 00°12'26" East, 2260.65 feet; thence South 61°49'02" East, 353.78 feet; thence South 53°47'05" East, 788.21 feet; thence South 74°58'05" East, 119.87 feet, to the West line of N.E. Lahr Avenue; thence South 00°06'44" East, on the West line of Lahr Avenue, 1569.01 feet, to the South line of the North Half of the Southwest Quarter of said Section 22; thence easterly on said South line, 30.00 feet, to the Northeast corner of the South Half of the Southwest Quarter of said Section 22; thence southerly, 1320 feet, more or less, to the Southeast corner of the Southwest Quarter of said Section 22; thence easterly, on the North line of Section 27, Township 11 South, Range 16 east, of the 6th P.M., to the Northeast corner of said section; thence southerly, on the East line of said Section 27, 2656.13 feet, to the Southwest corner of the Northwest Quarter of Section 26, Township 11 South, Range 16 east, of the 6th P.M.; thence easterly 35 rods to the East Bank of the Shunganunga Creek (old channel); thence northeasterly on said East Bank, 35 rods; thence northwesterly, at right angles to the East Bank, to the Centerline of said creek; thence northeasterly, easterly and southeasterly down the Centerline of said creek and along its meandering to its intersection with the North line of the South Half of the Southwest Quarter of said Section 26; thence east on the North line of the South Half of the Southwest Quarter to the West line of N.E. Kincaid Road; thence southerly, on the West line of N.E. Kincaid Road, 1279.71 feet to the North line of Seward Avenue; thence westerly on the North line of Seward Avenue to the West line of Section 26, also being the East line of Section 27; thence on an assumed bearing of South 88°31'13" West, on a line which is 40.00 feet north of the South line of said Section 27, 195.00 feet; thence North 00°07'48" East, 869.29 feet; thence North 47°02'26" West, 599.73 feet, to a point on the North line of the South Half of the Southeast Quarter of Section 27; thence west on the North line of the South Half of the Southeast Quarter of Section 27, Township 11 South, Range 16 east of the 6th P.M., 97.87 feet; thence southerly 664.53 feet, to the North line of the South Half of the South Half of the Southeast Quarter of said Section 27; thence westerly 200.00 feet; thence southwesterly 640.00 feet, more or less, to a point 330 feet north of the South line of Section 27; thence westerly, on a line 330 feet north of and parallel with the South line of said Section 27, 750.00 feet, more or less; thence south to the North line of Section 34, Township 11 South, Range 16 east of the 6th P.M.; thence west 464.21 feet to the Northeast corner of the Northwest Quarter of said Section 34; thence southerly, to the Northeast corner of the Southwest Quarter of said Section 34; thence southerly, to the point of beginning.

EXCEPTION I:

Beginning at the intersection of the South line of the Northwest Quarter of Section 21, Township 12 South, Range 15 east with a line which is 25 feet east of the West line of said Northwest Quarter; thence North 88°38'20" East, on the South line of said Northwest quarter, 1947.07 feet, to the Northeast corner of Clarion Lakes Subdivision; thence South 01°21'40" East, on an East line of Clarion Lakes Subdivision, 81.00 feet; thence North 88°38'20" East, 34.88 feet; thence North 86°43'47" East, 180.10 feet; thence North 88°38'20" East, 332.51

feet; thence southeasterly, on a curve concave southwesterly, having a radius measure of 977.50 feet an arc length of 352.28 feet, the chord of which bears South 81°02'12" East, 350.38 feet; thence South 70°42'44" East, 708.74 feet; thence southeasterly, on a curve concave northeasterly, having a radius measure of 790.00 feet and an arc length of 265.94 feet, the chord of which bears South 80°21'22" East, 264.69 feet; thence South 90°00'00" East, 8.57 feet; thence northeasterly, on a curve concave northwesterly, having a radius measure of 1010.00 feet and an arc length of 696.50 feet, the chord of which bears North 70°14'39" East, 682.79 feet; thence North 50°29'18" East, 44.78 feet; thence North 50°29'18" East, 44.78 feet; thence North 54°02'14" East, 334.87 feet; thence South 88°46'43" West, on the South line of the Northeast quarter of said Section 21, to an intersection with a line which is 658.38 feet east of the West line of said Northeast Quarter; thence northerly, on a line which is 658.38 feet east of the West line of said Northeast Quarter, 1322.05 feet; thence westerly, on the South line of Clarion Woods Subdivision No.2, 658.38 feet to the Southeast corner of the North Half of the Northwest Quarter of said Section 21; thence westerly, on the South line of the North Half of said Northwest Quarter, to an intersection with a line which is 25 feet east of the West line of said Northwest Quarter; thence southerly, parallel with the West line of said Northwest Quarter, to the point of beginning.

EXCEPTION II:

Beginning at the Northeast corner of Lot 22, Block A in Kankis Square Subdivision; thence southerly to the Southeast corner of Lot 17, Block A in said subdivision; thence westerly, to the Southwest corner of Lot 1, Block A in said subdivision; thence northerly, to the Northwest corner of Lot 4, Block A in said subdivision; thence easterly, to the point of beginning.

EXCEPTION III:

A tract in the North Half of the Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County Kansas, described as: Commencing at the Southwest corner of the North Half of said Southwest Quarter; thence North 1°09'04" West, North American Datum 1983, Kansas North Zone, on the West line of said Southwest Quarter, 260.34 feet to the North line of SW 27th Street; thence North 86°49'01" East on the North line of SW 27th Street, 25.00 feet to the point of beginning; thence continuing on North 86°49'01" East, 343.96 feet to the Southwest corner of Lot 1, Block 'A' in West Indian Hills Subdivision No. 12; thence North 1°12'01" West, 199.88 feet to the Northwest corner of said Lot 1; thence South 86°49'01" West on the South line of West Indian Hills Subdivision, 343.79 feet to an intersection with a line which is 25 feet east of said Southwest Quarter; thence South 1°09'04" East, 199.89 feet to the point of beginning.

EXCEPTION IV:

Beginning at the intersection of an extension of the North line of S.W. 26th Street in West Indian Hills Subdivision with a line which is 25 feet east of the West line of the Southwest Quarter of Section 7, Township 12 South, Range 15 east of the 6th P.M.; thence easterly to the Southwest corner of Lot 8, Block B in West Indian Hills Subdivision; thence northerly to the Southeast corner of Lot 3, Block B in said subdivision; thence easterly, on the South lines of Lots 3, 2, 1 and the extension of the South line of Lot 1, to an intersection with a line which is 25 feet east of the west line of said Southwest Quarter; thence southerly to the point of beginning.

EXCEPTION V:

Commencing at the Northwest corner of the Northwest Quarter of Section 28, Township 12 South, Range 16 east of the 6th PM; thence South 1°43'04" East, North American Datum

1983, Kansas North Zone, on the West line of said Northwest Quarter, 50.00 feet to an intersection with a line which is 50 feet south of the North line of said Northwest Quarter; thence North 88°35'26" East, parallel with the North line of said Northwest Quarter, 336.57 feet to the point of beginning; thence South 1°34'44" East, 250.41 feet; thence North 88°35'26" East, 145.00 feet; thence North 1°32'08" West, 250.41 feet to a point on a line which is 50 feet south of the North line of said Northwest Quarter; thence South 88°35'26" West, parallel with the North line of said Northwest Quarter, 144.97 feet to the point of beginning.

EXCEPTION VI:

Commencing at the Southeast corner of the Northeast Quarter of Section 14, Township 11 South, Range 15 East; thence South 88 degrees 18 minutes 12 seconds West, per Haas Subdivision Plat , 820.01 feet along the South line of said Quarter Section to the POINT OF BEGINNING, thence North 01 degree 28 minutes 11 seconds West, 209.98 feet; thence South 88 degrees 18 minutes 12 seconds West, 273.78 feet; thence South 01 degree 28 minutes 11 seconds East, 209.98 feet to the said South line; thence North 88 degrees 18 minutes 12 seconds East, 273.78 feet along said South line to the Point of Beginning.

B. Outer Corporate Boundary:

Beginning at the Northeast corner of the Northwest Quarter of Section 1, Township 13 South, Range 15 east of the 6th P.M.; thence on an assumed bearing of South 00°16'44" East, on the East line of said Northwest Quarter, 2517.10 feet, to a point 81.00 feet north of the Southeast corner of said Northwest Quarter; thence South 88°25'05" West, 1319.37 feet, to a point on the West line of the East Half of said Northwest Quarter which is 53.50 feet north of the Southwest corner of the East Half of said Northwest Quarter; thence North 00°13'17" West, 2539.18 feet, to the Northwest corner of the East Half of said Northwest Quarter; thence North 89°22'35" East, 1316.51 feet, to the point of beginning. EXCEPT, a strip of land 20.00 feet in width, in the Northwest Quarter of Section 1, Township 13 south, Range 15 east of the 6th P.M. lying 10.00 feet on each side of the following described centerline: Beginning at a point on the North line of said Northwest Quarter of Section 1, which is 40.00 feet west of the Northeast corner of said Northwest Quarter; thence southerly parallel to the East line of said Northwest Quarter, 2097.40 feet; thence easterly parallel with the North line of said Northwest Quarter, 40.00 feet to the East line of said Northwest Quarter, containing 75.50 acres, more or less.

Also: Beginning at a point which is 40.00 feet south and 40.00 feet east of the Northwest corner of the Northwest Quarter of Section 14, Township 12 south, Range 16 east of the 6th P.M.; thence easterly, parallel with and 40.00 feet south of the North line of said section, 1290.45 feet to the Northwest corner of Lot 1, Block "A", Fair Meadows Subdivision also being the East line of the West half of the said Northwest Quarter Section; thence southerly on the said East line to the Southeast corner of said West half; thence Westerly on the South line of said Northwest Quarter Section 1328.94 feet to the Southwest corner of said Northwest Quarter Section; thence North along the West line of said Northwest Quarter Section 581.38 feet; thence on a bearing of North 89 degrees 01 minute 39 seconds East(as depicted on plat for Shawnee Woods Subdivision No. 2) 436.00 feet; thence North 01 degree 08 minutes 58 seconds West, 300.00 feet to the South line of Shawnee Woods Subdivision; thence

Westerly on the said South line of Shawnee Woods Subdivision to the West line of said Northwest Quarter Section; thence North $00^{\circ}23'05''$ West(as depicted on plat for Shawnee Woods Subdivision), on the West line of said Northwest Quarter, 440.65 feet; thence North $89^{\circ}51'12''$ East, 40.00 feet; thence northerly, parallel with and 40.00 feet east of the West line of said Northwest Quarter, 1278.42 feet, to the point of beginning.

A tract of land in the Southwest Quarter and the Southeast Quarter of Section 7, and in the Southwest Quarter and the Southeast Quarter of Section 8, and the Northeast Quarter and the Southeast Quarter of Section 18, all in Township 13 South, Range 16 east of the 6th P.M., in Shawnee County, Kansas described as: Commencing at the Northwest corner of said Southwest Quarter of Section 7, thence on an assumed bearing of North $88^{\circ}07'18''$ East, on the North line of the Southwest Quarter of Section 7, 213.70 feet to a point on the Easterly Right of Way line of former U.S. Highway No. 75 and the point of beginning; thence continuing North $88^{\circ}07'18''$ East, on the North line of said Southwest Quarter, said North line being coincident with the South line of Forbes Field Subdivision, 2268.55 feet, to the Northeast corner of said Southwest Quarter of Section 7; thence continuing North $88^{\circ}07'18''$ East, on the North line of said Southeast Quarter of Section 7, said North line being coincident with the South line of Forbes Field Subdivision, 1409.90 feet; thence South $02^{\circ}04'31''$ East, parallel with the East line of said Southeast Quarter of Section 7 and on a boundary line of Forbes Field Subdivision, 650.00 feet; thence North $88^{\circ}07'18''$ East, parallel with the North line of said Southeast Quarter of Section 7 and on a Southerly line of Forbes Field Subdivision, 1240.00 feet to a point on the East line of said Southeast Quarter of Section 7; thence North $88^{\circ}27'18''$ East, parallel with the North line of said Southwest Quarter of Section 8, and on a Southerly line of Forbes Field Subdivision, 1147.85 feet; thence South $63^{\circ}25'07''$ East, on said Southerly line of Forbes Field Subdivision, 1670.29 feet, to a point on the East line of said Southwest Quarter of Section 8; thence continuing South $63^{\circ}25'07''$ East, on said Southerly line of Forbes Field Subdivision, 900.22 feet; thence North $86^{\circ}16'27''$ East, on said Southerly line of Forbes Field Subdivision, 1053.80 feet; thence North $55^{\circ}11'33''$ East, on said Southerly line of Forbes Field Subdivision, 910.15 feet to a point on the East line of said Southeast Quarter of Section 8; thence South $02^{\circ}32'18''$ East, on the East line of said Southeast Quarter, 1318.30 feet to the Southeast corner of the Southeast Quarter of said Section 8; thence South $88^{\circ}14'08''$ West, on the South line of said Southeast Quarter, 2612.01 feet to the Southwest corner of said Southeast Quarter; thence South $88^{\circ}19'21''$ West, on the South line of said Southwest Quarter of Section 8, 2621.19 feet to the Southwest corner of said Southwest Quarter; thence South $02^{\circ}22'39''$ East, on the East line of said Northeast Quarter of Section 18, 2638.05 feet to the Southeast corner of said Northeast Quarter of Section 18; thence South $02^{\circ}22'27''$ East, on the East line of said Southeast Quarter of Section 18, 1318.96 feet, to the Southeast corner of the North Half of said Southeast Quarter of Section 18; thence South $88^{\circ}00'15''$ West on said South line of the North Half of said Southeast Quarter of Section 18, 2638.04 feet to the Southwest corner of said North Half of the Southeast Quarter of Section 18; thence North $02^{\circ}18'32''$ West, on the West line of said Southeast Quarter of Section 18, 1319.82 feet to the Northwest corner of said Southeast Quarter; thence North $02^{\circ}18'22''$ West, on the West line of said Northeast Quarter of Section 18, 2629.66 feet to the Northwest corner of said Northeast Quarter; thence South $88^{\circ}23'32''$ West, on the South line of the Southwest Quarter of Section 7, 2146.71 feet,

thence on a bearing of North 01°52'44" West, parallel with the West line of said Southwest Quarter of Section 7, 361.50 feet; thence South 88°23'32" West, parallel with the South line of said Southwest Quarter of Section 7, 216.30 feet, to the Southeast corner of Quality Oil Subdivision No. 3; thence North 01°52'44" West, on the East line of said Quality Oil Subdivision No. 3, and parallel with the West line of said Southwest Quarter of Section 7, 299.83 feet (300.00 feet plat) to the Northeast corner of said Quality Oil Subdivision No. 3; thence South 88°23'32" West, on the North line of said Quality Oil Subdivision No. 3, and parallel with the South line of said Southwest Quarter of Section 7, 94.74 feet, to the Northwest corner of said Quality Oil Subdivision No. 3; thence North 01°55'59" West, on the Easterly Right of Way line of former US Highway 75, 906.14 feet; thence North 88°07'18" East, on the Easterly Right of Way line of said highway and parallel with the North line of said Southwest Quarter of Section 7, 9.90 feet; thence North 04°18'42" East, on said Easterly Right of Way line, 288.60 feet; thence North 06°49'42" East, on said Easterly Right of Way line, 813.00 feet to the point of beginning. Contains 689.944 acres, more or less.

A tract of land in the North Half of the Southwest Quarter of Section 9, Township 13 south, Range 16 east of the 6th P.M., in Shawnee County, Kansas, described as:

1 Beginning at the Southwest corner of said North Half of said Southwest Quarter; thence on
2 an assumed bearing of North 33°02'55" East, on the Southerly line of Forbes Field
3 Subdivision, 484.30 feet; thence North 26°33'23" East, on said Southerly line, 580.54 feet;
4 thence North 02°21'27" East, on said Southerly line, 412.03 feet to a point on the North line
5 of the North Half of said Southwest Quarter; thence North 88°27'10" East, on said North
6 line, 2064.05 feet to the Northeast corner of the North Half of said Southwest Quarter;
7 thence South 00°19'58" East, on the East line of the North Half of said Southwest Quarter,
8 1325.13 feet to the Southeast corner of the North Half of said Southwest Quarter; thence
9 South 88°31'16" West, on the South line of the North Half of said Southwest Quarter,
10 2658.73 feet to the point of beginning. Contains 69.093 acres, more or less.

11
12 A tract of land in the Southwest Quarter of Section 10, Township 12 south, Range 16 east
13 of the 6th P.M., in Shawnee County, Kansas, described as:

14 Beginning at a point which is 250.00 feet east and 50.00 feet north of the Southwest corner
15 of said Southwest quarter, thence on an assumed bearing of North 89°04'15" East, on the
16 North line of 29th Street, 365.00 feet; thence North 00°00'00" East, 32.64 feet measured
17 (35.00 feet described); thence on a curve to the left, having a radius measure of 146.09
18 feet measured (146.11 described) an arc distance of 229.48 feet measured (229.51 feet
19 described); thence South 00°00'00" East, 35.28 feet; thence North 56°00'00" West, 264.00
20 feet; thence South 00°00'00" West, 297.00 feet to the point of beginning. Contains 1.62
21 acres.

22
23 A tract in the South Half of Section 22, Township 12 South, Range 16 east of the 6th P.M.,
24 in Shawnee County, Kansas, described as: Beginning at the Southeast corner of the
25 Southeast Quarter of said Section 22; thence on an assumed bearing of North 89°52'00"
26 West on the South line of said Southeast Quarter, 2643.81 feet, to the Southwest corner
27 thereof; thence South 89°54'30" West, on the South line of the East Half of the Southeast

28 Quarter of the Southwest Quarter of said Section 22, 660.93 feet, to the Southwest corner
29 of said East Half; thence North 00°11'08" West on the West line of said East Half, 1319.23
30 feet, to the Northwest corner of said East Half; thence North 89°55'34" East, on the North
31 line of said East Half, 661.52 feet, to the Northeast corner of said East Half; thence North
32 00°09'36" West, on the West line of the Southeast Quarter of said Section 22, 185.85 feet;
33 thence North 14°08'29" East, 588.22 feet; thence North 29°50'56" East, 179.74 feet;
34 thence North 45°33'23" East, 581.97 feet, to a point on the North line of the Southeast
35 Quarter of said Section 22; thence North 89°56'57" East, on the North line of the last said
36 Southeast Quarter, 1998.36 feet, to the Northeast corner of said Southeast Quarter;
37 thence South 00°01'17" East, on the East line of said Southeast Quarter, 2646.58 feet, to
38 the point of beginning.
39 Contains 174.81 acres, more or less.

40
41 A tract in the South Half of the Northwest Quarter of Section 23, Township 12 South,
42 Range 16 East of the 6th P.M., Shawnee County, Kansas, more particularly described as
43 follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01° 31'
44 24" West a distance of 1319.87 feet to the Northwest corner of the South Half of said
45 Northwest Quarter; thence North 88° 49' 34" East a distance of 2658.83 feet to the
46 Northeast corner of said South Half; thence South 01° 37' 51" East a distance of 1324.46
47 feet to the Southeast corner of said Northwest Quarter; thence South 88° 55' 28" West a
48 distance of 2661.35 feet to the point of beginning. Contains 80.48 acres, more or less.

49
50 A tract in the Southwest Quarter and in the Southeast Quarter of Section 12, and in the
51 Northwest, Northeast, Southeast and Southwest Quarters of Section 13, all in Township 13
52 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas, described as: Beginning
53 at the Southwest corner of the Southwest Quarter of said Section 12; thence on an
54 assumed bearing of North 1°51'46" West, on the West line of said Southwest Quarter,
55 599.36 feet to a point on the Centerline of Gary Ormsby Drive; thence North 61°43'34" East
56 on said Centerline, 1339.14 feet; thence northeasterly on a curve concave northwesterly,
57 being the Centerline of Gary Ormsby Drive, having a radius measure of 1640.42 feet and
58 an arc length of 643.64 feet, the chord of which bears North 50°29'09" East, 639.51 feet;
59 thence North 39°14'48" East on said Centerline, 837.48 feet; thence northeasterly and
60 easterly on a non-tangential curve concave southeasterly, being the Centerline of Gary
61 Ormsby Drive, having a radius measure of 1312.33 feet and an arc length of 858.20 feet,
62 the chord of which bears North 57°56'40" East, 843.00 feet to a point on the North line of
63 the Southeast Quarter of said Section 12; thence North 88°31'48" East on the North line of
64 said Southeast Quarter, 2113.26 feet to an intersection with the West line of the 100 feet
65 wide strip of the Burlington North Santa Fe Railway Company; thence South 16°11'04"
66 West on the West line of said 100 feet wide strip, 2824.31 feet to a point on the South line
67 of said Southeast Quarter; thence continuing on South 16°11'04" West on the West line of
68 said 100 feet wide strip, 1180.97 feet; thence continuing south-southwesterly on the West
69 line of said 100 feet wide strip being a curve concave westerly, having a radius measure of
70 2722.53 feet and an arc length of 565.36 feet, the chord of which bears South 22°08'01"
71 West, 564.34 feet; thence South 28°04'57" West on the West line of said 100 feet wide
72 strip, 1149.58 feet to an intersection with the South line of the Northeast Quarter of said
73 Section 13 at a point 422.07 feet easterly distant from the Southwest corner of said

74 Northeast Quarter; thence continuing on South 28°04'57" West on the West line of said
75 100 feet wide strip, 644.33 feet; thence continuing southwesterly on the West line of said
76 100 feet wide strip being a curve concave easterly, having a radius measure of 3869.83
77 feet and an arc length of 211.12 feet, the chord of which bears South 26°31'11" West,
78 211.09 feet to an intersection with the West line of the Southeast Quarter of said Section
79 13 at a point 746.69 feet southerly distant from the Northwest corner of the last said
80 Southeast Quarter; thence continuing southwesterly on the West line of said 100 feet wide
81 strip being a curve concave easterly, having a radius measure of 3869.83 feet and an arc
82 length of 311.50 feet, the chord of which bears South 22°39'03" West, 311.42 feet to an
83 intersection with the East right of way line of US 75 Highway; thence North 42°32'49" West
84 on said East right of way line, 510.92 feet; thence North 38°07'05" West on said East right
85 of way line, 803.03 feet to an intersection with the North line of the Southwest Quarter of
86 said Section 13 at a point 937.10 feet westerly distant from the Northeast corner of the last
87 said Southwest Quarter; thence North 36°49'35" West on said East right of way line,
88 600.40 feet; thence North 41°50'35" West on said East right of way line, 401.50 feet;
89 thence North 35°42'46" West on said East right of way line, 1981.44 feet to an intersection
90 with the West line of the Northwest Quarter of said Section 13; thence North 1°43'56" West
91 on the West line of said Northwest Quarter, 208.94 feet to the point of beginning.
92 Contains 405.17 acres, more or less.

93
94 A tract in the Southeast Quarter of Section 12 and in the Northeast Quarter of Section 13,
95 all in Township 13 South, Range 15 east of the 6th P.M. in Shawnee County, Kansas,
96 described as: Commencing at the Northeast corner of said Northeast Quarter; thence on
97 an assumed bearing of South 1°52'42" East on the East line of said Northeast Quarter,
98 61.94 feet; thence South 88°07'18" West, 180.74 feet to the Northeast corner of Lot 1,
99 Block 'A' in Williamsport Subdivision as recorded in Plat Book 40, page 67 in the Office of
100 the Shawnee County Register of Deeds, said Northeast corner of Lot 1 being the point of
101 beginning; thence North 79°08'42" West on the North line of said Lot 1, 292.24 feet to the
102 North line of said Northeast Quarter; thence South 88°25'32" West on the North line of said
103 Northeast Quarter, 489.32 feet to an intersection with the East line of the 100 feet wide
104 strip of the Burlington North Santa Fe Railway Company; thence North 16°11'04" East on
105 the East line of said 100 feet wide strip, 2422.46 feet to an intersection with the South line
106 of a tract recorded in Volume 4882, page 136 in the Office of the Shawnee County
107 Register of Deeds; thence North 88°18'23" East on the South line of the last said tract,
108 131.05 feet to an intersection with the West right of way line of Southwest Topeka
109 Boulevard; thence South 9°17'20" West on said West right of way line, 329.80 feet; thence
110 South 2°28'32" West on said West right of way line, 536.40 feet; thence South 0°57'28"
111 East on said right of way line, 1375.10 feet; thence South 9°46'07" East, 137.64 feet to the
112 point of beginning.

113
114 Contains 21.90 acres, more or less.

115
116 The area within the corporate limits is 62.789 square miles, more or less.
117

118 BE IT FURTHER RESOLVED that the City Clerk is hereby directed, in accordance
119 with the provisions of K.S.A. 12-518 to file a certified copy of this resolution with the County
120 Clerk, the Register of Deeds office, the State Transportation Engineer and Election
121 Commissioner.

122 ADOPTED and APPROVED by the Governing Body on _____.

123 CITY OF TOPEKA, KANSAS

124

125

126

127

128

Michael A. Padilla, Mayor

129 ATTEST:

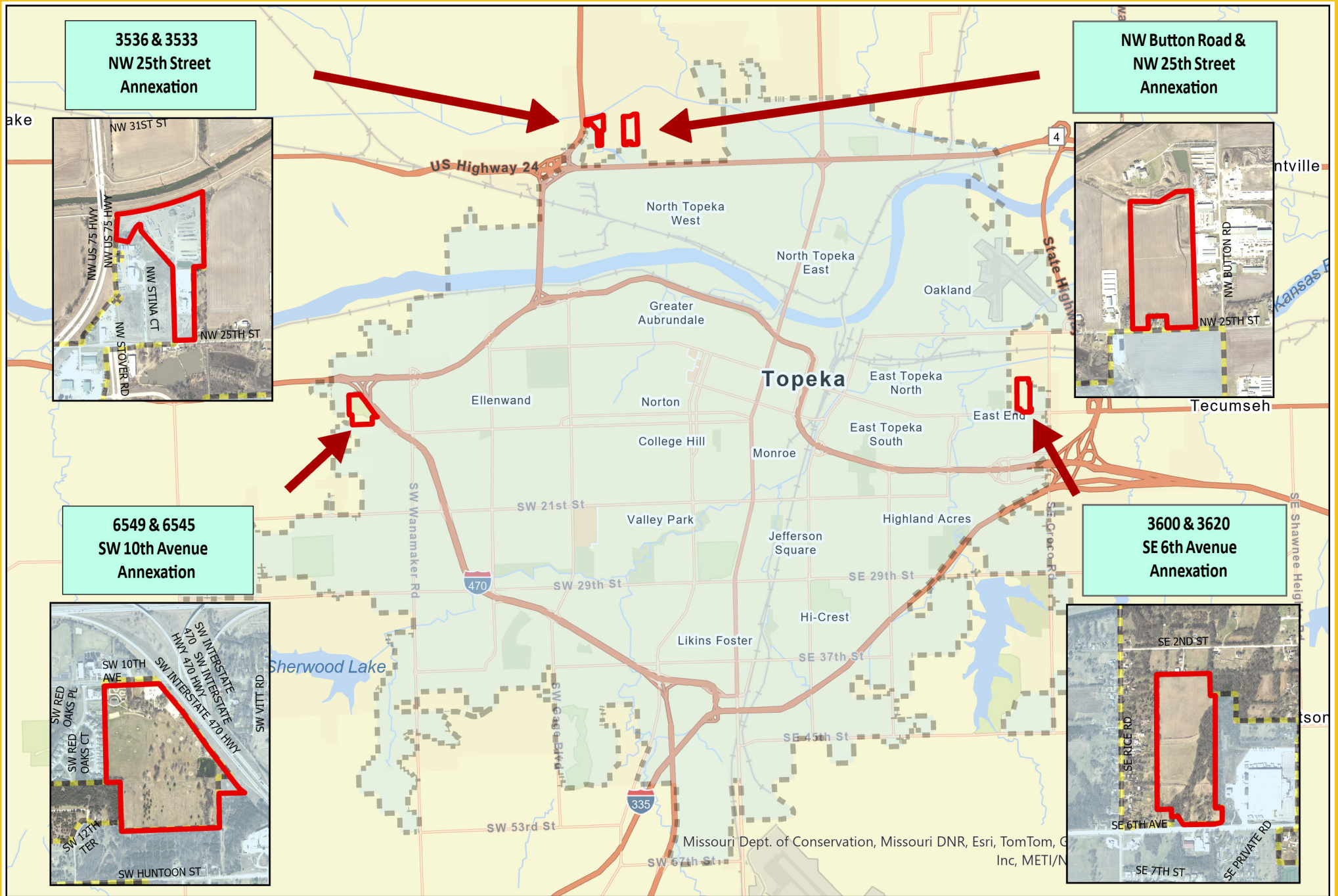
130

131

132

133

134 _____
Brenda Younger, City Clerk



**3536 & 3533
NW 25th Street
Annexation**



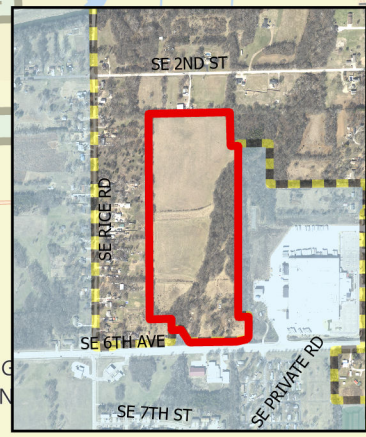
**NW Button Road &
NW 25th Street
Annexation**



**6549 & 6545
SW 10th Avenue
Annexation**



**3600 & 3620
SE 6th Avenue
Annexation**



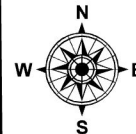
City of Topeka, Kansas GIS Data Disclaimer

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2024 City Limits Recent Annexations

Legend

-  TOPEKA CITY LIMITS
-  2024 Annexations





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Amanda Stanley, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Performing Arts Center, Inc.
PROJECT #:
CATEGORY/SUBCATEGORY: 007 Contracts and Amendments / 018 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of an operational funding agreement between the City of Topeka and the Topeka Performing Arts Center, Inc. (TPAC) for supplemental operational funding in an amount not to exceed \$150,000.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will authorize the City Manager to sign and execute the contract, providing supplemental operational funding up to \$150,000 per year from the date of execution through December 31, 2026, with an option to renew for two additional two-year periods by mutual written agreement.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the contract for supplemental funding.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the contract.

BACKGROUND:

Ordinance No. 20522 approving and adopting the 2025 operating budget for the City of Topeka and appropriating \$150,000 to the Topeka Performing Arts Center, Inc. (TPAC) for supplemental operational funding. As outlined in the agreement, the City shall provide \$150,000 in supplemental operational funding, payable on or before January 31 each year, to support TPAC in its management of the Facility for the term of this Agreement.

In accordance with the State of Kansas Cash Basis Law (K.S.A. 10-1101; 79-2925 et seq.), the City's obligation to provide supplemental funding is limited to the allocations approved and appropriated by the City's Governing Body. Funding for each subsequent budget year under this Agreement will depend on the availability of allocated funds for this purpose.

BUDGETARY IMPACT:

\$150,000

SOURCE OF FUNDING:

General Fund (Miscellaneous Non-Departmental)
Ordinance No 20522

ATTACHMENTS:

Description

TPAC Agreement with Exhibits
TPAC 2025 Business and Marketing Plan
TPAC 2025 Proposed Budget
TPAC Executive Director Agenda Report for 2025

CITY OF TOPEKA

CONTRACT NO. _____

THIS AGREEMENT entered into this _____, by and between the City of Topeka, Kansas, a municipal corporation organized pursuant to the laws of the State of Kansas, hereinafter referred to as the "City," and the Topeka Performing Arts Center, Inc., a not-for-profit corporation organized pursuant to the laws of the State of Kansas, and hereinafter referred to as "TPAC."

WHEREAS, the City and TPAC recognize the need for a Performing Arts Center to provide for the advancement, promotion, and development of the arts within the City of Topeka; and

WHEREAS, the City, in furtherance of this purpose and pursuant to the provisions of Charter Ordinance No. 68 and Ordinance No. 15833; and in order to provide for the general welfare, operation, and management the Performing Arts Center; and

WHEREAS, the City and TPAC desire to enter into this Agreement for the operation and management of the Performing Arts Center; and

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING MUTUAL COVENANTS THE PARTIES HERETO DO AGREE AS FOLLOWS:

ARTICLE I

Name, Facility, Funding, and Support

- A. Name. In continued recognition of the contribution and testamentary bequest made by Georgia Neese Gray and Andrew J. Gray for the Performing Arts Center, the parties agree to maintain the name of the main performance hall as the "Georgia Neese Gray Performance Hall." The parties further agree that TPAC may enter into one or more agreements with third party sponsors and supporters concerning the naming rights to the Facility and any of the spaces, fixtures, or equipment, so long as the "Topeka Performing Arts Center" shall be and remain a part of the Facility's name. Any such agreements shall be approved by the City in accordance with City of Topeka Resolution No. 7698.

- B. Description of Property. This Agreement between the City and TPAC shall apply to the areas contained within the building commonly known as "The Topeka Municipal Auditorium". The area assigned to TPAC is shown by the borderless areas as indicated on EXHIBIT A, attached hereto and made a part hereof. The area so allocated to TPAC is referred to herein as the "Performing Arts Center" or the "Facility."

C. Supplemental Operational Funding.

1. The City shall provide supplemental operational funding of one hundred-fifty thousand dollars (\$150,000.00) payable on or before January 31 each year under the terms of the agreement to assist TPAC in its management of the Facility during the term of this Agreement. Pursuant to the State of Kansas Cash Basis law, K.S.A. 10-1101; 79-2925 et seq., the City is only obligated to provide supplemental operational funding from allocations approved by the City's Governing Body as budgeted and appropriated. Supplemental operational funding for each subsequent budget year of this Agreement shall be subject to the availability of funds allocated each year for this purpose.
2. TPAC shall, subject to the limitations and conditions herein, submit its request for supplemental operational funding by the first day of April for funding during the next budget year. This budget request shall be submitted to the City Manager of the City of Topeka or their designee who shall include the request as part of development of the proposed City budget for the ensuing year. Approval of this request shall be made by the City's Governing Body, whose decision is final and binding on the parties.
3. The amount of supplemental operational funding to be requested by TPAC shall be developed with consideration given to the following factors:
 - i. The anticipated level of revenues available to TPAC from activities and events in the Facility.
 - ii. The anticipated level of expenses reasonably related to TPAC's operation of the Facility. These expenses may include, but are not limited to: professional management services, salaries, promotional expenses, artists fees, event set-up and clean-up, daily maintenance and janitorial services, insurance premiums, and general office expenses.
 - iii. The anticipated need by TPAC for funding of special projects or expenses not generally addressed by this Agreement.
 - iv. The anticipated use by the City of the Facility for City activities or events.
 - v. The City's recognition of the services provided by TPAC as an important and vital contribution to the economic and cultural health of the City of Topeka, and of the tangible and intangible returns the City receives from its investment in TPAC.
4. The failure of the City's Governing Body to approve TPAC's request for any funding shall not constitute a default under this Agreement and shall not entitle TPAC to seek or obtain a judgment requiring the City's specific performance or to pursue any other legal remedy which seeks to compel the City to appropriate and budget funds for TPAC. However, the

failure of the Governing Body to approve TPAC's request for funding shall constitute a basis for termination of this Agreement by TPAC, in accordance with the provision herein.

D. Event and Concession Revenues.

1. All receipts from ticket sales, facility usage fees, concession sales, and other revenues associated with TPAC's management of the Facility shall be the sole property of TPAC. TPAC shall keep accurate records of all receipts. These records shall be subject to review and audit by the City upon written request by the City provided to TPAC.
2. TPAC shall be responsible for all sales and other tax obligations resulting from the operation of the Facility. TPAC shall be entitled to all tax benefits accruing from TPAC's participation in this Agreement. TPAC shall not be entitled to any tax benefits created solely by the City's participation in this Agreement.

E. Audit of Financial Statements. TPAC shall provide an annual independently audited financial statement for the end of each fiscal year (December 31) to the City Clerk. The documented audit report is due to the City Clerk within ninety (90) days of each fiscal year end (December 31).

ARTICLE II

Management and Maintenance

A. Management. TPAC shall, subject to the limitations and conditions herein, be responsible for and assume the costs for the day-to-day operations and management of the Facility. These responsibilities shall include, but are not limited to:

1. Coordinating the usage of the Topeka Performing Arts Center, including the scheduling and promoting of all events and activities in the Facility.
2. Publicizing the availability of the Topeka Performing Arts Center.
3. Establishing all ticket and concession operations and providing proper management and record keeping for associated functions.
4. Evaluating all proposed usages of the facilities and determining which usage is most compatible with the intended purpose of the Topeka Performing Arts Center and the needs and desires of the community at large.
5. Entering into contracts with groups, organizations, or individuals for use of the Facility.
6. Providing general set-up and clean-up services for all events and activities in the Facility.

7. Providing accurate, timely, and complete records of all activities, revenues, and expenditures associated with TPAC's management of the Facility.
 8. Cooperating with the City Manager or designee in reviewing all records, financials, and otherwise business related information relating to the provisions of this article.
- B. Maintenance and Repairs. During any term and any extensions of this Agreement TPAC shall:
1. Capital Improvement Project Requests
 - i. On or before January 31 each year, the Executive Director of TPAC will provide a written schedule of proposed projects covering general maintenance and capital repairs needed for the Facility to the City Manager or their designee. TPAC shall update the project list each year prior to submission to the City.
 - ii. Based on the submission of proposed projects, the TPAC Board of Trustees, in conjunction with relevant City staff, shall develop proposed project costs and timelines for each project and prioritize the list of proposed projects by need over future fiscal years.
 - iii. All projects funded by City Capital Improvement Plan must conform to the City procurement process, including plan approval by the City Engineer. The State Historical Preservation Organization (SHPO) must approve all proposed building improvements and the building status on the historic registry must be maintained.
 - iv. The City will consider the list of proposed projects each year during the Capital Improvement Plan process. The list of projects are subject to modification and adoption of the Capital Improvement Plan each year by vote of the City's Governing Body.
 - v. Upon adoption of the Capital Improvement Plan and thereafter commencement of projects, the Board of Trustees of TPAC will present each project improvement to the City's Public Infrastructure Committee for approval prior to engaging in project construction or making expenditures. The City will be responsible for the building envelope, mechanical, electrical, and plumbing (MEP), elevators, etc. Interior finishes like wall coverings, flooring, and finishes will be the responsibility of TPAC.
 2. Immediate Repairs
 - i. In the event that the Facility's portion of the building becomes in need of immediate but not emergency repairs, TPAC shall give written notice within twenty-four (24) hours of discovery to the City's Division of Building and General Services. Within

ten (10) business days, the City shall provide written acknowledgment of the request to TPAC with the City's intent to make the requested repairs.

- ii. Failure to notify the City may be considered negligence and may be subject to damages under section L.

C. Performance Objectives. In conducting its management activities under this agreement, TPAC agrees to adhere to the following performance objectives:

1. TPAC will endeavor to raise funds to fully support operations.
2. TPAC will present an annual program of professional touring events, which serves the diverse interests and patronage of the community.
3. TPAC will produce, present, or otherwise operate at least four (4) art education programs for youth each year.
4. TPAC will provide group discounted ticket programs for youth, such as school groups and educational groups to attend TPAC shows, when appropriate.
5. TPAC will make the Facility available to local art organizations at reduced rental fees and support the presentation of arts with staffing and services.
6. Before December 31 of each year, TPAC shall provide the Governing Body with a presentation on the organization's annual budget for the upcoming calendar year. The budget shall show at a minimum the projected revenue and projected expenses including, but not limited to, salaries, advertising or other promotions, and operating and capital expenditures.
7. TPAC shall provide written quarterly financial reports to the Governing Body within thirty (30) days following the last day of each calendar quarter. The quarterly reports shall detail all revenue, including but not limited to ticket sales and donations. The quarterly reports shall detail all expenditures, including but not limited to advertising and other promotional activities, operating and capital expenditures. The quarterly report shall list all programs, events, and service acts hosted by TPAC in the Facility showing compliance with the performance objectives listed herein. The fourth (4th) quarter financial report shall be incorporated with the annual presentation to the Governing Body as defined herein.
8. TPAC shall provide an annual presentation to the City's Governing Body within one-hundred (100) days of each fiscal year end (December 31). This annual presentation shall provide a summary of the independently audited financial statement for the end of the preceding fiscal year (December 31). This presentation shall also include the details of

the preceding year's fourth (4th) quarter financial report that includes performance of sales and expenditures.

D. Usage of Facility.

1. Intended Use. The Facility shall be used predominantly as a cultural entertainment and educational facility that fosters performing and visual arts in the community. TPAC and the City will make every reasonable effort to resolve and prevent any actual or potential violations of this section. TPAC will not allow the center to be used for purposes either illegal or incompatible with:
 - i. The intended use of the Facility
 - ii. TPAC's educational and charitable purposes
 - iii. The Facility's status as a publicly owned building
 - iv. The Facility's proximity to City offices and services
2. City Use of Facility. TPAC agrees to allow the City to use the Facility when no scheduling conflicts exist with other scheduled events. City usage of the Facility will be subject to all rules and regulations for generally scheduled events. TPAC agrees that no user charge will be assessed against the City for the City's activities or events that relate to the City government organization's activities. The City will reimburse the costs incurred by TPAC in supporting the use of the Facility by the City, including but not limited to staffing the event, janitorial services, equipment, and consumable supplies.

E. City Access. TPAC and the City recognize that the Facility is located in a public building owned by the City, which also houses many of the operational departments and functions of City government. Given this recognition, TPAC will allow the City access to all areas of the Facility unless such access unreasonably and actually impairs the intended use of the Facility, the ability of TPAC to effectively manage the Facility, or the security of scheduled events, activities, or the participants of such. Any objection to the presence of City personnel in the Facility shall be provided in writing to the City Manager or their designee. The refusal or inability of the City to cure such violation may be considered a default of this Agreement.

F. Security. City and TPAC shall abide by the security plan set forth herein, in order to ensure personal safety and the security of Facility and its contents to prevent unauthorized persons from gaining access to the Facility or to City Hall. Areas of primary concern include the main mechanical room and all portions of City Hall. Security is a significant concern for TPAC and the City with the garage doors into TPAC, which is used for City deliveries as well as TPAC. Garage door users must monitor the area to ensure unauthorized personnel do not enter the building.

1. Doors must not be propped open for use unless occupied.

2. Access from TPAC into City Hall is prohibited except by the Stage Manager for show related issues.
3. The Wellness Center should be accessed only from the main door on the east end of the room near the elevator. Ingress and egress to the main Wellness Center door should be from the east garage door area, tunnel from City Hall, or the municipal court doors and elevator.
4. Business access to the municipal court and City council chambers should be primarily from the south exterior doors. While events are in session or the Facility is in the process of being setup, teardown, or rehearsals there will be limited access available to areas that are secured, such as TPAC offices and storage areas. Access through the tunnel and elevator requires all employees to stop at the first floor and proceed through the security station before advancing to the court and council chambers. Failure to do so may result in disciplinary action of the City staff. Access is not permissible via the TPAC access door adjacent to the security station.

G. Utilities and Energy Conservation. The City shall provide at its expense water, electricity, gas, and waste management services to the Facility. City and TPAC shall abide by industry standards to reduce energy consumption and eliminate all unnecessary energy consumption.

H. Storage Access and Egress. City and TPAC shall abide by standards concerning storage and maintenance of clear emergency egress paths on the lower level of the Facility and to all exists to the exterior of the building.

1. The TPAC storage areas are off limits to City employees unless storing or removing documents or materials. Access to the storage locations must be requested in advance by submitting a work order request to the Division of Buildings and General Services.
2. No access to the storage areas is permitted during shows and rehearsals.
3. A clear path will be maintained in the tunnel area at all times for easy egress and fire code compliance. This area will remain free of boxes, equipment, and other stored items.
4. Storage assignment rooms are designated for City use under the seating within and around the auditorium. See EXHIBIT B attached Storage Assignment Map.

I. Fire Safety. Fire safety is the primary responsibility of the TPAC management and staff. TPAC will notify the City if there is a failure in any signage or system functionality at their earliest opportunity. TPAC will ensure that training is conducted for staff on evacuation procedures should there be an emergency during a performance. The following are essential functions to be performed:

1. The City will maintain the fire alarm system and conduct annual inspections and testing to ensure the system is operational.
 2. The City and TPAC shall abide by the plan to test the fire alarm system for the Facility, as well as fire drills and routine inspection of Life Safety Code equipment.
 3. Both parties will be responsible for maintaining the system in the Facility in accordance with the provisions of the fire code.
 4. TPAC will not exceed the maximum occupancy within any part of the building.
 5. The City will maintain proper fire exits and proper exit signage (e.g., exit signs that can function in a power failure).
 6. Both parties will be responsible for ensuring all fire extinguishers are properly placed within the Facility and within usage date.
 7. Flammable materials are prohibited in restricted areas of the Facility.
 8. Both parties shall perform monthly building inspections on or before the fifteenth (15) day of each month for fire safety violations.
- J. Snow and Ice Removal and Preparation Responsibilities. TPAC and the City share snow and ice removal and preparation responsibilities on the sidewalks serving the south end of the building to include the entrances to TPAC and municipal court. The attached areas illustrated by border on EXHIBIT C delineates the areas of responsibility and the City code defines the timelines for clearing of the sidewalks. Any issues regarding snow or ice removal or preparation requires coordination between the City's Division of Buildings and General Services and TPAC staff. Special coordination is required for snow removal or preparation in support of weekend events. TPAC is responsible for notifying the City's Division of Building and General Services if there is a need outside of normal operating hours for snow or ice removal services or preparation. The attached EXHIBIT C map serves as the weekday baseline for snow clearance.
- K. Facility Emergency and Nonemergency Call. TPAC shall reimburse the City for actual costs incurred by the City to respond to a nonemergency call. Concluding the nonemergency call made by TPAC as an emergency, the City will issue an itemized invoice to TPAC for the costs incurred for responding and remedying the nonemergency call. TPAC shall not be responsible for reimbursing the City for responses to emergency calls. For the purpose of this section, emergency shall be defined as any situation that, if not resolved immediately, could present an imminent threat of property loss or damage to the Facility or its contents, threat of injury or harm to Facility occupants, or adversely affect the comfort level to a majority of Facility

occupants. Total loss of heating, ventilation, cooling, plumbing, utilities, flooding due to water line breaks, or ceiling leaks will always constitute an emergency.

- L. Damages. TPAC shall be solely responsible for the repair of any damage to the Facility directly caused by the negligent or intentional acts or omissions of TPAC's employees, agents, licensees, and invitees. Further, TPAC staff shall promptly notify the City's Division of Buildings and General Services of any damage to the Facility along with an estimate of the damage and the date by which the repairs shall be completed by TPAC. If TPAC shall fail to make the repairs as stated in the issued TPAC notice of damage to the City, an opportunity to cure within thirty (30) days will be issued in writing by the City. If the repairs have not been made under the terms of the notice to cure, the City shall have the right to make such repairs and submit an invoice to TPAC for all costs associated with the repair.

ARTICLE III Terms of Agreement

- A. Term. This Agreement shall commence on date executed above and shall continue for a term ending December 31, 2026, unless terminated under any provision as provided herein.
- B. Renewals. This agreement may be renewed for two (2) additional two (2) year periods under the same terms and conditions, by written agreement of the parties. Prior to the expiration of any contract term resulting from this initial agreement, TPAC must provide a written request to the City Manager or their designee a ninety (90) day notice of their intent to renew this Agreement. The City shall inform TPAC in writing of its intent to either approve or deny each renewal request within thirty (30) days of receipt of the renewal request. If the City denies any written renewal request, the City shall provide in the notice of denial sufficient justification for such decision, which may include but not be limited to the failure of TPAC either to comply with a material provision of this Agreement or to perform in a manner that conforms to the purpose and intent of this Agreement.
- C. Termination. This Agreement shall automatically terminate on the date stated above or on any date agreed to by both parties, either as a result of renewal agreement or otherwise. The parties may agree in a writing of equal formality to terminate this Agreement and any of its provisions at any time. The termination of this Agreement shall not release either party from any obligation to the other party, financial or otherwise, which has accrued or is due and owing as of the termination date. In the event this Agreement is terminated by the City, the City shall retake possession of the Facility and TPAC shall assign all its rights and obligations relating to its management of the Facility to the City.
- D. Termination for Lack of Funding. TPAC agrees that if there are not sufficient funds for the City to continue appropriations to meet its obligations under this Agreement, the City may terminate this Agreement at the end of its then current fiscal year. City shall give written notice

of termination to TPAC at least ninety (90) days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year to the extent it is able to do so. The City agrees that if TPAC is unable to continue its management of the Facility due to a lack of funding, TPAC may terminate this Agreement at the end of its then current fiscal year. TPAC shall give written notice of termination to the City at least ninety (90) days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year to the extent it is able to do so. Termination of the Agreement under this paragraph by either party shall not be considered a breach of the Agreement and shall not cause any penalty or other damages to be assessed against the terminating party.

- E. Indemnification. TPAC covenants and agrees to indemnify and hold harmless the City from and against any and all claims, demands, liabilities and costs, including reasonable attorney's fees, arising from damage or injury, actual or claimed, of whatsoever kind or character, to property or persons occurring or allegedly occurring in, on, or about the Facility, or arising from the negligent or intentional acts or omissions of TPAC, its employees, agents, contractors, licensees or invitees. Provided, however, TPAC has no duty or responsibility to indemnify, protect, defend, and save the City harmless from and against any and all claims, demands, liabilities, and costs arising from the negligent or intentional acts or omissions of the City, its employees or agents.
- F. Hold-harmless. Except as provided herein, neither party agrees to indemnify or hold the other harmless from any and all claims, losses, expenses, fees including attorney fees, costs, and judgments that may be asserted against either party that result from the performance of this Agreement or operation of the Facility. Additionally, both parties agree to waive the right of subrogation against the other for all property and casualty insurance losses.
- G. Fixtures and Equipment. All additions of fixtures and permanent improvements made or placed by TPAC to or upon the Facility shall immediately become and be the property of City and shall remain upon and be surrendered with the Facility as a part thereof, including upon termination of this Agreement or any extension thereof. TPAC will not make any alterations in or additions to the Facility, without obtaining the prior written consent of the City's Division of Buildings and General Services. Notwithstanding the foregoing, those items of personal property and equipment set out in EXHIBIT D, attached hereto and made a part hereof, as well as all replacements thereof or additions thereto, are and will remain the property of TPAC, which will be annually updated on or before December 31 of each year, and significant purchases shall be recorded as assets.

ARTICLE IV

Insurance

- A. Commercial General Liability. At all times during the term of this Agreement TPAC will maintain Commercial General Liability insurance coverage to afford protection for damage

occurring upon the Facility. Such insurance shall be in the amount of one million dollars (\$1,000,000.00) per occurrence for liability, with an annual aggregate limit per policy period of no less than five million dollars (\$5,000,000.00).

- B. TPAC Fire and Extended Coverage. TPAC will maintain fire and extended coverage insurance in an amount adequate to replacing all items of personal property, equipment, and fixtures owned by TPAC and maintained within the Facility during the period of TPAC's occupancy and management.
- C. City Fire and Extended Coverage. The City will maintain fire and extended coverage insurance on the Facility, either through voluntary insurance market products or through self-insurance or a combination of both, during the period of TPAC's occupancy and management of the Facility. City may choose to not repair or replace the Facility in the event a casualty loss or losses make usage of the Facility impracticable, in which case this Agreement shall be terminated with no further obligation on the part of either party.
- D. Annual Coverage Review. At the end of each of the City's fiscal years occurring during this Agreement, the City and TPAC will review the insurance coverage maintained by each party to this Agreement and each agree by this provisions to maintain such coverage as has hereto described and to immediately cure any deficiencies in coverage found to exist. Both parties agree to cooperate with the other in effecting the annual review of coverage contemplated by this provision and to the extent that one party fails to provide evidence of insurance, the affected party may secure such required insurance and charge the other party the amount of the premium paid.
- E. Additional Insurer. Both parties agree to name the other party as an additional insured on any required policies under this Article.

ARTICLE V Default

- A. Default by TPAC. Upon the occurrence of any of the events of default described below, the City may give TPAC written notice specifically stating the default and advise TPAC that if the default is not cured within ninety (90) days, the City may commence legal action requiring specific performance and/or terminate the Agreement. If TPAC cures the default during the cure period of ninety (90) days from the date the notice is received to the satisfaction of the City, the notice of termination shall lapse and be of no further effect. However, if the event of default has not been cured, the City may commence legal action for specific performance and/or terminate this Agreement. The following shall be deemed events of default ("Events of Default") by TPAC hereunder:
 - 1. During the Agreement TPAC shall (a) become insolvent, (b) make an assignment for the benefit of creditors, (c) call a meeting of creditors for the composition of debts, or

(d) there shall be filed by or against TPAC a petition in bankruptcy or for the reorganization or if a custodian, receiver or agent is appointed or authorized to take charge of any of the properties of TPAC; or

2. TPAC shall fail to perform any covenant or agreement herein contained. Upon termination of this Agreement, TPAC's rights to possession and management of the Facility shall cease and the City shall take possession of the Facility for any remainder of any term. The City shall have such other rights and remedies as may be provided under Kansas Law and equity.

B. Default by City. Upon the occurrence of any of the events of default described below, TPAC may give the City written notice specifically stating the default and advise the City that if the default is not cured within ninety (90) days, TPAC may commence legal action requiring specific performance and/or terminate the Agreement. If the City cures the default during the cure period of ninety (90) days from the date the notice is received to the satisfaction of TPAC, the notice of termination shall lapse and be of no further effect. However, if the event of default has not been cured, TPAC may commence legal action for specific performance and/or terminate this Agreement. The following shall be deemed events of default ("Events of Default") by the City hereunder:

1. The City shall become insolvent or file or have filed against it, a petition in bankruptcy or for reorganization; or
2. The City shall fail to perform any covenant or agreement herein contained. Upon such an Event of Default, TPAC shall have the rights and remedies available under applicable law and equity and shall be entitled to obtain a judgment requiring the City's specific performance hereof, time being of the essence.

ARTICLE VI General Provisions

A. Notices. All written notices between the parties relating to this Agreement shall be deemed to be sufficiently given if mailed, postage prepaid, by certified or registered mail, return receipt requested, addressed as follows:

If to the TPAC:

Shane Grau, Board President
Topeka Performing Arts Center, Inc.
214 SE 8th Avenue
Topeka, Kansas 66603

If to the City:

Brenda Younger, City Clerk

City of Topeka
215 SE 7th St, Room 166
Topeka, Kansas 66603

- B. Rights and Remedies. The rights and remedies reserved by City and TPAC herein and those provided by law shall be construed as cumulative and continuing rights. No one of them shall be exhausted by the exercise thereof on one or more occasions. Unless otherwise provided within this Agreement, the City and TPAC shall each be entitled to specific performance, and injunctive or other equitable relief for any breach or threatened breach of any of the provisions of this Agreement, notwithstanding the availability of an adequate remedy at law, and each party hereby waives the right to raise such defense in any proceeding in equity.
- C. Waiver of Breach. No waiver of any breach of any covenant or agreement herein contained shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement. In case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults which were in existence at the time such payment or payments or performance were accepted by it. This Agreement shall be construed against any such implicit waiver or renunciation of right after breach.
- D. City and TPAC Shall Not Unreasonably Withhold Consents and Approvals; Manner Of Consents. Wherever in this Agreement it is provided that the City or TPAC shall, may, or must give its approval or consent, or execute supplemental agreements, exhibits or schedules, the City or TPAC shall not unreasonably, arbitrarily, or unnecessarily withhold, delay or refuse to give such approvals or consents or refuse to execute such supplemental agreements, exhibits or schedules. In the case of the City, its consent shall be obtained as follows:
1. TPAC shall give notice to the City. The City Manager or their designee, shall take such action as may be necessary to consent or withhold consent as the case may be. In the event the City Manager or their designee withholds or delays consent, then TPAC shall have the right within ten (10) calendar days to appeal such refusal to the Governing Body, and the Governing Body shall take action concerning the appeal at its next regularly held City Council meeting. Unless otherwise provided herein, if the Governing Body unreasonably withholds or delays its consent, TPAC may seek a determination from a court of appropriate jurisdiction that the City is unreasonably withholding or delaying such consent.
- E. Quiet Enjoyment. The City covenants that unless an Event of Default has occurred with respect to TPAC, TPAC shall not be in default under this Agreement, TPAC shall and may

peaceably and quietly operate and manage the Facility and the City will defend TPAC's rights herein against all parties; and the City will not disturb TPAC's possession and operation of the Facility.

- F. Due Organization of City. City covenants that it is a municipal corporation duly organized and existing under the laws of the State of Kansas, with lawful power and authority to enter into this Agreement, acting by and through its duly authorized officials.
- G. Additional Covenants of TPAC. TPAC covenants that it is a nonprofit corporation duly organized and existing under the laws of the State of Kansas, with lawful power and authority to enter into this Agreement, acting by and through its duly authorized officers. The execution of this Agreement and the performance of the terms of this Agreement by TPAC will not result in a breach of any of the terms of, or constitute a default under, any indenture, mortgage, deed of trust, lease, or other agreement or instrument to which TPAC is a party or by which it or any of its property is bound, or TPAC's Articles of Incorporation or Bylaws, or any order, rule or regulation applicable to TPAC or its property or any court or other governmental body.
- H. Amendments. This Agreement shall only be amended, changed or modified in writing executed by City and TPAC, with the same formalities as this Agreement.
- I. Construction and Enforcement. This Agreement shall be construed and enforced in accordance with the laws of Kansas. Wherever in this Agreement it is provided that either party shall or will make any payment or perform or refrain from performing any act or obligation, each such provision shall, even though not so expressed, be construed as an express covenant to make such payment or to perform, or not to perform, as the case may be, such act or obligation.
- J. Invalidity of Provisions of Agreement. If for any reason any provision hereof shall be determined to be invalid or unenforceable, the validity and effect of the other provisions hereof shall not be affected thereby.
- K. No Third Party Beneficiaries. The parties hereto expressly agree that no party other than TPAC or the City is intended to obtain any right or interest pursuant to this Agreement and no such third party shall be entitled to make any claim or obtain any relief on the basis of this Agreement.
- L. Paragraph Headings. The paragraph headings shall not be treated as a part of this Agreement or as affecting the true meaning of the provisions hereof.
- M. Execution of Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

- N. Complete Agreement. This Agreement and the exhibits and schedules hereto set forth all promises, covenants, agreements, conditions, and understanding between the parties hereto with respect to the subject matter hereof, and supersedes all prior contemporaneous agreements and understandings, letter agreements, inducements, or conditions, express or implied, orally, or written, except as herein contained.
- O. No Partnerships or Agency. Nothing herein contained shall be construed or held to make the City a partner, joint-venturer or associate of TPAC in the conduct of its business, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.
- P. Other Agreements or Instruments. TPAC and the City agree to execute and deliver such other documents, agreements, or instruments as may be necessary or convenient to effect the purposes of this Agreement and to comply with any of the terms thereof.
- Q. Covenant of Good Faith. Every duty, right, or obligation contained in this Agreement imposes an obligation of good faith in its performance or enforcement. For the purposes of the Agreement, "good faith" dealing means honesty in fact in the conduct or the transaction concerned.
- R. Assignment. Neither the City nor TPAC shall in any manner assign, mortgage, pledge, sell, or in any manner transfer, convey, or dispose of this Agreement or any interest therein or part thereof.
- S. Encumbrances. TPAC shall not do or suffer anything to be done whereby the Facility, or any part thereof, may be encumbered by a mechanics lien or similar lien, or mortgage. Further, TPAC shall not similarly encumber or pledge any benefits due it under this Agreement.
- T. Non-Discrimination. TPAC agrees: (a) to comply with all federal, state, and local laws and ordinances prohibiting unlawful discrimination and to not unlawfully discriminate against any person because of age, color, disability, familial status, gender identity, genetic information, national origin or ancestry, race, religion, sex, sexual orientation, veteran status, or any other classification protected by law in the admission or access to, or treatment, or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer;" and (c) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor. TPAC understands and agrees that the failure to comply with the requirements of this paragraph may constitute a breach of contract, and the contract may be cancelled, terminated, or suspended, in whole or in part, by the City. In the event the City is required to enter into a voluntary compliance plan to resolve a discrimination investigation, suit, or other such

proceeding, TPAC and the City will jointly work together to comply with the requirements contained in that plan.

U. Termination for Loss of Property Tax Exemption. This Agreement shall terminate immediately if the use of the Facility by TPAC under this Agreement would cause the City to lose its property tax exemption under K.S.A.79-201a.

V. Signatures. This Agreement may be signed by fax or electronic signature, which will be deemed to be an original signature. This contract may be executed in counterparts, each of which shall be deemed to be an original, and all of which shall be deemed to constitute one and the same instrument.

W. Kansas Open Records Act. Notwithstanding any language to the contrary, TPAC must comply with all the requirements of the Kansas Open Records Act in providing services under this Agreement. Furthermore, nothing in this Agreement shall be prevent the City of Topeka from complying with its obligations under the Kansas Open Records Act, as determined upon the advice of the City of Topeka’s legal counsel.

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

CITY OF TOPEKA, KANSAS

Robert M. Perez, Ph.D., City Manager

ATTEST:

Brenda Younger, City Clerk

APPROVED AS TO FORM AND LEGALITY

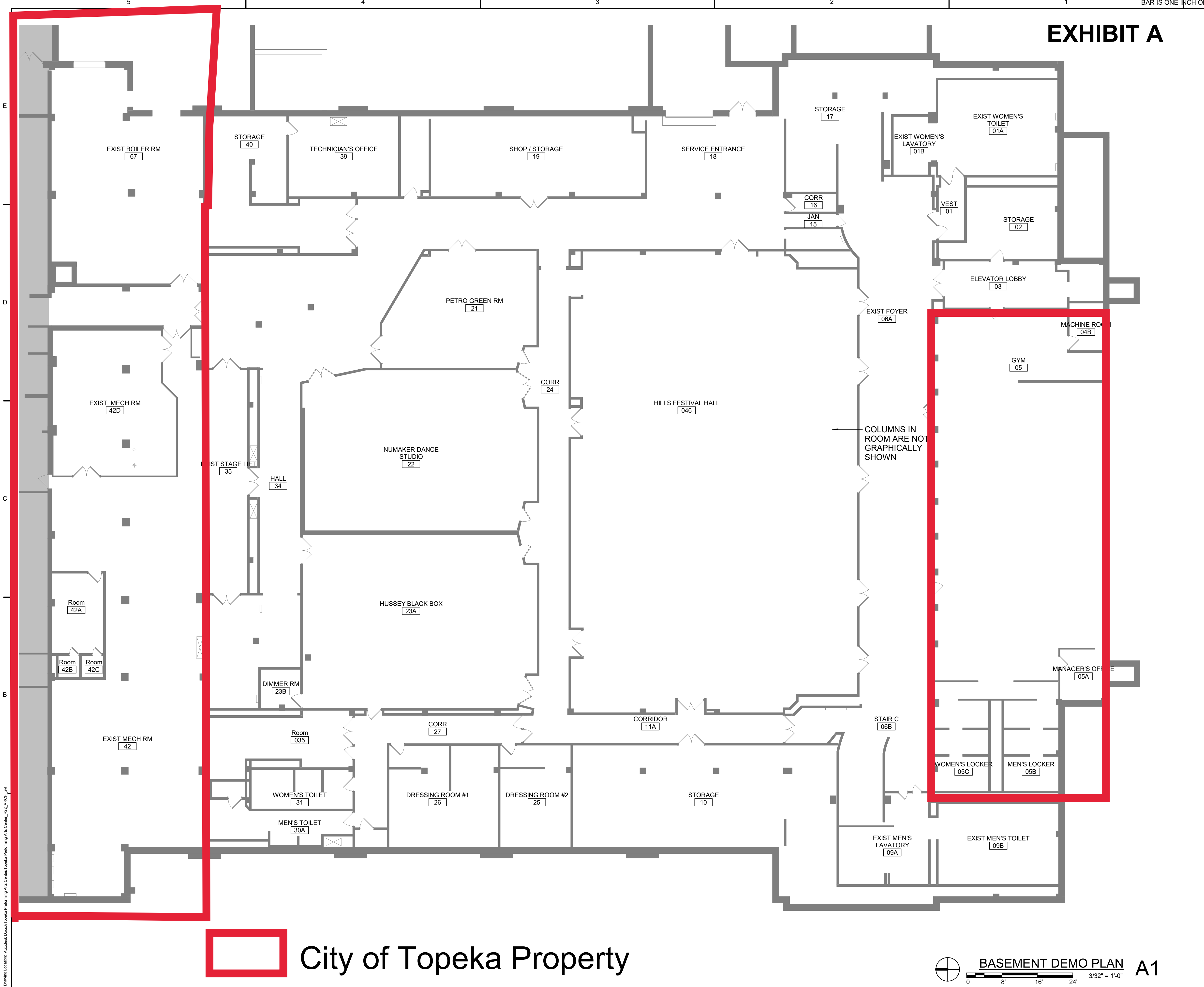
DATE _____ BY _____

TOPEKA PERFORMING ARTS CENTER, INC.

Shane Grau, Board President

ATTEST:

EXHIBIT A



GENERAL DEMOLITION NOTES

- A. THIS BUILDING IS LISTED ON THE NATIONAL HISTORIC REGISTER. ANY WORK UNDERTAKEN BY THIS PROJECT WILL COMPLY WITH THE SECRETARY OF THE INTERIORS STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES.
- B. IT SHALL BE THE PRIORITY OF THE CONTRACTOR PERFORMING DEMOLITION TO PRESERVE, RESTORE AND PROTECT THE EXTERIOR APPEARANCE OF THE BUILDING ALONG WITH ANY HISTORIC FEATURES - EXTERIOR AND INTERIOR TO THE BUILDING - IDENTIFIED OR UNCOVERED DURING SELECTIVE DEMOLITION.
- C. THE GC SHALL VERIFY BUILDING AND SITE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- D. THE GC SHALL COORDINATE ARCHITECTURAL, STRUCTURAL, CIVIL, MECHANICAL, ELECTRICAL, AND PLUMBING WORK AND ALL SUBCONTRACTORS FOR DEMOLITION AND REPAIR WORK.
- E. IT IS THE INTENT OF THESE DRAWINGS TO INDICATE THE REMOVAL OF ALL ITEMS WHICH INTERFERE WITH THE FINAL CONSTRUCTION AS SHOWN ON THE FLOOR PLANS, ELEVATIONS, DETAILS, AND SCHEDULES.
- F. TYP. ITEMS TO BE DEMOLISHED SHALL BE REMOVED IN THEIR ENTIRETY, BACK TO THE ORIGINAL SOURCE. SURROUNDING MATERIALS WHICH ARE DISTURBED OR DEMOLISHED THAT ARE SCHEDULED TO REMAIN SHALL BE PATCHED WITH LIKE SURROUNDING MATERIALS, TYP. SALVAGE HISTORIC LIGHT FIXTURES FOR REUSE AS INDICATED.
- G. NON HISTORIC MATERIALS TO BE DEMOLISHED SHALL BE AT THE CONTRACTORS DISCRETION, BUT IS ENCOURAGED, TO RECYCLE THESE MATERIALS.
- H. HISTORIC INTACT DOORS, WINDOWS, OR OTHER ORIGINAL BUILDING MATERIALS DESIGNATED FOR REMOVAL AND/OR ARE FOUND ON SITE THAT ARE NOT DESIGNATED FOR REUSE SHALL BE STORED ON SITE, IN THE BUILDING THEY ORIGINATED FROM, FOR THE OWNER.
- I. NOTIFY ARCHITECT IF DEMOLITION WORK UNCOVERS DAMAGED STRUCTURAL COMPONENTS NOT NOTED TO BE REPAIRED.
- J. COORDINATE REMOVAL AND/OR SALVAGE OF EXIST FIRE SPRINKLER EQUIPMENT, MECHANICAL EQUIPMENT, FIRE ALARM PANELS, ALARM PULL STATIONS, FIRE HOSE CABINETS, ELECTRICAL PANELS, TELEPHONE PANELS, FUSE BOXES, PIPING, CONDUIT, ETC. WITH MEP DRAWINGS.
- K. REMOVE EXIST BUILDING WALLS, DOORS, BUILDING COMPONENTS AS INDICATED ON THE DRAWINGS, INCLUDING MECHANICAL, ELECTRICAL, PLUMBING, AND STRUCTURAL DRAWINGS. CAREFULLY REMOVE OR DISMANTLE ITEMS SCHEDULED FOR REUSE OR SALVAGE FOR OWNER.
- L. PROTECT ALL FLOOR, WALL AND CEILING SURFACES SCHEDULED TO REMAIN DURING DEMOLITION AND CONSTRUCTION ACTIVITIES, INCLUDING BUT NOT LIMITED TO TERRAZZO FLOORINGS, MARBLE, AND PLASTER FINISHES.
- M. REMOVE THE LEAST AMOUNT OF EXIST PLASTER CEILING NECESSARY TO REMOVE EXIST AND INSTALL NEW HVAC EQUIP.
- N. DEMOLISH CONCRETE FLOOR SLABS AS REQUIRED TO INSTALL NEW MEP SYSTEMS AND FLOOR DRAINS - REF. MEP DRAWINGS.
- O. REF ROOF DEMOLITION PLAN FOR ROOF DEMOLITION WORK.
- P. GC SHALL COORDINATE WITH OWNER FOR HAZARDOUS MATERIAL ASSESSMENTS AND ABATEMENTS AS REQUIRED.
- R. AT BUILDING EXTERIOR - REMOVE UNUSED CONDUIT OR PIPING, MISCELLANEOUS FASTENERS, ANTENNAS, CABLE/TELEPHONE/SECURITY BOXES, VARIOUS SCREWS AND NAILS, UNUSED DOWNSPOUT HARDWARE, AND VINES, ETC. ATTACHED TO BUILDING.
- S. REMOVE ITEMS OF DEMOLITION WORK FROM THE PROJECT DAILY AND DISPOSE OF PROPERLY.
- T. REMOVE NON-HISTORIC FLOOR FINISHES DOWN TO EXIST CONCRETE SLAB OR DECK, UNO.
- U. PROVIDE SHORING AS NECESSARY AT REMOVED DOORS IN WALLS TO REMAIN.
- V. AT CONNECTIONS OF NON-HISTORIC WALLS TO BE REMOVED TO HISTORIC WALLS TO REMAIN PROTECT HISTORIC WALL FINISHES, CAREFULLY REMOVE NON-HISTORIC MATERIALS, AND PROVIDE CLEAN FINAL APPEARANCE.
- W. PROTECT TERRAZZO FLOORING & METAL TRIM, STAIRS & RAILINGS FROM DAMAGE DURING DEMOLITION & CONSTRUCTION.
- X. PROTECT CENTRAL CORE COMPONENTS INCLUDING WALLS, WALL FINISHES, DOORS, TRIM, ELEVATOR, STAIRS, & RAILINGS FROM DAMAGE DURING THE WORK.
- Y. REPAIR OR REPLACE ANY EXIST MATERIALS INCLUDING BUT NOT LIMITED TO: DOORS, TRIM, WALL OR CEILING SURFACES, ETC. - WHICH ARE SCHEDULED TO REMAIN THAT ARE DAMAGED DURING CONSTRUCTION WITH MATERIALS IN-KIND MATCHING DIMENSION, PROFILE, MATERIAL, TEXTURE, AND FINISH.
- Z. PROTECT EXIST TREES, PLANTINGS, AND LANDSCAPING TO REMAIN DURING EXTERIOR WORK.
- ZA. PROTECT ELEVATOR AND ELEVATOR DOORS.
- ZB. REMOVE CONCRETE CURB WHERE HISTORIC WALLS ARE REMOVED. GRIND DOWN TO CREATE SMOOTH FLUSH SURFACE THAT MATCHES HEIGHT OF EXIST SURROUNDING FLOOR.
- ZC. ALL LIGHT FIXTURES THAT HAVE TO BE REMOVED FOR NEW HVAC INSTALLATION SHALL BE SALVAGED FOR REUSE AFTER HVAC INSTALLATION IS COMPLETE.

DEMOLITION LEGEND

- REMOVE WALL
- REMOVE PIPE
- REMOVE DOOR
- EXISTING WALL

#	DATE	DESCRIPTION
1	03/19/2024	ASI 001

Bartlett & West
 1200 SW Executive DR. - Topeka, KS 66615
 (785) - 272 - 2252
 www.bartlettwest.com

BASEMENT DEMO PLAN
 CITY OF TOPEKA
 TOPEKA MUNICIPAL BUILDING: TPAC HVAC PROJECT
 214 SE 8th Street, Topeka, KS 66603



DESIGNED BY:	BMH
DRAWN BY:	BMH
APPROVED BY:	KVK
DESIGN PROJ:	HP0693.0001.00
CONST PROJ:	---
SCALE:	AS NOTED
DATE:	11/10/2023
DRAWING NO:	AD100

City of Topeka Property



ALL RIGHTS RESERVED. ALL BARTLETT & WEST PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISPLAYED PUBLICLY, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST.

GENERAL DEMOLITION NOTES

- A. THIS BUILDING IS LISTED ON THE NATIONAL HISTORIC REGISTER. ANY WORK UNDERTAKEN BY THIS PROJECT WILL COMPLY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES.
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- V. AT CONNECTIONS OF NON-HISTORIC WALLS TO BE REMOVED TO HISTORIC WALLS TO REMAIN PROTECT HISTORIC WALL FINISHES, CAREFULLY REMOVE NON-HISTORIC MATERIALS, AND PROVIDE CLEAN FINAL APPEARANCE.
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- ZA. PROTECT ELEVATOR AND ELEVATOR DOORS.
- ZB. REMOVE CONCRETE CURB WHERE HISTORIC WALLS ARE REMOVED, GRIND DOWN TO CREATE SMOOTH FLUSH SURFACE THAT MATCHES HEIGHT OF EXIST SURROUNDING FLOOR.
- ZC. ALL LIGHT FIXTURES THAT HAVE TO BE REMOVED FOR NEW HVAC INSTALLATION SHALL BE SALVAGED FOR REUSE AFTER HVAC INSTALLATION IS COMPLETE.

DEMOLITION LEGEND

- REMOVE WALL
- REMOVE PIPE
- REMOVE DOOR
- EXISTING WALL

DEMO KEYNOTES

MARK	DESCRIPTION
D01	REMOVE HISTORIC CLAY TILE WALL & TERRAZZO/CONCRETE BASE PER DETAIL ON SHEET 101. PROTECT SURROUNDING HISTORIC MATERIAL TO REMAIN.
D02	DISMANTLE & SALVAGE HISTORIC DOOR AND FRAME TO OWNER.

#	DATE	DESCRIPTION
1	03/19/2024	ASI 001

Bartlett & West
 1200 SW Executive DR. - Topeka, KS 66615
 (785) - 272 - 2252
 www.bartlettwest.com

FIRST FLOOR DEMO PLAN
 CITY OF TOPEKA
 TOPEKA MUNICIPAL BUILDING: TPAC HVAC PROJECT
 214 SE 8th Street, Topeka, KS 66603

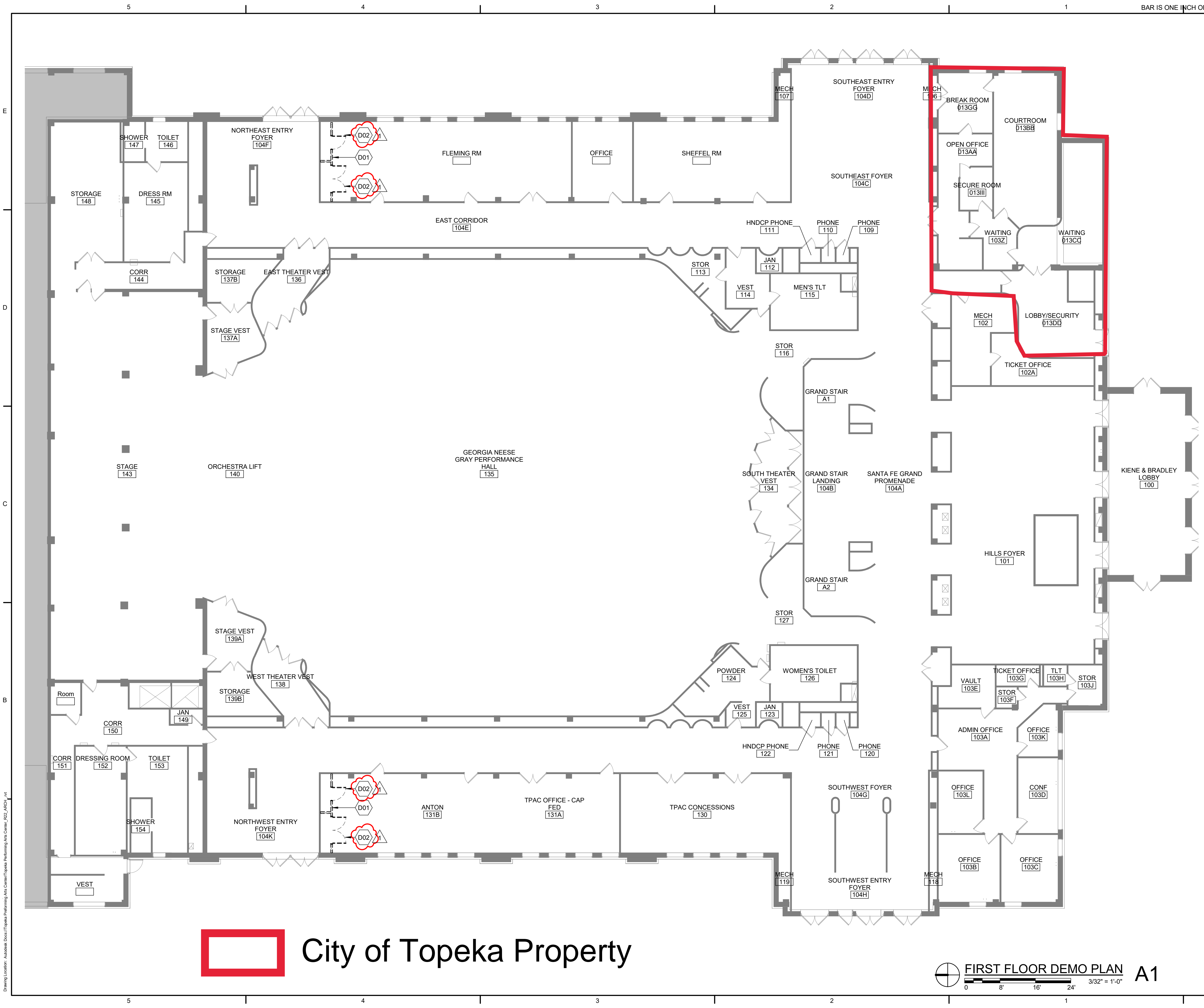


DESIGNED BY:	BMH
DRAWN BY:	BMH
APPROVED BY:	KVK
DESIGN PROJ:	HP0693.0001.00
CONST PROJ:	---
SCALE:	AS NOTED
DATE:	11/10/2023
DRAWING NO:	AD101

AD101

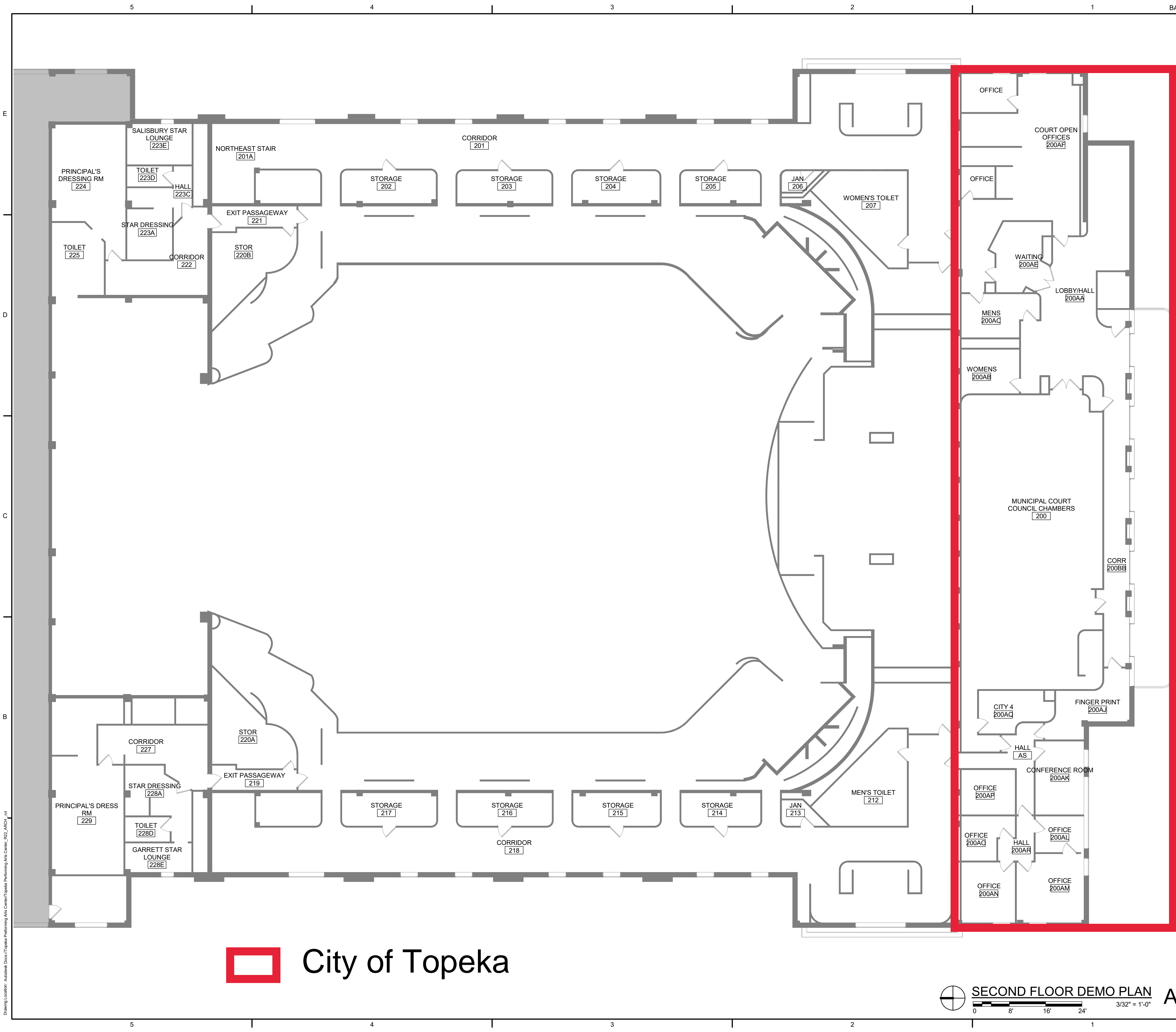
City of Topeka Property

FIRST FLOOR DEMO PLAN A1
 0 8' 16' 24' 3/32" = 1'-0"



Drawing Location: A:\work\Draw\Topeka_Performing_Arts_Center\Topeka_Performing_Arts_Center_1022_ARCHD1.rvt

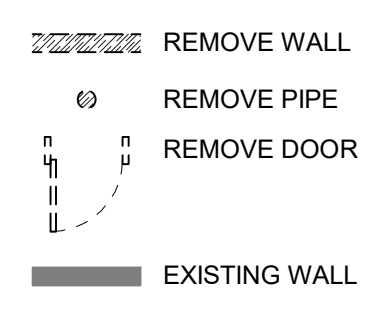
ALL RIGHTS RESERVED. ALL BARTLETT & WEST PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISPLAYED PUBLICLY, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST.



GENERAL DEMOLITION NOTES

- A. THIS BUILDING IS LISTED ON THE NATIONAL HISTORIC REGISTER. ANY WORK UNDERTAKEN BY THIS PROJECT WILL COMPLY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES.
- B. IT SHALL BE THE PRIORITY OF THE CONTRACTOR PERFORMING DEMOLITION TO PRESERVE, RESTORE AND PROTECT THE EXTERIOR APPEARANCE OF THE BUILDING ALONG WITH ANY HISTORIC FEATURES - EXTERIOR AND INTERIOR TO THE BUILDING - IDENTIFIED OR UNCOVERED DURING SELECTIVE DEMOLITION.
- C. THE GC SHALL VERIFY BUILDING AND SITE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- D. THE GC SHALL COORDINATE ARCHITECTURAL, STRUCTURAL, CIVIL, MECHANICAL, ELECTRICAL, AND PLUMBING WORK AND ALL SUBCONTRACTORS FOR DEMOLITION AND REPAIR WORK.
- E. IT IS THE INTENT OF THESE DRAWINGS TO INDICATE THE REMOVAL OF ALL ITEMS WHICH INTERFERE WITH THE FINAL CONSTRUCTION AS SHOWN ON THE FLOOR PLANS, ELEVATIONS, DETAILS, AND SCHEDULES.
- F. TYP. ITEMS TO BE DEMOLISHED SHALL BE REMOVED IN THEIR ENTIRETY, BACK TO THE ORIGINAL SOURCE. SURROUNDING MATERIALS WHICH ARE DISTURBED OR DEMOLISHED THAT ARE SCHEDULED TO REMAIN SHALL BE PATCHED WITH LIKE SURROUNDING MATERIALS, TYP. SALVAGE HISTORIC LIGHT FIXTURES FOR REUSE AS INDICATED.
- G. NON HISTORIC MATERIALS TO BE DEMOLISHED SHALL BE AT THE CONTRACTOR'S DISCRETION, BUT IS ENCOURAGED, TO RECYCLE THESE MATERIALS.
- H. HISTORIC INTACT DOORS, WINDOWS, OR OTHER ORIGINAL BUILDING MATERIALS DESIGNATED FOR REMOVAL AND/OR ARE FOUND ON SITE THAT ARE NOT DESIGNATED FOR REUSE SHALL BE STORED ON SITE, IN THE BUILDING THEY ORIGINATED FROM, FOR THE OWNER.
- I. NOTIFY ARCHITECT IF DEMOLITION WORK UNCOVERS DAMAGED STRUCTURAL COMPONENTS NOT NOTED TO BE REPAIRED.
- J. COORDINATE REMOVAL AND/OR SALVAGE OF EXIST FIRE SPRINKLER EQUIPMENT, MECHANICAL EQUIPMENT, FIRE ALARM PANELS, ALARM PULL STATIONS, FIRE HOSE CABINETS, ELECTRICAL PANELS, TELEPHONE PANELS, FUSE BOXES, PIPING, CONDUIT, ETC. WITH MEP DRAWINGS.
- K. REMOVE EXIST BUILDING WALLS, DOORS, BUILDING COMPONENTS AS INDICATED ON THE DRAWINGS, INCLUDING MECHANICAL, ELECTRICAL, PLUMBING, AND STRUCTURAL DRAWINGS. CAREFULLY REMOVE OR DISMANTLE ITEMS SCHEDULED FOR REUSE OR SALVAGE FOR OWNER.
- L. PROTECT ALL FLOOR, WALL AND CEILING SURFACES SCHEDULED TO REMAIN DURING DEMOLITION AND CONSTRUCTION ACTIVITIES, INCLUDING BUT NOT LIMITED TO TERRAZZO FLOORINGS, MARBLE, AND PLASTER FINISHES.
- M. REMOVE THE LEAST AMOUNT OF EXIST PLASTER CEILING NECESSARY TO REMOVE EXIST AND INSTALL NEW HVAC EQUIP.
- N. DEMOLISH CONCRETE FLOOR SLABS AS REQUIRED TO INSTALL NEW MEP SYSTEMS AND FLOOR DRAINS - REF. MEP DRAWINGS.
- O. REF ROOF DEMOLITION PLAN FOR ROOF DEMOLITION WORK.
- P. GC SHALL COORDINATE WITH OWNER FOR HAZARDOUS MATERIAL ASSESSMENTS AND ABATEMENTS AS REQUIRED.
- R. AT BUILDING EXTERIOR - REMOVE UNUSED CONDUIT OR PIPING, MISCELLANEOUS FASTENERS, ANTENNAS, CABLE/TELEPHONE/SECURITY BOXES, VARIOUS SCREWS AND NAILS, UNUSED DOWNSPOUT HARDWARE, AND VINES, ETC. ATTACHED TO BUILDING.
- S. REMOVE ITEMS OF DEMOLITION WORK FROM THE PROJECT DAILY AND DISPOSE OF PROPERLY.
- T. REMOVE NON-HISTORIC FLOOR FINISHES DOWN TO EXIST CONCRETE SLAB OR DECK, UNO.
- U. PROVIDE SHORING AS NECESSARY AT REMOVED DOORS IN WALLS TO REMAIN.
- V. AT CONNECTIONS OF NON-HISTORIC WALLS TO BE REMOVED TO HISTORIC WALLS TO REMAIN PROTECT HISTORIC WALL FINISHES. CAREFULLY REMOVE NON-HISTORIC MATERIALS, AND PROVIDE CLEAN FINAL APPEARANCE.
- W. PROTECT TERRAZZO FLOORING & METAL TRIM, STAIRS & RAILINGS FROM DAMAGE DURING DEMOLITION & CONSTRUCTION.
- X. PROTECT CENTRAL CORE COMPONENTS INCLUDING WALLS, WALL FINISHES, DOORS, TRIM, ELEVATOR, STAIRS, & RAILINGS FROM DAMAGE DURING THE WORK.
- Y. REPAIR OR REPLACE ANY EXIST MATERIALS INCLUDING BUT NOT LIMITED TO: DOORS, TRIM, WALL OR CEILING SURFACES, ETC. - WHICH ARE SCHEDULED TO REMAIN THAT ARE DAMAGED DURING CONSTRUCTION WITH MATERIALS IN-KIND MATCHING DIMENSION, PROFILE, MATERIAL, TEXTURE, AND FINISH.
- Z. PROTECT EXIST TREES, PLANTINGS, AND LANDSCAPING TO REMAIN DURING EXTERIOR WORK.
- ZA. PROTECT ELEVATOR AND ELEVATOR DOORS.
- ZB. REMOVE CONCRETE CURB WHERE HISTORIC WALLS ARE REMOVED. GRIND DOWN TO CREATE SMOOTH FLUSH SURFACE THAT MATCHES HEIGHT OF EXIST SURROUNDING FLOOR.
- ZC. ALL LIGHT FIXTURES THAT HAVE TO BE REMOVED FOR NEW HVAC INSTALLATION SHALL BE SALVAGED FOR REUSE AFTER HVAC INSTALLATION IS COMPLETE.

DEMOLITION LEGEND



 City of Topeka

TREANORHL

#	DATE	DESCRIPTION
1	03/19/2024	ASI 001

Bartlett & West
 1200 SW Executive DR. - Topeka, KS 66615
 (785) - 272 - 2252
 www.bartlettwest.com

SECOND FLOOR DEMO PLAN
 CITY OF TOPEKA
 TOPEKA MUNICIPAL BUILDING: TPAC HVAC PROJECT
 214 SE 8th Street, Topeka, KS 66603



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EXHIBIT B

Outlined areas represent "Catacombs" storage area not pictured on plans between floors 1 and 2

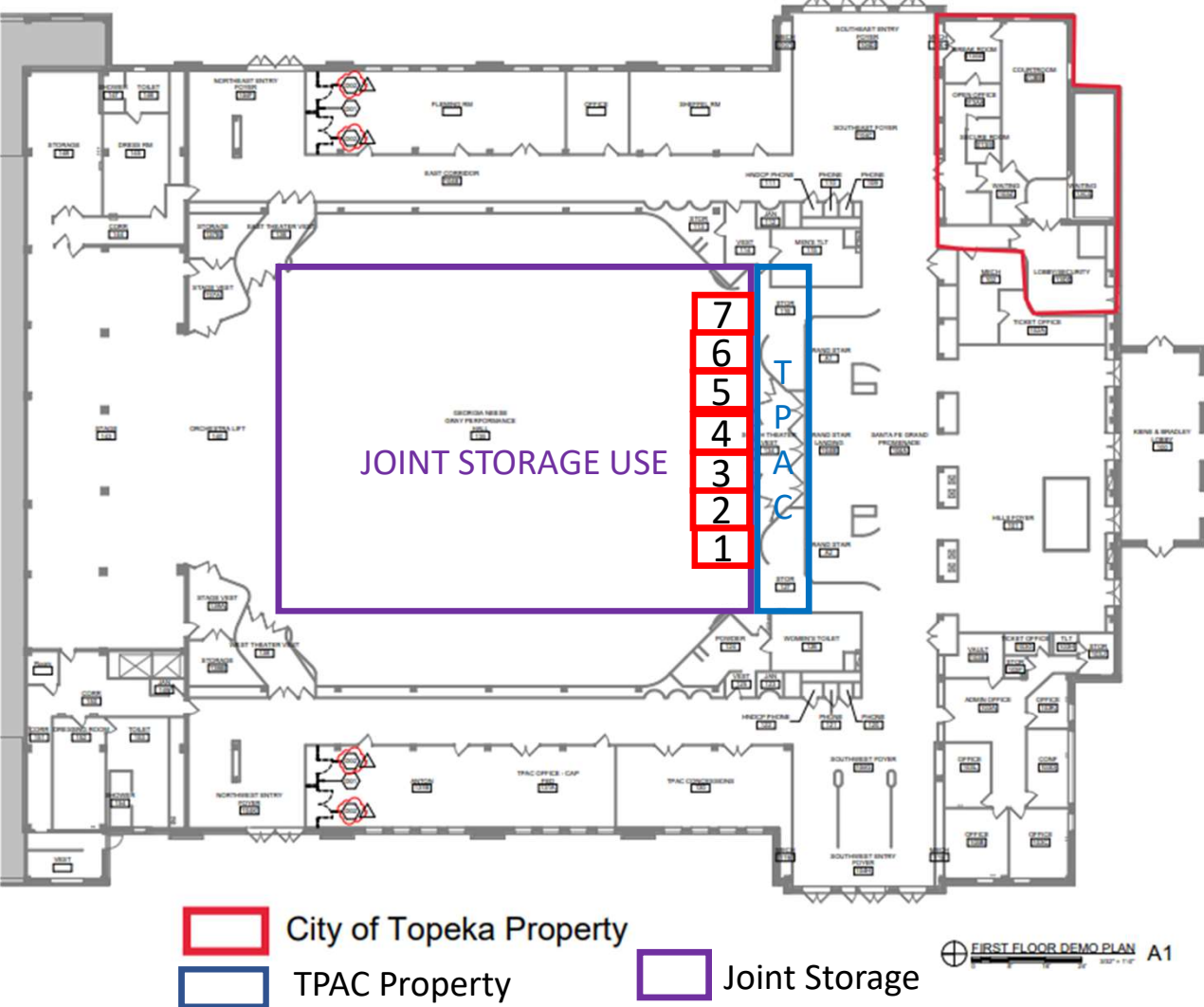


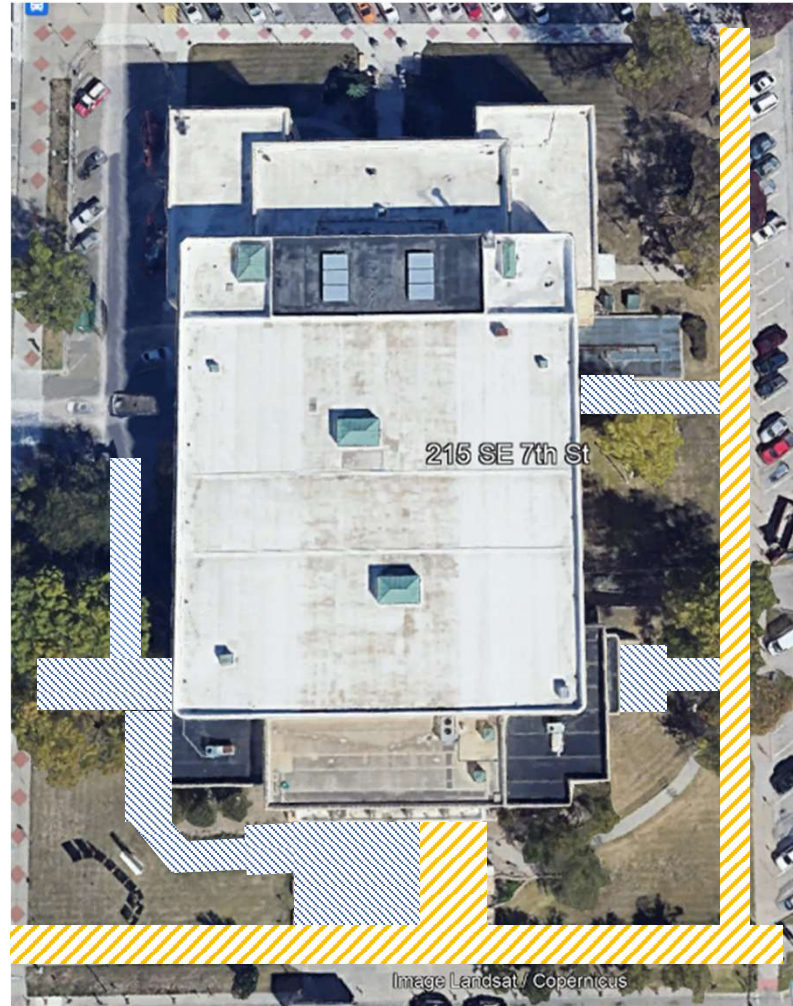


EXHIBIT C

- A. The City of Topeka performs clearance activities during regular business hours Monday through Friday between the hours of 8 a.m. and 5 p.m. in addition to hours in which City sponsored activities are scheduled outside of regular business hours in the Municipal Court facility.
- B. TPAC is responsible for clearance activities otherwise.

-  TPAC Snow Removal
-  City Snow Removal



Topeka Performing Arts Center - Inventory

EXHIBIT D

Dept	Dept No	TPAC #	Description	Date	Life	Amount
Furniture & Equipment	5	200	Office Furniture	Oct-90	5	\$ 7,893.75
Furniture & Equipment	5	210	Norstar Telephone System	Oct-90	5	\$ 7,970.52
Donated Equipment	6	070	Furniture	Jan-91	7	\$ 1,650.00
Furniture & Equipment	5	220	Jenkins Music - Piano	Feb-91	20	\$ 15,000.00
Furniture & Equipment	5	250	Vargas - Furniture	Feb-91	7	\$ 441.00
Furniture & Equipment	5	260	Ed Marlings - Furniture	Feb-91	7	\$ 884.00
Furniture & Equipment	5	270	Linda Lee - Chairs	Feb-91	7	\$ 17,603.07
Furniture & Equipment	5	280	Equipment Kitchen	Feb-91	10	\$ 23,903.05
Furniture & Equipment	5	300	Pennsylvania House - FURN	Feb-91	7	\$ 1,386.14
Furniture & Equipment	5	340	Flagline America	Mar-91	10	\$ 343.27
Furniture & Equipment	5	350	Piano Dolly	Mar-91	5	\$ 394.00
Furniture & Equipment	5	360	Irwin Seating - Theater Chairs	Mar-91	7	\$ 500.00
Furniture & Equipment	5	410	Dressing Room Furniture	Mar-91	7	\$ 1,460.87
Furniture & Equipment	5	420	Music Stands	Mar-91	10	\$ 1,725.00
Furniture & Equipment	5	430	AV Equipment	Mar-91	5	\$ 4,248.26
Furniture & Equipment	5	460	Equipment Kitchen, Bars, concessions	Mar-91	10	\$ 11,237.52
Furniture & Equipment	5	470	Equipment Kitchen, Bars, concessions	Mar-91	10	\$ 18,322.78
Furniture & Equipment	5	480	Card Tables	Mar-91	5	\$ 126.30
Furniture & Equipment	5	490	Blower Motor	Mar-91	5	\$ 706.58
Furniture & Equipment	5	500	Creative Signs	Apr-91	5	\$ 82.00
Furniture & Equipment	5	530	Capital City Office	Apr-91	7	\$ 1,778.73
Furniture & Equipment	5	550	Portable lift	Apr-91	20	\$ 3,900.00
Furniture & Equipment	5	560	Furniture	Apr-91	7	\$ 4,244.00
Furniture & Equipment	5	570	Kitchen Sinks	Apr-91	10	\$ 4,692.81
Furniture & Equipment	5	580	Cardinal	Apr-91	5	\$ 340.80
Furniture & Equipment	5	590	Wolfes	Apr-91	5	\$ 552.57
Furniture & Equipment	5	630	Lamps	May-91	7	\$ 252.54
Furniture & Equipment	5	640	Cardinal - trash cans	May-91	5	\$ 267.12
Furniture & Equipment	5	650	Topeka FM	May-91	5	\$ 413.20
Furniture & Equipment	5	670	Podium	May-91	7	\$ 749.40
Furniture & Equipment	5	680	DL Smith Electrical	May-91	20	\$ 906.00
Furniture & Equipment	5	690	Graphic Impression	May-91	5	\$ 973.56
Furniture & Equipment	5	700	SW Bell Installation	May-91	5	\$ 263.39
Furniture & Equipment	5	720	Cocktail Tables	Jun-91	7	\$ 298.35
Furniture & Equipment	5	750	Elect Identification Sign	Jul-91	5	\$ 31,949.00
Furniture & Equipment	5	770	Furniture - CAP CY OFF PR	Jul-91	7	\$ 7,078.06
Furniture & Equipment	5	780	Love Seat - CAP CY OFF PR	Aug-91	7	\$ 1,989.23
Furniture & Equipment	5	790	Linda Lee Design	Aug-91	7	\$ 4,391.27
Furniture & Equipment	5	800	Laminator - Luggage Slot	Aug-91	7	\$ 61.78
Furniture & Equipment	5	810	Laminator	Sep-91	7	\$ 415.74
Furniture & Equipment	5	820	Table Caddy	Oct-91	7	\$ 862.74
Furniture & Equipment	5	860	Equipment Marketing	Nov-91	10	\$ 938.25
Furniture & Equipment	5	870	Welding Cable & Receptacl	Nov-91	5	\$ 3,205.33
Furniture & Equipment	5	740 & 830	Xenon Followspots & 500 W Quartz Lamps	Nov-91	5	\$ 8,400.40
Furniture & Equipment	5	880	Topeka FM - Dividers	Jan-92	5	\$ 720.00
Furniture & Equipment	5	890	Topeka FM - P50 4 Watt 2 CH	Feb-92	5	\$ 1,055.66
Furniture & Equipment	5	900	Computer Cart	Apr-92	5	\$ 112.43
Furniture & Equipment	5	940	Storage Cabinet	Jul-92	7	\$ 402.31
Furniture & Equipment	5	960	Desks	Jul-92	7	\$ 3,098.57
Furniture & Equipment	5	980	Computer Cart	Aug-92	5	\$ 675.64
Furniture & Equipment	5	1000	MAS 90 Software	Aug-92	5	\$ 2,180.66
Furniture & Equipment	5	1010	Desks and Floor Mats	Sep-92	7	\$ 1,083.99
Furniture & Equipment	5	1020	Filing Cabinet & Chairs	Sep-92	7	\$ 656.32
Furniture & Equipment	5	1030	Computer Printer, Soft	Sep-92	5	\$ 2,986.27
Furniture & Equipment	5	1050	Computer Tables	Oct-92	7	\$ 296.52
Furniture & Equipment	5	1080	Piano Bench	Oct-92	7	\$ 344.18
Furniture & Equipment	5	1090	Music Stand & Lights	Oct-92	7	\$ 450.00

Topeka Performing Arts Center - Inventory

Dept	Dept No	TPAC #	Description	Date	Life	Amount
Furniture & Equipment	5	1070	Computer Tables	Dec-92	7	\$ 148.26
Furniture & Equipment	5	1100	Wireless Microphones	Dec-92	7	\$ 5,938.45
Furniture & Equipment	5	1110	Banquet Tables	Mar-93	7	\$ 666.44
Furniture & Equipment	5	1120	Dance Floor	May-93	20	\$ 1,596.34
Furniture & Equipment	5	1150	Sound Boards	Jun-93	7	\$ 15,800.28
Furniture & Equipment	5	1160	Leko Lights	Jun-93	7	\$ 2,412.00
Furniture & Equipment	5	1170	Lamp Bars, Truss, Connector	Jun-93	7	\$ 12,110.23
Furniture & Equipment	5	1180	Ashley Power AMPS, Limiter	Jun-93	7	\$ 10,261.01
Furniture & Equipment	5	1190	Sound/Light	Jun-93	7	\$ 3,572.75
Furniture & Equipment	5	1210	Lights	Jun-93	7	\$ 2,165.53
Furniture & Equipment	5	1280	Metal Signs	Apr-94	7	\$ 1,017.00
Furniture & Equipment	5	1290	Meridan Telephone	Apr-94	5	\$ 421.34
Furniture & Equipment	5	1310	Desk Unit w/ Files	May-94	7	\$ 1,948.17
Furniture & Equipment	5	1330	Box Office Wide Printer	May-94	7	\$ 783.66
Furniture & Equipment	5	1340	CT 800 Crown AMP	Aug-94	5	\$ 1,345.46
Furniture & Equipment	5	1350	Laserjet 4+ Printer IBM	Aug-94	5	\$ 1,778.06
Furniture & Equipment	5	1430	Various Indoor Signs	Aug-94	7	\$ 783.66
Furniture & Equipment	5	1360	30 30x96 Tables	Sep-94	7	\$ 3,996.00
Furniture & Equipment	5	1370	20 30x72 Tables	Sep-94	7	\$ 2,466.00
Furniture & Equipment	5	1380	35 24x72 Tables	Sep-94	7	\$ 3,969.00
Furniture & Equipment	5	1390	15 Round 5 Ft Tables	Sep-94	7	\$ 2,295.00
Furniture & Equipment	5	1400	5 Round 6 ft Tables	Sep-94	7	\$ 1,064.25
Furniture & Equipment	5	1410	10 Round 30" Tables	Sep-94	7	\$ 1,183.00
Furniture & Equipment	5	1420	Burgandy/Black Chair	Oct-94	7	\$ 169.39
Furniture & Equipment	5	1450	20 Maroon Tablecloths	Nov-94	7	\$ 2,045.22
Furniture & Equipment	5	1460	Strand LBX Control Desk (Light Board)	Dec-94	5	\$ 10,455.78
Furniture & Equipment	5	1470	F9 For Windows Software	Jan-95	5	\$ 143.68
Furniture & Equipment	5	1480	Table Cloths	Oct-95	7	\$ 3,638.49
Furniture & Equipment	5	1540	Orchestra Shell	Oct-95	7	\$ 1,801.09
Furniture & Equipment	5	1530	Coat Racks	May-96	7	\$ 251.76
Furniture & Equipment	5	1570	Event Sched Software	May-96	5	\$ 2,000.00
Furniture & Equipment	5	1560	Gateway Comp-Bus MGR	Aug-96	5	\$ 2,693.83
Furniture & Equipment	5	1580	MAS 90 for Windows	Aug-96	5	\$ 1,800.52
Furniture & Equipment	5	1590	HP Laserjet 1600c	Sep-96	5	\$ 1,459.56
Furniture & Equipment	5	1600	File Cabinets Midwest	Oct-96	7	\$ 944.74
Furniture & Equipment	5	1610	File Cabinets Midwest	Oct-96	7	\$ 631.60
Furniture & Equipment	5	1620	Gateway computer	Nov-96	5	\$ 3,008.53
Furniture & Equipment	5	1640	HON 30x60 Desk & Chairs	Jan-97	7	\$ 1,401.03
Furniture & Equipment	5	1680	Washer and Dryer	Mar-97	7	\$ 100.00
Furniture & Equipment	5	1650	CPE Gate	Apr-97	5	\$ 1,781.20
Furniture & Equipment	5	1660	Monitor Box Offices	Apr-97	5	\$ 214.00
Furniture & Equipment	5	1670	Adjust Aluminum Easel	Apr-97	7	\$ 159.21
Furniture & Equipment	5	1690	Office Furniture	Jul-97	7	\$ 402.26
Furniture & Equipment	5	1730	Gateway 233MHZ Computer	Aug-97	5	\$ 3,142.80
Furniture & Equipment	5	1740	Gateway 200MHZ Computers-2	Aug-97	5	\$ 4,997.44
Furniture & Equipment	5	1700	Filing Cabinet	Sep-97	7	\$ 631.59
Furniture & Equipment	5	1710	F9 Program Software	Sep-97	3	\$ 220.79
Furniture & Equipment	5	1720	Zip Drive	Sep-97	5	\$ 254.65
Furniture & Equipment	5	1750	Gateway Comp. GP6 - 266	Aug-98	5	\$ 1,843.10
Furniture & Equipment	5	1770	Gateway CP6 33c PC	Aug-98	5	\$ 5,953.08
Furniture & Equipment	5	1780	Fileserver/4 Workstations	Aug-98	5	\$ 18,948.31
Furniture & Equipment	5	1800	Tables - 4 rounds	Aug-98	7	\$ 985.82
Furniture & Equipment	5	080	Computer Model 50	Sep-98	5	\$ 2,150.00
Furniture & Equipment	5	090	Software	Sep-98	5	\$ 30.00
Furniture & Equipment	5	1810	Telephone set	Oct-98	5	\$ 342.20
Furniture & Equipment	5	1820	Office Furniture	Nov-98	7	\$ 132.69
Furniture & Equipment	5	320	Crowd Control Rope & Stations	Feb-99	10	\$ 2,748.80

Topeka Performing Arts Center - Inventory

Dept	Dept No	TPAC #	Description	Date	Life	Amount
Furniture & Equipment	5	1830	Refrigerator - Stainless 4 door	Feb-99	7	\$ 1,000.00
Furniture & Equipment	5	1790	Laptop Computer	Mar-99	5	\$ 2,259.34
Furniture & Equipment	5	1840	Officer Furniture	Apr-99	7	\$ 130.87
Furniture & Equipment	5	1850	Cash Register	May-99	7	\$ 338.62
Furniture & Equipment	5	1870	Organizer	Aug-99	3	\$ 395.15
Furniture & Equipment	5	1890	Silverware	Aug-99	7	\$ 999.81
Furniture & Equipment	5	1900	Haunted House Set & Costumes (partial owner)	Oct-99	3	\$ 1,905.31
Furniture & Equipment	5	1910	Small Oven	Nov-99	7	\$ 369.00
Furniture & Equipment	5	1920	Refrigerator / Freezer	Nov-99	7	\$ 1,116.06
Furniture & Equipment	5	1930	Table - Rolling Counter	Nov-99	7	\$ 1,293.38
Furniture & Equipment	5	1940	Refrigerator - Perlick Beer Unit	Jan-00	7	\$ 972.95
Furniture & Equipment	5	1950	Tape Back-Up	Jan-00	5	\$ 747.57
Furniture & Equipment	5	1960	Computer	Jan-00	5	\$ 2,585.78
Furniture & Equipment	5	1970	Pitney Bowes - mailing machine & scale	May-00	5	\$ 4,698.22
Furniture & Equipment	5	1980	HP Printer 4050	Jul-00	5	\$ 1,892.59
Furniture & Equipment	5	2000	Phones/Charger	Oct-00	5	\$ 544.66
Furniture & Equipment	5	2010	Carpetriever - vacuum	Nov-00	5	\$ 1,785.23
Furniture & Equipment	5	2030	Ice Machine	Nov-00	5	\$ 4,187.18
Furniture & Equipment	5	2020	Aquaclean Classic - (carpet shampoo machine)	Dec-00	5	\$ 1,550.05
Furniture & Equipment	5	2040	Office Furniture (partition system)	Feb-01	5	\$ 160.00
Furniture & Equipment	5	2050	Computer	Mar-01	5	\$ 2,443.14
			Wenger Orchester Shell	May-01		\$ 6,000.00

Total

\$ 401,444.89



Proudly Managed By 
VenuWorks

Business and Marketing Plan CY2025

Topeka Performing Arts Center Business and Marketing Plan CY2025

Mission Statement

Background

VenuWorks Term and Organizational Chart

Market Analysis - Booking

CY2024 Review

CY2025 Goals and new Objectives

Rental Rates

CY2025 Budget

MISSION STATEMENT

The mission of the Topeka Performing Arts Center is to foster the performing arts through excellence in programming by providing for the advancement, promotion, presentation, and development of the arts to meet the diverse cultural and educational needs of our community.

BACKGROUND

In 1991, the Topeka Municipal Auditorium was transformed into a state-of-the-art performing arts center. The force for this enterprise was a group of civic-minded individuals and local business owners who were interested in enhancing the quality of life in the City of Topeka.

The Topeka Performing Arts Center Board of Trustees (TPAC) entered into an agreement with the City of Topeka owner to manage the venue with the following contractual performance objectives:

1. TPAC will endeavor to annually raise funds to support operations in an amount equal to or exceeding the amount of operating support provided by the City of Topeka.
2. TPAC will present an annual program of professional touring events, which serves the diverse interests and patronage of the community.
3. TPAC will produce, present or otherwise operate at least four youth arts-education programs each year.
4. TPAC will provide youth-group discounted ticket programs for school groups and educational groups to attend TPAC shows, where appropriate.
5. TPAC will make the performing arts Center's facilities available to local arts organizations at reduced rental fees and support the presentation of their arts with staffing and services.
6. On or before January 1 of each year, TPAC shall provide the City Council with its preliminary budget for the following calendar year. The budget shall show projected revenue and projected expenses including, but not limited to, salaries, advertising or other promotions, operating and capital expenditures.
7. TPAC shall provide quarterly financial reports to the City Council within thirty (30) days after the close of each calendar quarter. The reports shall detail all revenue including ticket sales and donations and expenditures including, but not limited to, advertising or other promotional activities, operating and capital expenditures.

On July 1, 2002, the TPAC Board entered into an agreement with VenuWorks (originally named Compass Management) to provide full management, operational and marketing support for the venue. VenuWorks is the only employee-owned private management company in the United States, and provides comprehensive management and consulting services for arenas, theaters and convention centers across the Country.

There are several advantages for a municipal partner or authority board in contracting with private management including:

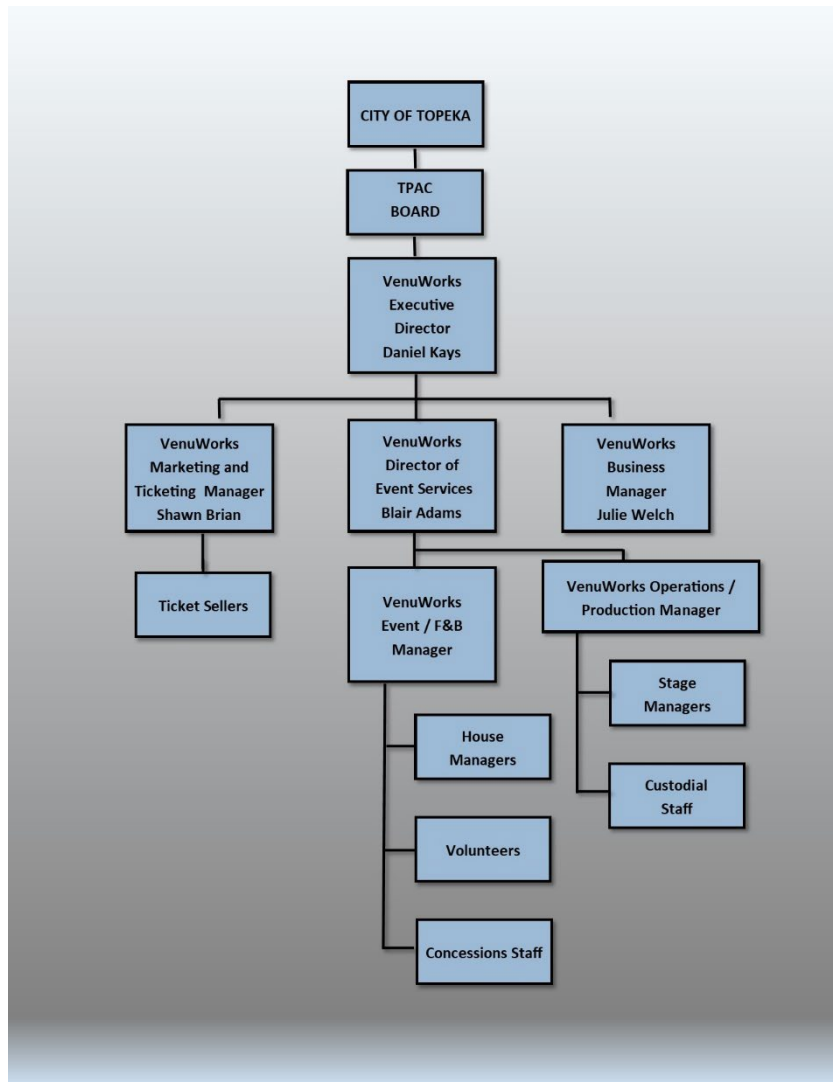
1. Reduction of Liability. VenuWorks carries all general liability and liquor related insurance at competitive national rates, shielding the owner and Board from litigation related to operation of the venue.

2. Human Resources Management. All employees at the facility are VenuWorks employees benefitting from competitive health benefits and 401K programs, and since VenuWorks employs nationally over 3,500 employees the venue financials will experience administrative savings in providing tax, benefits and insurance processing.
3. Booking and Programming network. VenuWorks specializes in recruiting nationally touring commercial acts and conferences to play in secondary and tertiary markets despite fierce competition from surrounding larger markets and casinos/festivals/fairs.
 - a. Additionally, a department of the parent company *VenuWorks Presents* acts as an independent promoter to purchase talent and play commercial touring acts in underserved markets at little to no financial risk to venue owners.
4. Sponsorship Development. VenuWorks staff generate millions of dollars in revenue annually by assisting owners and Boards in obtaining naming rights, sponsorships, pouring rights, and display advertising. VenuWorks employees additionally participate in local service organizations and seek out private/public partnerships that are vital to the operation of a community public assembly space.
5. Food and Beverage Services. VenuWorks staff attend food shows and rely on a national pool of talent to ensure that the latest technologies and trends in food service are being offered in every market, and to ensure that pricing will meet community expectations.
6. Operational Controls, Systems and Procedures. VenuWorks employees are trained in preventative measures designed to minimize the risk of injury or damage. Risk management partner Holmes Murphy, along with our liability insurance company, conduct annual safety assessments for each of our venues. Additionally, VenuWorks employs a regular system of audit controls to confirm that company procedures ranging from asset management to cash handling to risk management are being conducted according to best practices.
7. Revenue benefits and cost-savings with national vendor contracts. VenuWorks has national contracts with vendors that will increase ancillary revenues, for instance through a national partnership with TicketMaster the largest electronic ticketing vendor in the world and participates in volume discount programs with large national suppliers to reduce cost of goods and supplies ranging from floor scrubbers to toilet paper to chicken nuggets.

VENUWORKS TERM and ORGANIZATION STRUCTURE

The current management agreement between the TPAC Board and VenuWorks of Topeka LLC commenced on January 1, 2024, and expires on December 31, 2026, and allows for two (2) optional three-year extension terms subject to mutual agreement of the Parties. VenuWorks is an independent contractor retained to provide management services for the Topeka Performing Arts Center including, but not limited to, booking, selling tickets, marketing shows and the venue, event production, guest services, facility operations, maintenance and light repairs, food and beverage services, financial and human resources administration, and sponsorship development.

To keep personnel expenses minimal, VenuWorks employs the following full-time employees and many part-time staff to accomplish these management services as follows:



Following is a brief description of job responsibilities per department:

Executive Director

Overall responsibility for financial and staff management and answers to Owner/Board. Including the following: Oversee management of calendar including theater and conference/banquet spaces. Prepare scaling's and review promoter offers. Create risk analysis and seek owner approval for shows with down-side risk. Issuance of contracts and insurance and approval of all show settlements. Oversee facility booking, including third-party rentals, third-party co-pro's, "VenuWorks Presents" rentals and co-pros, and venue straight self-promoted talent buying. Seek out corporate meetings/workshops/private parties/banquets with area businesses to be held on-stage or in banquet spaces. Sponsorship sales with the assistance of the Board Members, City Manager and Mayor to open doors and present sponsorship opportunities for local businesses to financially support the operation of the venue. At the Owner/Board's request, prepare materials for Naming Rights sponsorship and pitch to potential parties as identified.

Business Manager

On-site management of FT and PT staff human resources onboarding in compliance with VenuWorks HR policies and procedures Process employee payroll and manage time keeping. Perform monthly, quarterly, and annual accounting activities including reconciliations of bank and credit card accounts, review of financial reports and support as necessary, including reconciliation of prepaid and accrual accounts. Generate monthly financial reporting and analysis. Process daily deposits and AP/AR. Manage vendor accounts and 1099 process. Process sales tax remittances. Manage PO system for purchasing procedures and perform general ledger coding. Work with Exec team to craft annual budget, regular forecasts against budget for year-end. On-site rep for merch vendors including advancing touring merch requirements and on-site liaison and end of show settlement. Work with F&B to secure local merch sellers.

Marketing, Sales and Ticketing

FT position supported by part-time staff in following departments:

Marketing: Manage marketing and publicity for each event including competitive media buying, securing graphic design services, promotional and trade development, website updates, e-blasts, etc. Coordinate with promoter partners, venue staff and community partners. Serve as “traffic director” as event announce/on-sale timelines are developed. Monitor ticket sales and prioritize marketing efforts to maximize ticket sales. Create on-site branding and “sizzle” to encourage F&B sales. Direct and maintain the overall marketing and branding strategy at a national level. Coordinate on-site marketing events including advancing show details, escorting media, contest winners, sponsors, and managing various event promotions and meet and greets. Manage all electronic assets for venues including website and social media accounts. Create and compile post-event reports for show settlement including invoices, tear sheets, patron feedback and other related materials.

Ticketing: Receive ticketing letters and build ticket inventory in electronic ticketing system for announced shows. Coordinate on-sale, mid-cycle maintenance and day of show ticket sales. Perform final audit and participate in show settlements. Perform the proper accounting of all money and tickets for events serviced by the building, including but not limited to daily balancing of ticket sellers, daily sales reports, daily accounting reconciliations, and deposits. Process comp ticket requests, coordinate sponsor & client ticket bank usage, and distribute premium seat tickets as needed. Perform interviews, hiring, training, scheduling and disciplinary functions for all part-time Ticket Office staff.

Group Sales and Premium Sales: Processing fulfillment requests for signage and ticket packages related to sponsor packages. Producing end of year reporting for sponsors. Processing and fulfilling group sales (i.e.: VIP lift packages or groups of 20+ with special add-on conditions for meals or transportation).

Director of Events Services

Coordinate with Executive Director in management of calendar including theater and conference/banquet spaces

Sales: Coordinate with Executive Director in Booking, booking, booking. Includes third-party rentals; third-party co-pro's; “VenuWorks Presents” rentals and co-pro's; and venue straight self-promoted talent buying. Seek out corporate meetings/workshops/private parties/banquets with area businesses to be held on-stage or in banquet spaces.

Supported by part-time positions for front-of-house; back-of-house; and custodial in addition to part-time staff in each department as follows:

Event Management: Meet with promoters, tour managers, community members and all other constituents to plan events. Serve as primary on-site contact during events. Prepare event cost estimates as needed, and accurately input costs into financial settlement for each event. Rent equipment, schedule part-time staff including stagehands and runners to fulfill event requirements. Assist in creating and maintaining a successful “backstage experience” for all visiting tours, artists and promoters.

Guest Services: Manage all front-of-house functions including hiring, training and scheduling all ushers, ticket takers, t-shirt security, Police, medical and other staff required. Offer OSHA-required trained crowd management, CPR and other training to all FOH staff. Respond to guest questions and/or complaints during events. Develop/coordinate a part-time employee rewards and retention program. Manage Incident Report documentation and OSHA logs. Monitor and maintain facility compliance with ADA requirements.

Operations/Production Manager: Manage all back-of-house (BOH) functions including hiring, training and scheduling part-time staff in charge of repairs and maintenance; grounds maintenance; preventative maintenance; contractor management (fire inspection, elevator, sprinklers, etc.); custodial services after events; operational event needs including stage builds, chair sets, barricade sets, etc.; managing stage crew and hands including riggers to manage production needs for shows. Organize and execute training and safety programs to ensure compliance with all OSHA mandated requirements.

Food and Beverage/Administrative Manager

Supported by PT roles including cook(s), bartenders, servers, stockers and non-profit groups.

Overall concessions and banquet services management including licensing and permits (health, liquor, Servsafe) Hiring, and scheduling staff; conduct specialized training to meet health department and OSHA requirements. Create banquet and concessions menus and pricing to achieve pre-determined profit margins. Order products, manage inventory monthly and control spoilage. Determine staffing levels and locations of points of sale during events to maximize revenue and control expenses. Create banquet, wedding and VIP packages to attract parties to TPAC in addition to further expansion into event catering. Provide administrative support and box office sales support when schedule and workload allow.

MARKET ANALYSIS

Calendar Year 2024 represents the best ticket sales performance at the Topeka Performing Arts Center in the last several years, if not for all time. Several shows this year have performed very well, and current sales are tracking to outperform 2023 sales by a significant margin.

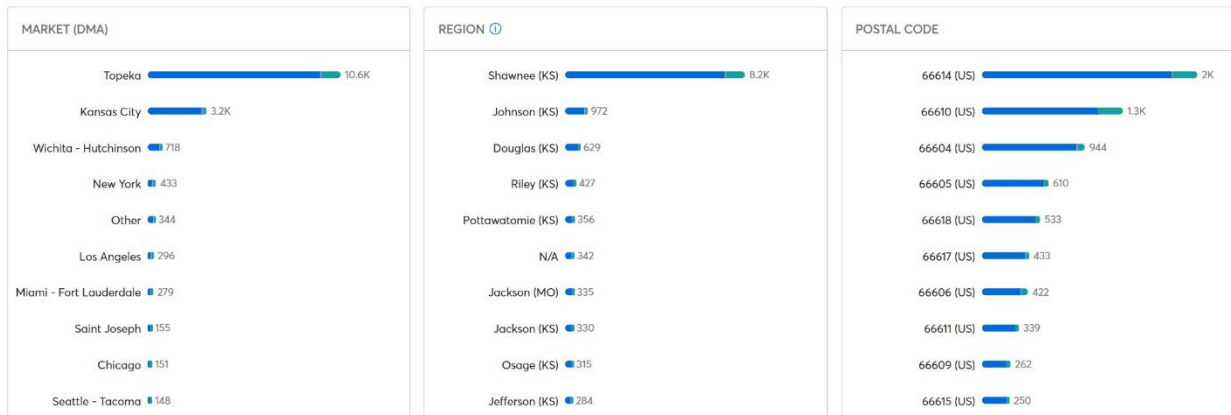
TPAC TICKET SALES HISTORY

Year	# of Ticketed Events w/ Sales	Total Tickets	Total Face Value
2021	45	21,067	\$582,964.49
2022	39	27,692	\$825,863.00
2023	38	27,979	\$948,444.10
2024*	31	21,557	\$892,577.20

* ticket sales and # of events as of 8/22/24

Approximately 8,500 tickets are attributed to local dance studios including Ballet Midwest and Dance Factory.

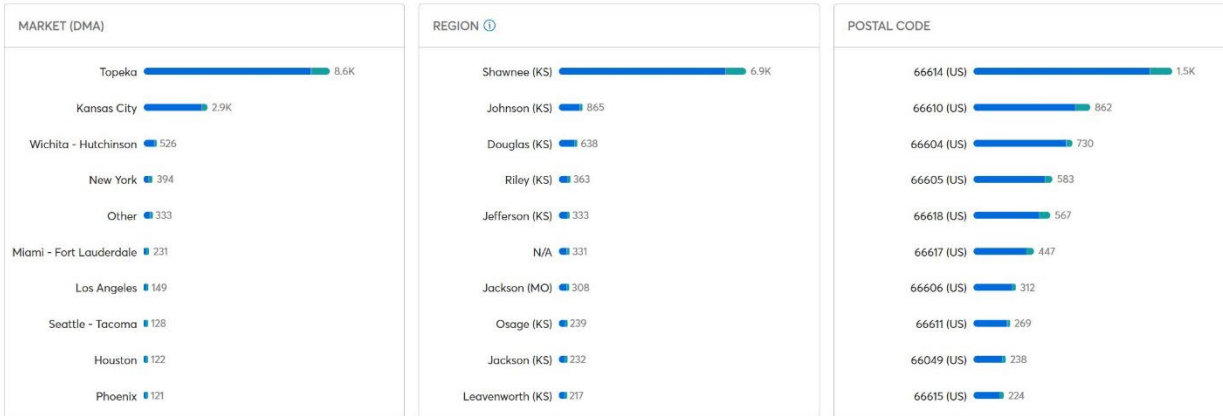
Commercial Touring: Sales Locations reported by Ticketmaster (2023):



Commercial Touring: Sales Locations reported by Ticketmaster (2024):

Top 10 Ticket Sales by Location

• Primary Market • Resale • Transfer



Commercial Touring: Sales Locations reported by Ticketmaster (2023):

42% of all tickets sold in Topeka KS

Regions	City	State/Province	Country	Total	Total
SHAWNEE (KS)	TOPEKA	KS	US	8246	\$252,377.00
JOHNSON (KS)	DE SOTO	KS	US	972	\$52,631.00
DOUGLAS (KS)	LAWRENCE	KS	US	629	\$26,096.00
RILEY (KS)	MANHATTAN	KS	US	427	\$18,422.00
POTTAWATOMIE (KS)	EMMETT	KS	US	356	\$12,770.00
JACKSON (MO)	KANSAS CITY	MO	US	335	\$22,592.00
JACKSON (KS)	DELIA	KS	US	330	\$10,557.00
OSAGE (KS)	BURLINGAME	KS	US	315	\$12,518.00
JEFFERSON (KS)	WINCHESTER	KS	US	284	\$10,287.00
GEARY (KS)	MILFORD	KS	US	246	\$11,446.50
BROWARD (FL)	HOLLYWOOD	FL	US	245	\$5,738.00
LEAVENWORTH (KS)	TONGANOXIE	KS	US	203	\$9,419.00
WYANDOTTE (KS)	KANSAS CITY	KS	US	197	\$9,423.00
LOS ANGELES (CA)	BEVERLY HILLS	CA	US	195	\$7,067.00
SEDGWICK (KS)	WICHITA	KS	US	186	\$10,469.00
WABAUNSEE (KS)	HARVEYVILLE	KS	US	168	\$5,152.00
NEMAHA (KS)	CENTRALIA	KS	US	165	\$5,273.00
CLAY (MO)	KANSAS CITY	MO	US	154	\$8,876.00
LYON (KS)	OLPE	KS	US	140	\$6,878.00
COFFEY (KS)	GRIDLEY	KS	US	139	\$4,076.00

Record of show performance last three years (yellow denotes highest selling commercial shows):

Dinosaur World Live	2/15/24	739	Dance Factory Company Concert	1/17/23	705	The Dance Factory Company Concert 20	1/8/22	637	Topeka Symphony Orchestra presents: G	2/13/21	2
Ozark Mountain Daredevils And The Topel	3/23/24	959	On Your Feet (Touring)	1/29/23	409	Bill Engvall	2/11/22	1,477	It Takes A Village Inc. Presents - The Choc	2/27/21	20
Baby Shark's Big Broadwave Tour	3/26/24	192	Legacy Reunion of Earth Wind and Fire All	2/17/23	850	Tom Segura: I'm Coming Everywhere - Wo	3/13/22	2,277	It Takes A Village Inc. Presents - The Choc	2/27/21	112
Baby Shark's Big Broadwave Tour	3/27/24	210	Switch In Time	4/7/23	215	Travis Tritt	4/14/22	1,068	It Takes A Village Inc. Presents - The Choc	2/27/21	22
Trey Kennedy: Grow Up	3/29/24	798	Ballet Midwest Presents: My First Ballet	4/15/23	5	Ballet Midwest Presents Giselle	4/22/22	257	It Takes A Village Inc. Presents - The Choc	2/27/21	255
Dwight Yoakam	4/4/24	1,375	Ballet Midwest Presents Sleeping Beauty	4/15/23	331	Ballet Midwest Presents Giselle	4/23/22	248	Topeka Symphony Orchestra presents: Bi	3/27/21	16
AbbaFab	4/11/24	182	Ballet Midwest Presents Sleeping Beauty	4/16/23	528	Ballet Midwest Presents Giselle	4/24/22	283	Ballet Midwest Presents: Cinderella	4/16/21	277
Blippi: The Wonderful World Tour	4/13/24	1,138	Kansas Ballet Academy: Seasons Of Dan	5/23/23	535	Radiant Dance Presents: Road Trip USA	5/22/22	1,030	Ballet Midwest Presents: Cinderella	4/17/21	276
Ballet Midwest Presents Swan Lake	4/20/24	466	Kansas Ballet Academy: Seasons Of Dan	5/24/23	474	Radiant Dance Presents: Dance To Inspir	5/22/22	901	Ballet Midwest Presents: Cinderella	4/17/21	302
Ballet Midwest Presents Swan Lake	4/21/24	552	Radiant Dance Studio Presents: "Can You	5/28/23	1,197	Fuzion School of Dance: Night at the Mov	5/24/22	601	Ballet Midwest Presents: Cinderella	4/18/21	430
Nashville Nights	4/24/24	816	Radiant Dance Studio Presents: "Art In M	5/28/23	480	Fuzion School of Dance: Fuzion Dance Co	5/26/22	441	Topeka Symphony Orchestra presents: D	4/24/21	52
Eddie Griffin	5/11/24	1,083	The Dance Factory June 2023 Concert	6/9/23	626	Kansas Ballet Academy Presents Reach I	6/31/22	493	Celebracion de la Madre's	5/9/21	172
Kansas Ballet Academy: DANCING AROU	5/21/24	519	The Dance Factory June 2023 Concert	6/10/23	1,407	Kansas Ballet Academy Presents Reach I	6/1/22	474	Radiant Dance Presents: Fun In The Sun	5/23/21	1,053
Kansas Ballet Academy: DANCING AROU	5/22/24	452	Infinity Dance Studio: Recital 2023	6/13/23	217	The Dance Factory June 2022 Concert	6/10/22	631	Radiant Dance Presents: Everybody Danc	5/23/21	610
Radiant Dance Presents: I Wanna Rock	5/26/24	1,134	Dwarfanators Wrestling	7/8/23	241	The Dance Factory June 2022 Concert	6/11/22	1,394	Fuzion Dance Presents: Time to Shine	5/27/21	540
Radiant Dance Presents: Radiate From W	5/26/24	448	BOZ SCAGGS AND KEB' MO'	7/28/23	1,418	North East Kansas High School Sports Aw	6/28/22	277	Fuzion Dance Presents: Solo / Duo Show	5/27/21	50
Dance Factory June 2024 Concert	6/7/24	649	Kansas Ballet Presents Sleeping Beauty:	7/29/23	560	Kansas Ballet Presents The Adventures C	7/29/22	427	Kansas Ballet Presents: Dancing Throug	6/1/21	331
Dance Factory June 2024 Concert	6/8/24	830	True North	9/15/23	479	Andy McKee & Friends Concert for a Chic	8/26/22	149	Kansas Ballet Presents: Dancing Throug	6/1/21	162
Dance Factory June 2024 Concert	6/8/24	1,011	Pride Kansas Drag Night! 2023 Celebrati	9/16/23	221	"Weird Al" Yankovic: Unfortunate Return	8/31/22	1,087	Kansas Ballet Presents: Dancing Throug	6/2/21	199
Infinity Dance Studio Recital 2024	6/11/24	1,076	Roots & Boots: Sammy Kershaw, Aaron Ti	9/22/23	1,325	Disney Junior Live On Tour: Costume Palo	9/15/22	497	Fuzion Dance Presents: Time to Celebrat	6/6/21	349
Kansas Ballet Presents: Peter and the Wc	7/26/24	629	Casting Crowns	10/6/23	1,728	Chicago Comedy All Stars	9/24/22	90	Dance Factory: Spring 2021 Concert	6/11/21	605
Dance "Annie" Dance	8/3/24	114	World Ballet Series: Cinderella	10/18/23	833	Pride Kansas Drag Night! 2022 Celebrati	9/24/22	225	Dance Factory: Spring 2021 Concert	6/12/21	961
Dance "Annie" Dance	8/3/24	171	Last Out: Elegy of a Green Beret	10/20/23	34	Hairball	9/30/22	655	Liverpool Legends	7/10/21	403
Joe Bonamassa	8/8/24	1,953	Last Out: Elegy of a Green Beret	10/21/23	47	Bored Teachers	10/14/22	446	Steven Massey Dance Camp Summer Sh	7/17/21	159
Capital City Showtime Fights	8/17/24	238	Matt Mathews Presents When That Thang	10/27/23	803	WHOSE LIVE ANYWAY?	10/21/22	1,404	Kansas Ballet Summer Showcase 2021: 1	7/30/21	499
Kansas: 50th Anniversary Tour	10/3/24	927	Nashville Nights	11/9/23	802	Liverpool Legends	10/29/22	357	A Chorus Line Presented by Topeka Perfo	9/24/21	302
Kansas: 50th Anniversary Tour	10/4/24	1,906	A Charlie Brown Christmas - Live on Stage	11/17/23	987	The Edwards Twins	10/30/22	125	A Chorus Line Presented by Topeka Perfo	9/25/21	311
Lorrie Morgan Ruby Anniversary Tour	10/5/24	235	Chocolate Nutcracker	11/25/23	317	Cirque Musica Holiday Wonderland	11/9/22	608	A Chorus Line Presented by Topeka Perfo	9/26/21	326
Chris Janson	11/1/24	183	Chocolate Nutcracker	11/25/23	261	JP Sears	11/11/22	626	Greg Gleason Magic and Mind Reading: C	10/1/21	321
Rudolph the Red-Nosed Reindeer: The Mu	11/25/24	272	Lindsey Stirling - Snow Waltz Tour	12/11/23	2,232	Carbonaro: Lies On Stage	11/19/22	831	Buddy	10/22/21	319
The Kready Holiday Spectacular	11/30/24	300	Ballet Midwest Presents: The Nutcracker	12/8/23	706	The Chocolate Nutcracker	11/26/22	225	Music of Billy Joel and Elton John starring	10/23/21	171
			Ballet Midwest Presents: The Nutcracker	12/9/23	743	The Chocolate Nutcracker	11/26/22	324	Chicago	11/9/21	1,863
			Ballet Midwest Presents: The Nutcracker	12/9/23	611	Ballet Midwest Presents The Nutcracker	12/9/22	617	Three Dog Night	11/11/21	557
			Ballet Midwest Presents: The Nutcracker	12/10/23	838	Ballet Midwest Presents The Nutcracker	12/10/22	773	Shooting Star & Patriarch-V100's Birthday	11/13/21	606
			The Nutcracker - Kansas Ballet Featuring	12/16/23	1,403	Ballet Midwest Presents The Nutcracker	12/10/22	612	Shooting Star & Patriarch-V100's Birthday	11/13/21	682
			The Nutcracker - Kansas Ballet Featuring	12/17/23	1,408	Ballet Midwest Presents The Nutcracker	12/11/22	870	Say What Say Wiz Presented By It Takes A	11/27/21	105
			Kready Holiday Spectacular	12/23/23	1,056	Kansas Ballet Presents The Nutcracker	12/17/22	1,185	Say What Say Wiz Presented By It Takes A	11/27/21	104
			Kready Holiday Spectacular	12/23/23	947	Kansas Ballet Presents The Nutcracker	12/18/22	1,308	Say What Say Wiz Presented By It Takes A	11/28/21	140
						The Kready Holiday Spectacular	12/23/22	1,762	Ballet Midwest: The Nutcracker	12/10/21	747
									Ballet Midwest: The Nutcracker	12/11/21	829
									Ballet Midwest: The Nutcracker	12/11/21	708
									Ballet Midwest: The Nutcracker	12/12/21	880
									Kansas Ballet Presents The Nutcracker W	12/18/21	1,213
									Kansas Ballet Presents The Nutcracker W	12/19/21	1,383
									An Evening with Chevy Chase	12/23/21	1,643
31	21,557		38	27,979		39	27,692		45	21,067	

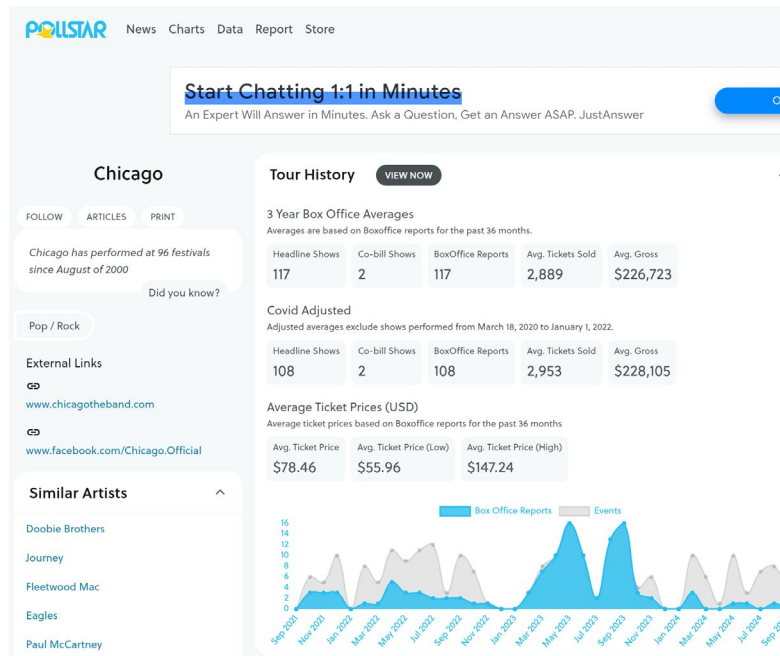
* ticket sales and events as of 8/22/24

Booking Metrics

- As reported in the last census data, Topeka has a median household income of \$40,988 (County) to \$49,647 (City). Since almost half of all tickets are sold in the County, these numbers become a benchmark for ticket pricing.
 - Based on the County metric, potential ticket buyer "couples" will have approximately \$10,249 annually in disposable income after 25% is deducted for taxes and another 50% is deducted for living expenses. \$10,249 over 52 weeks comes out to approximately \$200 in disposable income per week for each couple.
- Comedy does well in Topeka as evidenced by record sales from Tom Segura, Eddie Griffin, Chevy Chase, Weird Al, and other shows from previous years. Comedy booking will continue to be a focus for this market.
- Conservative-type music does well in Topeka as evidenced by religious artists Casting Crowns, and older country acts including Dwight Yoakum, Sammy Kershaw, and Travis Tritt. Conversely, younger country acts have had poor attendance including Nashville Nights and Chris Janson each with slow starts at the on-sale. Older Country acts and Christian music will continue to be a focus for this market because of the age in the market and the lower ticket prices.
- Some classic rock also does well in Topeka as evidenced by Chicago (the band), Kansas, and Joe Bonamassa, although Three Dog Night performed at a fraction of what it should have. Artist guarantees for this genre of music have skyrocketed post-pandemic.
 - Chicago played TPAC in 2021 to 1,863 tickets and they grossed \$147,892 (average \$79 ticket). This represents an underplay for this artist since the band has averaged 2,889 tickets sold and an average gross of \$226,723 over the last 36 months according to trade magazine Pollstar (see graph below).
 - One factor affecting diminished attendance in Topeka is the \$79 ticket average, which targets only a small part of the Topeka demo and drives marketing into a much larger radius.
 - The other result of this Chicago underplay in Topeka results in lower profitability for the third-party promoter purchasing the show and bringing it to TPAC. The difference between 1,863 paid tickets and

2,889 tickets in a larger market comes out to about \$30,000 in profit for the promoter based on VenuWorks experience in other markets.

- If classic rock can be purchased with guarantees in the range of \$60,000 - \$80,000, then the average ticket prices will be easily marketed in the Shawnee County market.
- If the TPAC Board can support commercial touring with sponsorship to underwrite the cost of tickets (i.e.: using sponsorship dollars to cover half or more of the artist guarantee), then larger guarantees can be sought out and tickets can still be offered to the public at a discounted rate.
- Some children's and young adult touring does well as evidenced by Blippi and Lindsey Stirling. VenuWorks will continue to seek out annual children's programming at affordable guarantees.



The Topeka radio market is also a good indicator of what local residents listen to. According to Google, Topeka has many top radio stations, including country, rock, and sports stations:

- The Big 94.5 Country: Topeka's top country music station – Tim McGraw, Jake Owen, Morgan Wallen, Keith Urban. (Currently advertising Chris Janson for TPAC)
- Country 106.9: Topeka's country legends station (older Country)
- KDVV: A classic rock station that plays harder-edged songs from the 1960s, 70s, and 80s (currently advertising the band Kansas with)
- 580 WIBW: A station that covers sports, agriculture, weather, and talk
- 1490 KTOP: Topeka's sports leader
- The Eagle: A station that plays classic hits – Eagles, Steve Miller, Rolling Stones, Madonna (currently advertising the band Kansas with)
- Majic 107.7 Topeka: A station that plays today's hits and yesterday's favorites (Hozier, Miley Cyrus, Lady Gaga, Katy Perry, Christina Perri, Sam Smith).
- V100: Topeka's rock leader (Neil Young, Boston, Whitesnake, Black Sabbath, Pink Floyd, Bon Jovi, ZZ Top)
- 98.5 Jack FM: A station that plays what we want (UB40, BonJovi, Elton John, Sublime, AC/DC, Mellencamp)

While the top station in the market appears to be targeted towards popular Country, the playlist and advertising are focused on mainstream artists which will not fit in the TPAC venue. Similarly, advertising on the station focuses on large festivals including Cornstock and Thunder of the Heartland in addition to NASCAR events which TPAC cannot afford to advertise against. Country 106.9 has been a steadfast and regular partner with TPAC, and we already know this combination works for selling tickets!

Classic rock stations KDVV, the Eagle, V100, Jack-FM, and Majic 107.7 also primarily play mainstream hits radio and do not regularly feature artists that would fit in TPAC.

Finally, the trade magazine Pollstar (pollstar.com) offers information about the Top 75 commercial touring artists to subscribers. Eliminating the top 35 tours grossing over \$500,000 per show, we are left with an example of what current touring shows are available for booking and how the ticket prices fall:

Rank	36	37	38	39	40	41	42	43	44	45
Artist	Billy Idol	Young Miko	Mariah Carey	Wallows	John Legend	Lindsey Stirling	Elevation Worship	311	Bronco	Forrest Frank
Avg. Tickets Sold	5620	4758	4419	4419	4353	3920	3836	3766	3709	3197
Number of Shows Reported	5	5	5	4	6	8	4	3	3	6
Avg. Gross Sales	\$408,001.00	\$307,607.00	\$753,390.00	\$287,814.00	\$549,396.00	\$282,537.00	\$187,166.00	\$251,012.00	\$310,359.00	\$99,138.00
Avg. Capacity Sold	0.843	0.959	0.921	0.646	0.931	0.794	0.998	0.461	0.793	0.995
Average Ticket Price	\$72.60	\$64.65	\$170.49	\$65.13	\$126.21	\$72.08	\$48.79	\$66.65	\$83.68	\$31.01
Rank	46	47	48	49	50	51	52	53	54	55
Artist	Get The Led Out	Joshua Bassett	Dark Star Orchestra	Boyz II Men	Michael Franti & Spearhead	The Gaslight Anthem	Treaty Oak Revival	Blues Traveler / Big Head Todd & The Monsters	America	Justin Willman
Avg. Tickets Sold	2751	2652	2502	2249	2206	2105	2096	1758	1753	1600
Number of Shows Reported	6	3	6	3	3	4	5	6	3	3
Avg. Gross Sales	\$80,921.00	\$130,195.00	\$109,787.00	\$311,096.00	\$124,403.00	\$85,524.00	\$74,096.00	\$91,838.00	\$174,902.00	\$79,243.00
Avg. Capacity Sold	0.746	0.66	0.63	0.961	0.727	0.627	0.628	0.565	0.833	0.761
Average Ticket Price	\$29.42	\$49.09	\$43.88	\$138.33	\$56.39	\$40.63	\$35.35	\$52.24	\$99.77	\$49.53
Rank	56	57	58	59	60	61	62	63	64	65
Artist	Donny Osmond	Gabby Barrett	Tim Hawkins	JPEGMafia	Jeff Dunham	"Bored Teachers Comedy Tour"	Graham Nash	Christopher Cross	Alkaline Trio	Jim Breuer
Avg. Tickets Sold	1580	1567	1538	1487	1385	1219	1140	1073	1017	975
Number of Shows Reported	4	3	4	5	6	5	5	4	3	3
Avg. Gross Sales	\$149,637.00	\$86,387.00	\$44,445.00	\$54,339.00	\$96,700.00	\$60,487.00	\$77,900.00	\$81,076.00	\$39,023.00	\$53,766.00
Avg. Capacity Sold	0.698	0.914	0.885	0.74	1	0.722	0.898	0.566	0.71	0.642
Average Ticket Price	\$94.71	\$55.13	\$28.90	\$36.54	\$69.82	\$49.62	\$68.33	\$75.56	\$38.37	\$55.14
Rank	66	67	68	69	70	71	72	73	74	76
Artist	Atsuko Okatsuka	The Australian Pink Floyd Show	Mark Normand	Steve-O	Morgan Jay	PJ Morton	Pecos & The Rooftops	Kolby Cooper	Sugar Sammy	The Hip Abduction
Avg. Tickets Sold	965	932	932	811	725	676	659	640	614	585
Number of Shows Reported	13	3	3	5	7	4	6	3	9	3
Avg. Gross Sales	\$36,981.00	\$59,644.00	\$43,651.00	\$41,313.00	\$31,542.00	\$46,733.00	\$14,656.00	\$14,515.00	\$33,285.00	\$12,634.00
Avg. Capacity Sold	1	0.722	0.74	0.658	1	0.53	0.556	0.439	0.945	1
Average Ticket Price	\$38.32	\$64.00	\$46.84	\$50.94	\$43.51	\$69.13	\$22.24	\$22.68	\$54.21	\$21.60

After eliminating the tours with gross ticket sales over \$100,000 or ticket prices higher than \$50 per head, and those tours not remotely represented by the radio stations in the market, there are only a small number of popular artists currently touring that can be sought after to play Topeka in the new year. There are however LOTS of artists available in the classic Country, Christian and comedy markets which will continue to be a mainstay for the financial success of TPAC.

2024 Year-to-date financial performance

The Topeka Performing Arts Center under VenuWorks' management has experienced success and has had several profitable years. VenuWorks was instrumental in securing a Shuttered Venues Operating Grant (SVOG) and Employee Retention Tax Credit (ERTC) from the Federal Small Business Administration coming out of the COVID pandemic, for which most municipalities or larger private management companies were not eligible. Following is the financial performance of the venue over the last several years:

Forecasting through the end of the calendar year shows that the current YTD loss of \$(64,505) will be partially made up by a combination of success with shows remaining in the last quarter, salary reduction due to the Executive Director absence and departure of the Administrative Assistant in September, and reductions in other expense categories.

Calendar Year 2025

The budget for calendar year 2025 has been formulated with several key factors:

- As of October, staff are projecting a budget deficit of over \$36,000 in the current FY year. Due to the program not making budget, the \$25,000 VenuWorks Employee bonus would not take effect, adjusting that deficit to about \$11,000. The construction and remodeling of several areas of the venue will still have an impact on next year's use and revenue of the facility. The budget proposed will show a \$66,397 shortfall reflecting the impact. This shortfall will be offset by approved use of the reserve at the onset.
- Launch of a presented season of 6 events in which the first 3 will be in the fall of 2025.
- Initiate a sponsorship program to support the presented season.
- Resume booking of event spaces affected by HVAC renovation in 2023 & 2024
- Adjustment of rental rates in renewed event spaces to reflect upgraded value.
- Renewed interest in TPAC by 3rd party promoters and event planners.
- Additional staffing hired and alignment to match current needs & support increase in event load.
- Necessary upgrades in equipment.
- Increase in Friends of TPAC Membership
- Additional programming and events produced by TPAC such as trade shows.

PROGRAMMING

Launch of a presented season. The Presenting program will be given a brand name that sits outside of the venue name, such as Topeka Live, TPAC Presents, TPAC Live. The goal is to bring more affordable experiences for the larger population and bring more activity into the downtown. The season will consist of 6 events. 3 focused towards family participation with very affordable ticket prices averaging between \$22-\$32/ticket. 3 focused towards a more adult music experience with affordable ticket prices averaging between \$28-\$38/ticket. The lowered average ticket price structure will be offset by a corporate sponsorship program. This relaunched effort to bring home grown presented events back to the venue will help increase participation levels in attendance, Friends of TPAC, donors, and downtown merchant sales.

VenuWorks has already booked several shows for the Spring of 2025 including:

- Dragons & Mythical Beasts February 25th
- Joe Gatto February 27th
- Who's Live Anyway April 1st
- Jerry Seinfeld April 18th
- Sesame Street Live April 23rd
- Several others in negotiations

Aggressively working to attract new touring acts that make financial sense for this market and venue size.

- VenuWorks Presents – Our continued partnership with VenuWorks has continued to bring in events that attract a variety of audiences: With shows such as, Rudolph The Red Nosed Reindeer, Lorrie Morgan, Chris Janson, Eddie Griffin
- Recent years of programming changes and successes have gained attention regionally and nationally from promoters such as Outback Concerts, Mammoth Productions, Live Nation, WME Presents and more.
- New Lower-Level Event Spaces – The new combined space of the “Blackbox Theatre & Dance Studio” will be a multi-use facility for rehearsals, small format theatrical performances, small concerts as well as banquet space with seating for 200+. We will work with small theatrical and comedy groups, Topeka Jazz Series, Senior Recitals, Traveling Exhibitions, Weddings/Receptions.

Friends of TPAC

- Friends of TPAC membership- a new membership structure with benefits that coincide with the new presenting series. Guaranteeing the value of the program with the 6 events, will increase participation.
- Brick Campaign – Currently “paused” for re-vamping/re-organizing, this campaign will relaunch with better direction and a clearer goal. Coordinate with the City of Topeka our exterior upgrade plans with the long-term plans of the COT.

Youth Programming

- Gingerbread Homes for the Holidays continues with a move in venue though partnership with West Ridge Mall, this move in 2024 looks to increase our brand awareness and expand our capacity nearly double. (Move necessary due to ongoing renovation)
- Schoolltime Theater - continues with success through partnerships with Kansas Ballet and Topeka Symphony with over 4,000 students in expected attendance.
- Sheffel Theater Clinic – currently paused due to lack of event space available with ongoing HVAC renovation. Plan to resume in fall of 2025.
- Playhouse Theater- currently paused due to lack of event space available with ongoing HVAC renovation. Plan to resume in fall of 2025.
- Young Artist of the Year Awards- The 2025 awards will kick off in Q4 of 2024 with date announce for registration deadline, awards to be presented in May of 2025. *Sponsorship needs to be confirmed by Q4 of 2024.*
- Master Classes – Plan a series of master classes to begin in summer of 2025. Possible areas: performance, comedy, event planning etc.

Rental Rates

Current 2024 rates see Addendum E.

Our commitment to forging partnerships and collaborations with other local presenting organizations and promoters will continue. Will continue to educate local event presenters in how to produce a sustainable event. Rental rates will remain constant for the remainder of FY24 and will be reviewed and updated in FY25 to reflect changes in general costs of business, adjustment to remain competitive. Although the number of inquiries for weddings and receptions increased this past year, we have had to turn away several dates as the reception areas cannot be used while the HVAC installation continues throughout the facility.

Food and Beverage/Catering

Hiring a new Manager with a focus on increasing sales, controlling costs

Further expand the self-serve options, continue elevated staffing to reduce wait times and encourage upselling. Offer more options at all events, weddings, banquets, and conferences. The addition of a dedicated F&B Manager will allow us to retain a greater percentage of revenue that is currently being paid to outside vendors. Additionally, there will be the opportunity to upsell hospitality service in the new event space, increasing revenue.

Sponsorship/Naming Rights

In conjunction with the newly presented season, a sponsorship program will be created with different levels of participation that reaches the larger population of Topeka businesses. A program built on shared levels that do not have exclusive benefits. This program focuses on partnerships rather than competition. Sponsors benefit from supporting programs that provide quality of life experiences for the greater Topeka residents and the residents bring about a positive Economic Impact for the downtown Topeka merchants.

Grant Opportunities

Identify available grants and apply!

- Safety & Security
- Equipment modernization
- Tourism
- Education
- Underserved communities

Other goals

- With the presenting series, marketing will be a major focus to announce the series brand and to garner excitement and interest in the new programming.

FY2025 BUDGET SUMMARY

Topeka Performing Arts Center	Approved Budget	Proposed
	2024 Budget	2025 Budget
Programming Revenue		
<i>Building Rent Revenue</i>	95,015	99,226
<i>Facility Fee Revenue/Rebates</i>	279,447	263,762
<i>Ticket Sales</i>	172,900	165,491
<i>Co-Pro Revenue</i>	22,950	16,450
<i>In-House Equipment Revenue</i>	29,902	22,500
<i>Reimbursed Wages Revenue</i>	186,963	151,762
<i>Reimbursed Outside Expense Revenue</i>	176,945	161,067
<i>Reimbursed Box Office Revenue</i>	16,134	12,275
<i>Event Advertising</i>	32,350	23,450
<i>Catering Revenue</i>	160,880	155,520
<i>Merchandise Revenue</i>	12,450	8,600
<i>Sponsorship Revenue</i>	96,500	102,200
Total Programming Revenue	1,282,436	1,182,303
Fundraising Revenue		
<i>Campaign Event Rev (ACL, GBHH, Tee-Pac)</i>	29,900	29,500
<i>Friends of TPAC, Donations</i>	109,500	22,317
Total Fundraising Revenue	139,400	51,817
Contributions and Grants Revenue		
<i>Naming Rights</i>	-	-
<i>Trusts & Endowments</i>	33,658	34,000
<i>Grants -</i>	-	-
<i>Visit Topeka - Transient Guest Tax</i>	-	-
Total Contributions & Grants Revenue	33,658	34,000
Other Revenue		
<i>Interest Revenue</i>	1,440	3,000
<i>Miscellaneous Income</i>	-	-
<i>In-Kind Goods & Services</i>	2,000	4,000
Total Other Revenue	3,440	7,000
<i>City Contribution - General Fund</i>	150,000	150,000
<i>City Fund - Capital Improvements</i>		
Total Revenue	1,608,934	1,425,120

Programming Expenses		
<i>Event staff</i>	107,808	114,072
<i>Taxes & Benefits (event staff)</i>	12,937	14,829
<i>Outside exp-Event</i>	533,262	403,080
<i>Box Office Expense</i>	14,039	13,929
<i>Event Advertising</i>	52,480	45,050
<i>Catering Expense - Event</i>	16,710	8,045
Total Programming Expenses	737,236	598,905
Fundraising Expense		
<i>Campaign Event Exp (GE, GBHH, Tee-Pac)</i>	9,300	9,000
<i>Fundraising / Development</i>	9,945	-
Total Fundraising Expense	19,245	9,000
Occupancy Expense		
<i>Telephone</i>	1,313	1,313
<i>Equipment R & M</i>	17,859	11,998
<i>Building R & M</i>	9,743	5,543
<i>Insurance</i>	31,436	49,169
Total Occupancy Expense	60,351	68,024
General and Administrative Expenses		
<i>Full time staff</i>	393,178	404,182
<i>Support staff (non-event)</i>	52,594	64,500
<i>Taxes & Benefits</i>	93,862	97,950
<i>Postage</i>	900	900
<i>Office supplies</i>	3,000	3,000
<i>Equipment Lease Expenses</i>	-	-
<i>Property taxes</i>	2,400	2,400
<i>Licenses</i>	330	340
<i>Subscriptions/Dues</i>	10,197	11,463
<i>Staff Recognition</i>	250	500
<i>Board Expenses</i>	256	780
<i>Volunteer Expense</i>	250	250
<i>Employee Training</i>	3,550	3,550
<i>Employee Recruitment & Relocation</i>	-	-
<i>Travel</i>	11,500	9,200
<i>Professional fees</i>	18,920	19,357
<i>Contract labor</i>	19,700	19,700
<i>Building Supplies</i>	13,596	12,600
<i>Equipment/uniforms</i>	20,020	22,885
<i>Advertising for TPAC</i>	18,400	21,150
<i>Computers - Software & Equip.</i>	262	300
<i>VenuWorks Management Fee</i>	54,000	60,000
<i>VenuWorks Commission</i>	14,005	13,684
<i>VenuWorks Incentive Bonus</i>	25,000	-
Total General & Administrative Expenses	756,171	772,308

Other Expenses		
<i>Banking fees/Bad Debt/CC Fees</i>	1,980	1,980
<i>Cash short/(over)</i>	-	-
<i>Interest Expense</i>	-	-
<i>UBIT Taxes</i>	-	-
<i>Miscellaneous Expense</i>	1,200	1,200
<i>Depreciation</i>	30,048	36,100
<i>In-Kind Goods & Services</i>	2,000	4,000
<i>(Gain) Loss on Disposal</i>	-	-
Total Other Expenses	35,228	43,280
Total Expenses	1,608,231	1,491,517
Net Income (Loss)	703	(66,397)
Reserves needed to offset loss		66,397
Net After Reserves		0

Explanation of significant changes:

Programming Revenue: Programming projections for outside use of the facility are in line with the actuals of 2024, along with the addition of the 1st three shows in the fall of the new presenting series.

Fundraising: The decrease compared to the 2024 budget is contributed by the pause on the Brick-by-Brick Campaign. The focus for 2025 will be to maintain contributions from our current Friends of TPAC and slightly increase the number of donors by having 4 events dedicated to our Friends.

Occupancy Expense: Equipment and Building Repairs and Maintenance (R&M) has decreased over the last several years due to purchasing newer equipment and staying on top of proper maintenance. To reflect this trend the 2025 budget decreases these line items compared to the 2024 budget. However, comparing to 2023 and 2024 YTD actual costs the 2025 budget includes an increase to account for market increases and the unknown. Insurance increased significantly in July 2024; although, current discussions do not reflect a significant increase next year we are projecting a 25% increase the 2025 budget as a precaution. Plan for the worst and hope for the best.

Personnel Expense: Full-time staff and support staff will increase by about 25% combined. This is due to the transition of a new Executive Director, the addition of a F&B Manger, and annual cost of living increases.

Other G&A Expense: The VenuWorks Incentive Bonus projections have been moved to the FT labor line item to accurately reflect staff bonuses. If there are any naming rights that occur in 2025 then this line item will reflect that percentage due to VenuWorks.

Programming Expense: Costs for the 2025 budget have been evaluated to better align with current costs and market trends. The current 2024 profit margin for programming revenue to expenses is 54% and we're conservatively projecting a profit margin of 48%.

Capital Program

Currently The City of Topeka (COT) is investing nearly \$30 million in the infrastructure of the joint use building that house city offices, municipal court and TPAC. This includes the replacement of the entire HVAC system as well as many structural and mechanical repairs. Throughout this project often TPAC operations are affected by reduced room occupancies, unusable event spaces, displaced administrative and event staff. The final result will be working climate controls, improved air quality to all spaces, and a much healthier environment for staff and patrons as mitigation of mold and asbestos are completed.

The HVAC renovation with the additional funds provided by the city of Topeka will allow for reconfiguration of the lower-level spaces and upgrades in other spaces throughout the facility.

- Combine the Blackbox and Dance studio spaces to create a larger multi-functional event space
- Removal of mirrors from the columns in the Festival Hall
- Upgraded lighting
- AV rough ins for event needs and future enhancements
- Upgraded meeting spaces with modern amenities
- Star Dressing room reconfiguration

Topeka Performing Arts Center

	Actual	Actual	Actual	Actual	Actual	Actual	Approved	YTD Actual	2024 Year End Projections	Fin/Exec. Approved
	Jan - Dec 18	Jan - Dec 19	Jan - Dec 20 Pandemic	Jan - Dec 21	Jan - Dec 22	Jan - Dec 23	2024 Budget	Jan - Sep 24	as of 10/25/24	2025 Budget
Programming Revenue										
<i>Building Rent Revenue</i>	55,978	65,179	28,561	76,271	96,930	97,971	95,015	62,542	82,409	99,226
<i>Facility Fee Revenue/Rebates</i>	90,733	170,784	21,337	103,957	168,842	155,620	279,447	100,061	179,492	263,762
<i>Ticket Sales</i>	(15,739)	21,875	2,502	878	85,216	128,924	172,900	-	96,800	165,491
<i>Co-Pro Revenue</i>	8,185	41,162	8,127	14,390	20,539	18,202	22,950	7,854	26,104	16,450
<i>In-House Equipment Revenue</i>	16,420	8,227	3,230	11,957	26,604	26,755	29,902	21,082	25,542	22,500
<i>Reimbursed Wages Revenue</i>	115,923	131,449	51,251	163,122	142,551	151,328	186,963	93,924	127,108	151,762
<i>Reimbursed Outside Expense Revenue</i>	112,567	200,602	68,413	38,414	150,788	125,083	176,945	99,183	155,048	161,067
<i>Reimbursed Box Office Revenue</i>	7,139	12,915	1,671	5,533	5,573	7,291	16,134	8,997	12,780	12,275
<i>Event Advertising</i>	43,987	25,445	10,716	10,583	19,468	14,030	32,350	6,553	9,958	23,450
<i>Catering Revenue</i>	73,924	84,134	6,318	51,522	97,620	107,827	160,880	75,971	115,607	155,520
<i>Merchandise Revenue</i>	4,773	14,506	-	3,525	7,288	6,273	12,450	4,330	10,289	8,600
<i>Sponsorship Revenue</i>	56,948	53,250	34,651	19,310	58,750	118,850	96,500	1,764	35,764	102,200
Total Programming Revenue	570,839	829,526	236,778	499,462	880,169	958,152	1,282,436	482,262	876,900	1,182,303
Fundraising Revenue										
<i>Campaign Event Rev (ACL, GBHH, Tee-Pac)</i>	179,126	46,209	17,875	67,349	28,934	21,349	29,900	8,350	21,650	29,500
<i>Friends of TPAC, Donations</i>	25,958	43,769	47,534	22,865	28,744	17,646	109,500	11,174	16,174	22,317
Total Fundraising Revenue	205,083	89,978	65,409	90,213	57,678	38,994	139,400	19,524	37,824	51,817
Contributions and Grants Revenue										
<i>Naming Rights</i>	-	-	-	-	-	-	-	-	-	-
<i>Trusts & Endowments (Actual adj. for CMV)</i>	(56,295)	123,567	64,899	120,386	(112,289)	101,872	33,658	35,270	35,270	34,000
<i>Grants -</i>	-	-	179,315	396,309	2,500	114,397	-	6,911	6,911	-
<i>Visit Topeka - Transient Guest Tax</i>	5,000	7,500	-	-	-	-	-	-	-	-
Total Contributions & Grants Revenue	(51,295)	131,067	244,214	516,695	(109,789)	216,269	33,658	42,181	42,181	34,000
Other Revenue										
<i>Interest Revenue</i>	35	16	210	299	588	1,644	1,440	2,934	3,294	3,000
<i>Miscellaneous Income</i>	3,172	28,897	183	6,978	6,132	1,670	-	3,479	3,479	-
<i>In-Kind Goods & Services</i>	-	14,162	755	1,732	126	981	2,000	1,900	2,700	4,000
Total Other Revenue	3,207	43,074	1,148	9,009	6,846	4,296	3,440	8,313	9,473	7,000
<i>City Contribution - General Fund</i>	150,000	150,000	150,000	150,000	150,000	150,000	150,000	112,500	150,000	150,000
<i>City Fund - Capital Improvements</i>					250,000			-		
Total Revenue	877,834	1,243,645	697,548	1,265,380	1,234,905	1,367,711	1,608,934	664,780	1,116,377	1,425,120

Topeka Performing Arts Center

	Actual	Actual	Actual	Actual	Actual	Actual	Approved	YTD Actual	2024 Year End Projections	Fin/Exec. Approved
	Jan - Dec 18	Jan - Dec 19	Jan - Dec 20 Pandemic	Jan - Dec 21	Jan - Dec 22	Jan - Dec 23	2024 Budget	Jan - Sep 24	as of 10/25/24	2025 Budget
Programming Expenses										
<i>Event staff</i>	80,767	102,074	25,523	61,115	60,377	76,603	107,808	50,661	77,400	114,072
<i>Taxes & Benefits (event staff)</i>	-	11,490	2,758	8,293	7,193	8,819	12,937	6,515	9,724	14,829
<i>Outside exp-Event</i>	180,461	359,333	88,102	105,002	361,788	419,232	533,262	147,665	325,622	403,080
<i>Box Office Expense</i>	5,365	7,492	1,605	3,438	5,158	6,297	14,039	6,546	9,709	13,329
<i>Event Advertising</i>	43,675	24,960	8,255	7,696	25,792	30,739	52,480	8,027	26,462	45,550
<i>Catering Expense - Event</i>	24,559	7,185	971	5,519	12,100	15,214	16,710	1,983	6,814	8,045
Total Programming Expenses	334,827	512,534	127,213	191,062	472,407	556,903	737,236	221,397	455,731	598,905
Fundraising Expense										
<i>Campaign Event Exp (GE, GBHH, Tee-Pac)</i>	83,452	21,438	-	38,504	8,230	6,357	9,300	1,908	8,958	9,000
<i>Fundraising / Development</i>	3,990	40,438	18,588	12	4,055	-	9,945	-	-	-
Total Fundraising Expense	87,442	61,876	18,588	38,516	12,285	6,357	19,245	1,908	8,958	9,000
Occupancy Expense										
<i>Telephone</i>	8,570	9,983	6,959	2,920	2,634	1,417	1,313	985	1,313	1,313
<i>Equipment R & M</i>	9,530	10,063	4,173	7,722	9,620	9,170	17,859	4,936	9,401	11,998
<i>Building R & M</i>	13,231	7,466	1,932	2,008	5,075	2,860	9,743	629	3,065	5,543
<i>Insurance</i>	16,933	19,287	17,326	16,102	19,592	28,264	31,436	27,516	35,159	49,169
Total Occupancy Expense	48,265	46,798	30,390	28,752	36,920	41,710	60,351	34,067	48,938	68,024

Topeka Performing Arts Center

	Actual	Actual	Actual	Actual	Actual	Actual	Approved	YTD Actual	2024 Year End Projections	Fin/Exec. Approved
	Jan - Dec 18	Jan - Dec 19	Jan - Dec 20 Pandemic	Jan - Dec 21	Jan - Dec 22	Jan - Dec 23	2024 Budget	Jan - Sep 24	as of 10/25/24	2025 Budget
General and Administrative Expenses										
Full time staff	313,124	329,479	264,025	256,282	291,388	360,372	393,178	234,791	311,437	404,182
Support staff (non event)	24,519	11,244	36,219	20,335	37,077	38,140	52,594	35,863	49,012	64,500
Taxes & Benefits	73,332	67,640	56,444	63,074	76,809	77,395	93,862	57,570	76,273	97,950
Postage	1,731	1,014	385	282	392	875	900	377	602	900
Office supplies	5,782	7,461	1,832	2,769	3,884	2,428	3,000	1,778	2,528	3,000
Equipment Lease Expenses	6,496	17,505	11,170	7,473	3,028	2,780	-	-	-	-
Property taxes	2,332	2,273	2,830	1,860	1,980	1,420	2,400	1,800	2,400	2,400
Licenses	1,430	230	230	190	203	255	330	190	225	340
Subscriptions/Dues	6,313	5,460	4,600	4,926	5,552	8,013	10,197	7,509	9,759	13,153
Staff Recognition	-	48	-	-	40	-	250	-	-	500
Board Expenses	96	158	91	432	570	222	256	529	568	780
Volunteer Expense	-	1,134	6	-	69	555	250	-	-	250
Employee Training	3,023	1,299	-	84	-	-	3,550	-	-	3,550
Employee Recruitment & Relocation	-	-	-	-	1,130	6,838	-	159	159	-
Travel	4,140	6,912	615	940	8,804	12,639	11,500	2,297	3,297	11,200
Professional fees	24,580	44,445	13,429	7,373	15,299	16,084	18,920	11,765	16,221	19,284
Contract labor	1,229	34,226	3,565	10,388	15,917	11,467	19,700	1,948	6,948	19,700
Building Supplies	2,333	9,544	5,011	6,873	12,248	12,712	13,596	10,372	13,546	12,600
Equipment/uniforms	847	1,683	1,425	2,370	2,290	679	20,020	2,542	7,052	22,885
Advertising for TPAC	15,431	6,868	3,959	3,093	10,585	12,282	18,400	6,773	10,123	21,150
Computers - Software & Equip.	19,669	10,127	12,009	10,200	3,348	262	262	197	262	300
VenuWorks Management Fee	30,000	36,000	16,000	9,000	9,000	48,000	54,000	40,500	54,000	60,000
VenuWorks Commission	-	-	362	-	-	-	14,005	7,016	10,470	13,684
VenuWorks Incentive Bonus	-	-	-	-	-	-	25,000	18,750	25,000	-
Total General & Administrative Expenses	536,407	594,748	434,206	407,942	499,613	613,417	756,171	442,725	599,881	772,308
Other Expenses										
Banking fees/Bad Debt/CC Fees	4,267	1,318	1,318	1,362	3,508	1,596	1,980	1,185	1,680	1,980
Cash short/(over)	(188)	1,827	-	22	8	126	-	0	0	-
Interest Expense	-	26	-	-	-	-	-	-	-	-
UBIT Taxes	-	-	-	-	-	-	-	-	-	-
Miscellaneous Expense	1,024	548	108	1,171	826	4,693	1,200	2	302	1,200
Depreciation	3,844	3,320	2,991	4,430	9,798	34,801	30,048	26,101	34,801	36,100
In-Kind Goods & Services	-	14,162	755	1,732	126	981	2,000	1,900	2,700	4,000
(Gain) Loss on Disposal	-	-	209	-	-	-	-	-	-	-
Total Other Expenses	8,947	21,200	5,380	8,717	14,266	42,198	35,228	29,188	39,483	43,280
Total Expenses	1,015,888	1,237,156	615,778	674,989	1,035,492	1,260,585	1,608,231	729,285	1,152,992	1,491,517
Net Income (Loss)	(138,054)	6,489	81,770	590,391	199,413	107,126	703	(64,505)	(36,615)	(66,397)
Reserves needed to offset loss										66,397
Net After Reserves										-
Trust Market Value Adj.	(97,002)	86,638	25,992	78,579	(154,177)	64,791				
Net w/out Trust Market Adj.	(41,052)	(80,149)	55,778	511,812	45,236	42,335				
Grants			179,315	396,309	2,500	114,397				
City Fund - Capital Improvements					250,000					
Net w/out Trust Market Adj., Grants, & City Fund Cap. Improv.			(123,537)	115,503	(207,264)	(72,062)				

Topeka Performing Arts Center Actual vs. Budget Comparison	Actual	Actual	Actual	Actual	Actual	Actual	Approved	YTD Actual	Projections as of 10/25/24	Fin/Exec. Approved
	Jan - Dec 18	Jan - Dec 19	Jan - Dec 20 Pandemic	Jan - Dec 21	Jan - Dec 22	Jan - Dec 23	2024 Budget	Jan - Sep 24	2024	2025 Budget
Programming										
Programming Revenue	570,839	829,526	236,778	499,462	880,169	958,152	1,282,436	482,262	876,900	1,182,303
Programming Expenses	334,827	512,534	127,213	191,062	472,407	556,903	737,236	221,397	455,731	598,905
Programming - Net	236,011	316,992	109,564	308,400	407,762	401,248	545,200	260,865	421,168	583,398
	41.34%	38.21%	46.27%	61.75%	46.33%	41.88%	42.51%	54.09%	48.03%	49.34%
Fundraising										
Fundraising Revenue	205,083	89,978	65,409	90,213	57,678	38,994	139,400	19,524	37,824	51,817
Fundraising Expense	87,442	61,876	18,588	38,516	12,285	6,357	19,245	1,908	8,958	9,000
Fundraising - Net	117,642	28,102	46,821	51,697	45,393	32,638	120,155	17,616	28,866	42,817
Trusts & Endowments										
Naming Rights	(56,295)	123,567	64,899	120,386	(112,289)	101,872	33,658	35,270	35,270	34,000
Grants	-	-	-	-	-	-	-	-	-	-
City Contribution - Transient Guest Tax	-	-	179,315	396,309	2,500	114,397	-	6,911	6,911	-
Contributions & Grants Revenue	5,000	7,500	-	-	-	-	-	-	-	-
Other Revenue	3,207	43,074	1,148	9,009	6,846	4,296	3,440	8,313	9,473	7,000
Total Net Revenue	305,565	519,235	401,747	885,802	350,212	654,451	702,453	328,975	501,688	667,215
Occupancy Expense	48,265	46,798	30,390	28,752	36,920	41,710	60,351	34,067	48,938	68,024
General and Administrative Expenses	536,407	594,748	434,206	407,942	499,613	613,417	756,171	442,725	599,881	772,308
Other Expenses	8,947	21,200	5,380	8,717	14,266	42,198	35,228	29,188	39,483	43,280
Total Expenses	593,619	662,747	469,977	445,411	550,799	697,325	851,750	505,980	688,303	883,612
Net Margin(Loss)	(288,054)	(143,511)	(68,230)	440,391	(200,587)	(42,874)	(149,297)	(177,005)	(186,615)	(216,397)
City Contribution	150,000	150,000	150,000	150,000	150,000	150,000	150,000	112,500	150,000	150,000
City Fund - Capital Improvements					250,000					
Net Income (Loss)	(138,054)	6,489	81,770	590,391	199,413	107,126	703	(64,505)	(36,615)	(66,397)
<i>Trust Market Value Adj.</i>	(97,002)	86,638	25,992	78,579	(154,177)	64,791				
Net w/out Trust Market Adj.	(41,052)	(80,149)	55,778	511,812	45,236	42,335				
<i>Grants</i>			179,315	396,309	2,500	114,397				
<i>City Fund - Capital Improvements</i>					250,000					
Net w/out Trust Market Adj., Grants, & City Fund Cap. Improv.			(123,537)	115,503	(207,264)	(72,062)				

TOPEKA PERFORMING ARTS CENTER AGENDA REPORT

MEETING DATE: DECEMBER 5, 2024

PREPARED BY: Daniel Kays, Executive Director

SUBJECT:

Topeka Performing Arts Center Fiscal Year 2025 Budget Presentation and City Contract

RECOMMENDATION:

Presentation for discussion

PRIOR CITY COUNCIL ACTION:

On August 13, 2024 Approved:

1. Shift CIP Spending of \$100,000 from 2029-2033 to 2024 Approval (9-0)

PRIOR TPAC COMMITTEE AND BOARD ACTION:

- FINANCE/EXECUTIVE COMMITTEE
 - Approve Fiscal Year 2025 Budget to move forward for Full Board ratification on November 22, 2024
- TPAC BOARD
 - Approved City and TPAC contract 2025-2026 Approval (11-0 Absent from vote 5)
 - As of this report filed, November 22, 2024 Board will vote on the FY2025 budget

STATEMENT ON SUBJECT:

The TPAC Fiscal Year 2025 Budget reflects a year of flexibility and new direction. Given the major facility upgrades throughout and the continual shifting of resources and room availabilities, TPAC continues to provide service and programming to the community. This budget reflects the challenges to keep the building functioning, while realizing there are limitations on what we can confidently expect.

TPAC is taking this opportunity to launch into the presenting world once again. TPAC will be presenting 6 shows in the next season from September 2025 to April of 2026. The first 3 events of the season are reflected in the approved budget being presented. The goal is to provide quality experiences at affordable prices. There are too many in our community that cannot afford to come more than once a season. We want to be a part of the downtown revitalization by being a magnet to the center. Quality and affordable programs allow more of the Topekan population to participate multiple times throughout the year. To do this, it will require renewed efforts and partnerships with the greater business community and rebuilding our volunteer and donor base of support.

BUDGET ADJUSTMENT: N/A

FISCAL IMPACT: N/A

EXHIBITS: 2025 Budget and Business and Marketing Plan



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Randy Phillips, Topeka Fire Chief **DOCUMENT #:**
SECOND PARTY/SUBJECT: American Medical Response (AMR) **PROJECT #:**
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 160 Franchises
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 12-03-24. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduce by City Manager Dr. Robert M. Perez, providing for a nonexclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka until December 31, 2025, and replacing the franchise ordinance codified at City Code Appendix B, Article XI that will expire December 31, 2024.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would renew the AMR franchise for 2025.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to continue the ambulance franchise with AMR for 2025.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Shawnee County contracts with AMR to provide ambulance services to the county, including the City of Topeka. City ordinance requires an ambulance franchise in order to provide services.

BUDGETARY IMPACT:

\$275 Ambulance Vehicle Fee. AMR has 15 licensed vehicles.
\$1500 Franchise Application Fee

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, providing for a
6 nonexclusive franchise to American Medical Response to operate an
7 ambulance service within the City of Topeka until December 31,
8 2025, and replacing the franchise ordinance codified at City Code
9 Appendix B, Article XI that will expire December 31, 2024.
10

11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:
12

13 **Section 1. Authority.**

14 This franchise ordinance is passed and approved by the Governing Body of the
15 City of Topeka, Kansas, and enacted pursuant to K.S.A. 12-2001 and the authority found
16 and provided for in Chapter 5.25 TMC.

17 **Section 2. Satisfactory qualifications.**

18 The Governing Body of the City of Topeka, Kansas, has considered the legal,
19 character, financial, and other qualifications of the applicant and has found Medevac
20 MidAmerica, Inc., doing business as American Medical Response, hereinafter "AMR," to
21 be qualified in all respects to own, maintain and operate an ambulance service in the City
22 of Topeka, Kansas, hereinafter "City." The Governing Body of the City of Topeka finds
23 that public convenience will be promoted and public necessity requires such ambulance
24 service under the terms and provisions of Chapter 5.25 TMC.

25 **Section 3. Service.**

26 The maintenance and operation of an ambulance service by AMR in the City shall
27 be in accordance with these terms and conditions and performance standards set forth in
28 the current ambulance service contract entered into by AMR and the Board of County
29 Commissioners of Shawnee County, Kansas. Said contract is identified as Shawnee
30 County Contract C207-2016. In addition, AMR agrees to provide to the City Manager of

31 the City copies of documents which are required to be filed pursuant to Shawnee County
32 Contract C207-2016.

33 In the event that AMR intends to work toward implementing a community
34 paramedicine program/service, it is the goal of AMR and Topeka Fire Department,
35 hereafter "TFD," to jointly participate and collaborate in such implementation.

36 **Section 4. Franchise grant.**

37 Pursuant to the provisions of TMC 5.25.040, a nonexclusive franchise is granted
38 to AMR to own, maintain, and operate an ambulance service within the City. Said
39 nonexclusive franchise is granted through and including December 31, ~~2024~~2025, and
40 shall vest all rights, privileges and immunities of an ambulance service franchise with
41 AMR; however, said nonexclusive franchise shall be subject to and conditioned upon all
42 of the terms, duties and obligations found in the laws of the State of Kansas, Chapter 5.25
43 TMC, and this franchise ordinance.

44 **Section 5. Payments to the City.**

45 Consideration for the rights, privileges, and immunities granted to AMR includes
46 the benefits to be derived by the citizens of the City of Topeka from the maintenance and
47 operation of an ambulance service under the terms and conditions of this franchise
48 ordinance.

49 (a) The ambulance service franchise application fee prescribed by TMC 5.10.040
50 has been paid to the City Clerk.

51 (b) On or before January 1st of each year within the term of this franchise
52 ordinance, the fee set forth in TMC 5.10.040(c) for each ambulance to be renewed is due.

53 (c) On or before April 1st of each year within the term of this franchise ordinance,
54 the fees set forth in TMC 5.10.040(b) are due, including the business fee and an

55 ambulance fee for each new AMR ambulance in operation in the City. An ambulance fee
56 for each additional ambulance placed into operation after the initial fee payment is due at
57 the time the additional ambulance is licensed.

58 (ed) Within 30 days of the presentation of an invoice to AMR by the City, AMR
59 shall make payments to the City Treasurer for the following types of assistance:

60 (1) For each TFD response to AMR's request for a nonemergency lift
61 assist of any patient due to the patient's weight, AMR shall pay a fee of
62 ~~\$200.00~~250.00 per transport. For purposes of this subsection, "nonemergency"
63 means any request that was not initiated by a 911 call. Any time that such fee is
64 incurred, TFD shall make written request for payment that includes the date,
65 address, and TFD incident number. Upon receipt of the invoice AMR will process
66 the request per AMR AP policy of net 45 days.

67 **Section 6. Other AMR responsibilities.**

68 (a) Upon written request from the Fire Chief, the Chief of EMS, or their designees,
69 AMR shall provide certain material data elements to calls within Contract Zone 1. These
70 data elements include ALS/BLS response, response times, unit and triage. AMR shall
71 respond to such requests within 30 days. Failure to provide the requested information
72 within 30 days shall result in a penalty of \$100.00 per week until the information is
73 provided. If a request is for material data elements that are not typically included in reports
74 generated pursuant to Shawnee County Contract C207-2016 as it relates to calls within
75 Contract Zone 1 needs additional time beyond 30 days to respond to such request, AMR
76 may request additional time before the initial 30 days expire, the amount of which to be
77 agreed upon by the parties. TFD agrees that any cost associated with the development
78 of a new report that is not currently available will be reimbursed to AMR if such report can

79 be developed; provided, that AMR first provides TFD a written estimate of the associated
80 costs and obtains approval from TFD. AMR's response time will be stayed while TFD
81 reviews such estimates.

82 (b) AMR and the Fire Chief, the Chief of EMS and/or their designees shall meet
83 no less than monthly for call review and quality assurance/improvement of selected calls
84 to include, but not be limited to, severe trauma, cardiac arrest, or similar types of calls
85 occurring in the City of Topeka limits. The intent is to look at the entirety of the call for
86 improvements to address training, equipment needs and general system improvements.

87 (c) AMR agrees to provide notification through the County Protocol Committee to
88 the Fire Chief and Chief of EMS concerning anticipated or desired changes to protocol,
89 equipment, or medications that are not a result of national supply shortage or emergency.
90 Further, AMR agrees that all proposed protocol changes that are not a result of a national
91 supply shortage or emergency will be submitted for review to the County Protocol
92 Committee prior to submission to the Medical Director. After submission to the Medical
93 Director, the Fire Chief, Chief of EMS and/or their County Protocol Committee member
94 shall be given the opportunity to attend meetings to discuss proposed protocol changes
95 in the event the Medical Director changes the proposed protocols submitted to him/her.
96 Notice of such meeting shall be provided as soon as reasonable based on the schedule
97 of the Medical Director.

98 (d) Upon reasonable request and subject to available resources, AMR agrees to
99 respond and provide a stand-by/posted advanced life support ambulance upon request
100 of the Fire Chief or designees when there is reason to believe a life-threatening public
101 emergency presently exists to include fire, rescue and hazmat incidents. TFD agrees to

102 release ambulance as soon as possible when the life-threatening public emergency no
103 longer exists.

104 (e) In January of each calendar year, AMR shall provide copies of all written
105 mutual aid agreements for ambulance service in the City of Topeka or provide written
106 notice that no such agreements exist. Failure to submit this information by the last
107 business day in January shall result in a penalty of \$100.00 per day until submitted.

108 (f) AMR agrees to the use of designated dispatch radio channels for EMS
109 operations within the City of Topeka. Further, AMR agrees that AMR units and dispatch
110 are responsible for monitoring the designated channel while on scene.

111 (g) AMR will pursue an option if available to provide TFD command staff
112 designated by the Fire Chief with access to view the availability of all on-duty AMR units
113 in real time. If there is cost directly associated with the development, implementation or
114 annual maintenance of this request, AMR will provide TFD a written estimated of the
115 expense to seek approval for the reimbursement of this request. TFD agrees that any
116 party with access to this system may be required to complete initial and annual training
117 as deemed reasonably appropriate by AMR compliance or other regulatory department
118 and consistent with such trainings required of AMR staff with similar view access. Failure
119 of those individuals to complete training will result in revocation of rights and privileges to
120 view the data.

121 **Section 7. Insurance.**

122 Upon the effective date of this franchise ordinance, AMR shall file with the City
123 Clerk an insurance policy as required by TMC 5.25.140 and the same shall be approved
124 as to form by the City Attorney's office. During the term of this franchise ordinance, AMR
125 shall maintain paid insurance coverage according to TMC 5.25.140.

126 **Section 8. Acceptance by AMR.**

127 Operation of an ambulance service within the City by AMR on or after the effective
128 date of this franchise ordinance constitutes acceptance of the provisions of the franchise
129 ordinance.

130 **Section 9. Remedies of City.**

131 Nothing herein shall limit or preclude the City from seeking remedies at law or in
132 equity in a court of competent jurisdiction for any violation by AMR of the laws of the State
133 of Kansas or any ordinance of the City.

134 **Section 10. Forfeiture.**

135 Any material and substantial fraud, misrepresentation or default of the terms,
136 duties and obligations imposed upon AMR by the laws of the State of Kansas, Chapter
137 5.25 TMC or by this franchise ordinance shall constitute grounds for forfeiture of this
138 nonexclusive franchise ordinance. The City shall notify AMR in writing of any allegation
139 of a material and substantial fraud, misrepresentation or default and shall hold a public
140 hearing before the Governing Body of the City of Topeka on the merits of such allegations.
141 Said public hearing shall be held within 30 days after the notification to AMR and shall be
142 adjudicative in character but shall not bar the rights of any parties to pursue judicial
143 review. Within 10 days following the conclusion of such hearing, the Governing Body of
144 the City of Topeka shall act with respect to such forfeiture and shall submit a written
145 statement to AMR. This franchise ordinance shall not be forfeited unless the Governing
146 Body of the City of Topeka finds that there has been a material and substantial fraud,
147 misrepresentation or default on the part of AMR so as to justify a forfeiture. In such case
148 a notice of forfeiture shall be provided to AMR. In the event this franchise ordinance is
149 forfeited, AMR shall, within 180 days of its receipt of notice of forfeiture, cease operation

150 of an ambulance service hereunder.

151 **Section 11. Surrender.**

152 If, during the term of this franchise ordinance, AMR does not earn a fair rate of
153 return upon the value of property used and useful in providing such ambulance service
154 for a period of six months; and it is determined by AMR that it would not be practical,
155 possible or in the public interest to cure the deficiency by an increase in rates and/or a
156 reduction in service; and AMR has complied with all applicable procedures as prescribed
157 by the Board of County Commissioners of Shawnee County, Kansas including the giving
158 of notice of surrender to the City; then AMR upon 180 days' written notice to the City Clerk
159 may elect to surrender this franchise ordinance and cease operation of the ambulance
160 service hereunder. "Fair rate of return" means receipt of revenues for patient charges and
161 public funds, if any, to include the sum of operating costs, depreciation reserves, growth
162 and development costs and management fees.

163 **Section 12. Transfer.**

164 Only upon written approval of the Governing Body of the City of Topeka may the
165 rights and obligations of AMR, pursuant to this franchise ordinance, be transferred to a
166 person meeting the requirements for an ambulance service, as determined by the laws
167 and regulations of the State and the City at the time of the contemplated transfer. Any
168 approved transferee shall, without limitation, assume all the duties and obligations of AMR
169 and AMR shall be released of all future rights, duties, and obligations arising from this
170 franchise ordinance.

171 **Section 13. Hold harmless.**

172 AMR shall hold the City harmless for all liability, damages, costs and expenses of
173 every kind for the payment of which the City may become liable to any person by reason

174 of the rights and privileges herein granted and, if any action either at law or in equity be
175 brought against the City for damages or for any cost to the City for any fault of AMR, its
176 servants, agents, or employees, in the operation of its ambulance service, AMR shall pay
177 all costs, damages and expenses including costs of defense for which the City may be
178 held liable.

179 **Section 14. Re-openers**

180 In the event that Shawnee County Contract C207-2016 is materially and
181 substantively amended or replaced by a new contract that is materially and substantively
182 different, AMR and the City may mutually agree to re-open this franchise ordinance before
183 the December 31, ~~2024~~2025, expiration date.

184 **Section 15. Effective date.**

185 This franchise ordinance shall take effect and be in force from January 1,
186 ~~2024~~2025, and after its passage, approval and publication in the official City newspaper
187 in the manner prescribed by law, and shall be binding upon AMR upon the conditions set
188 forth herein.

189 PASSED AND APPROVED by the Governing Body on _____.

190 CITY OF TOPEKA, KANSAS

191 _____
192 Michael A. Padilla, Mayor
193
194
195

196 ATTEST:
197 _____
198 Brenda Younger, City Clerk
199
200
201
202



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Amanda Stanley, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Citizen Government Review Committee
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION with POSSIBLE ACTION of a RESOLUTION introduced by Dr. Robert M. Perez, relating to the convening of a Citizens Government Review Committee to study and review the form of government for the City of Topeka.

Voting Requirement: Action requires at least (6) votes of the Governing Body.

(Approval would appoint five (5) individuals and (1) alternate to the Committee. The Committee shall convene in January 2025.)

VOTING REQUIREMENTS:

Action requires at least (6) votes of the Governing Body.

POLICY ISSUE:

Topeka Municipal Code Chapter 2.210, requires that a Citizens Government Review Committee be convened at least every ten (10) years and the last committee convened in 2014, as directed by the City Council by way of an appropriate resolution.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Approval would appoint five (5) individuals and one (1) alternate to the Committee. The Mayor has proposed the attached individuals for the Governing Body's consideration. The Governing Body is responsible for the ultimate

selection and appointment of the Committee Members. The Committee shall convene in January 2025.

- The Committee shall meet between January and June of 2025 and shall submit its recommendations to the Governing Body within six months of appointment.
- All meetings shall be open to the public.
- As required by TMC 2.210.050, the report format shall include, but not be limited to areas of concern, general findings relative to those concerns, and recommendations for alleviating concerns or problems.
- The committee may, at its pleasure, recruit the assistance of other citizens, scholars in the field, or professional municipal managers for participation on an ad hoc basis.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Amended Resolution with Proposed Appointees

Resolution - Convening Committee and Appointing Members

B. Broxterman Application

C. Jacobson - Application

J, Kaup - Application

S. Lloyd - Application

T. Martin - Application

Z. Surritt - Application

Amended Resolution to include Proposed Appointees

RESOLUTION NO. _____

A RESOLUTION introduced by Dr. Robert M. Perez, relating to the convening of a Citizens Government Review Committee to study and review the form of government for the City of Topeka.

WHEREAS, Topeka Municipal Code (TMC) Chapter 2.210, requires that a Citizens Government Review Committee (Committee) be convened at least every ten (10) years and the last committee convened in 2014, as directed by the City Council by way of an appropriate resolution; and

WHEREAS, the Committee’s task is to study and review the form of government and make recommendations to the Governing Body for amendments or modifications; and

WHEREAS, the Committee is comprised of five registered voters of the City of Topeka who shall be as representative as possible of the City; and

WHEREAS, the Governing Body is desirous of implementing TMC 2.210 by convening a Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERING BODY OF THE CITY OF TOPEKA, KANSAS, that

1. The following five individuals shall be appointed to serve on the Committee.
 - a. Brian Broxterman
 - b. Constance Jacobson
 - c. Jim Kaup
 - d. Shampayne Lloyd
 - e. Tamara Martin
2. Zachary Surritt shall be appointed to serve as an alternate on the Committee with full participation in meetings in the event one of the five voting members

Amended Resolution to include Proposed Appointees

27 is unable to complete the term of service.

28 3. The Committee shall meet between January and June of 2025 and shall
29 submit its recommendations to the Governing Body within six months of appointment. As
30 required by TMC 2.13.050, the report format shall include, but not be limited to areas of
31 concern, general findings relative to those concerns, and recommendations for alleviating
32 concerns or problems.

33 4. The Committee may, at its pleasure, recruit the assistance of other citizens,
34 scholars in the field, or professional municipal managers for participation on an ad hoc
35 basis.

36 5. The Committee shall provide the opportunity for public input at least once
37 during the process prior to the final report being completed.

38 ADOPTED and APPROVED by the City Council _____.

39 CITY OF TOPEKA, KANSAS

40
41
42
43
44

Michael A. Padilla, Mayor

45 ATTEST:

46
47
48
49

50 Brenda Younger, City Clerk

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Dr. Robert M. Perez, relating to the convening of a
4 Citizens Government Review Committee to study and review the form
5 of government for the City of Topeka.
6

7 WHEREAS, Topeka Municipal Code (TMC) Chapter 2.210, requires that a Citizens
8 Government Review Committee (Committee) be convened at least every ten (10) years
9 and the last committee convened in 2014, as directed by the City Council by way of an
10 appropriate resolution; and

11 WHEREAS, the Committee's task is to study and review the form of government
12 and make recommendations to the Governing Body for amendments or modifications; and

13 WHEREAS, the Committee is comprised of five registered voters of the City of
14 Topeka who shall be as representative as possible of the City; and

15 WHEREAS, the Governing Body is desirous of implementing TMC 2.210 by
16 convening a Committee.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
18 OF TOPEKA, KANSAS, that

19 1. The following five individuals shall be appointed to serve on the Committee.

20 a. [insert name]

21 b. [insert name]

22 c. [insert name]

23 d. [insert name]

24 e. [insert name]

25 2. The Committee shall meet between January and June of 2025 and shall
26 submit its recommendations to the Governing Body within six months of appointment. As

27 required by TMC 2.13.050, the report format shall include, but not be limited to areas of
28 concern, general findings relative to those concerns, and recommendations for alleviating
29 concerns or problems.

30 3. The Committee may, at its pleasure, recruit the assistance of other citizens,
31 scholars in the field, or professional municipal managers for participation on an ad hoc
32 basis.

33 4. The Committee shall provide the opportunity for public input at least once
34 during the process prior to the final report being completed.

35 ADOPTED and APPROVED by the City Council _____.

36 CITY OF TOPEKA, KANSAS

37
38
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41

Michael A. Padilla, Mayor

42 ATTEST:

43
44
45
46

47 Brenda Younger, City Clerk

City of Topeka Boards and Commissions Application

Submitted on 27 November 2024, 12:00PM
Receipt number 316
Related form version 9

Profile

First Name Brian

Last Name Broxterman

Email Address broxfam@gmail.com

Street Address 6039 SW 36th St

Suite or Apt

City Topeka

State Kansas

Zip 66614

Are you a resident of the City of Topeka? Yes

What district do you live in? District 7

Primary Phone 7852216319

Alternate Phone 7853936176

Employer Kansas University Memorial Unions

Job Title Director of Facilities and Event Operations

Which Board would you like to apply for? Citizen's Government Review Committee

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

As a proud Topekan who was born and raised in this community, I am deeply committed to helping drive our city's growth and development. I believe that for Topeka to thrive and become a true destination for future generations, we must begin by focusing on creating a strong foundation for the future. This means ensuring that our city's government is structured in a way that promotes long-term growth, encourages innovation, and is responsive to the evolving needs of our residents.

To achieve this, it's essential that our leadership embraces a forward-thinking approach, one that not only addresses today's challenges but also anticipates and plans for the opportunities and demands of tomorrow. This includes making smart investments in areas like infrastructure, transportation, and economic development, while simultaneously working to address the pressing issues of our current moment. Issues such as crime, public safety, and the maintenance and improvement of our existing infrastructure must not be overlooked, as they are integral to the quality of life for every Topekan.

By focusing on both present needs and future goals, we can create a balanced approach that ensures Topeka remains a vibrant, thriving community that attracts new residents, businesses, and investments. Ultimately, the success of our city depends on our ability to build a government structure that is adaptable, visionary, and in tune with the aspirations of both current and future generations. It is this commitment to progress and improvement that will help Topeka become a place where people want to live, work, and raise their families for years to come.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

EDUCATION

Associate of Applied Science in Electronics. DeVry University Kansas City, MO. February 1995, Honor Graduate
Maintenance Management Certificate. Missouri State University Kansas City, MO. October 2005.
Building Operator Level 1. Westar Energy Topeka, KS. November 2015.
Gardner, KS. City Council member 2009 - 2011
Topeka Facility Manager Association member

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.) None

****Please upload a resume or any additional information you believe may be helpful in considering your application.**

[City board application resume.docx](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

Brian D. Broxterman
6039 SW 36th Street, Topeka, Kansas 66614
785.221.7319 -- broxfam@gmail.com

WORK EXPERIENCE

Director of Facilities and Event Operations

Kansas University Memorial Unions

2023 - Present

Lawrence, Kansas

- Leads 18-person team to cover maintenance, custodial and event operations for 3 Memorial Union buildings.
- Develop and manage a \$4 million operating budget.
- Develop and manage a \$1.75 million capital budget.
- Communicate daily and monthly department progress to Memorial Union senior leadership.
- Work with multiple departments to provide a safe, comfortable environment for all guests.

Chief Engineer

Bimbo Bakeries, USA

2019 - 2023

Topeka, Kansas

- Led 21 person maintenance team for 24/7 coverage of a 700,000 square foot commercial bakery operation.
- Supervised and monitored teams work performance to assist with plant needs, evaluating effectiveness, adjusting or creating processes to streamline maintenance operations along with realigning work as needed.
- Developed and managed a \$1.8 million annual expense budget.
- Developed and managed a \$3 million capital project budget to include bakery equipment upgrades and bakery expansion.
- Managed facility projects to include scope, budget, vendor selection, time lines and key milestones.
- Communicated daily, monthly and period department KPI progress to plant leadership.
- Compiled and presented quarterly department performance statistics to senior corporate leadership.
- Partnered with Plant Management, Production, Distribution, and Sanitation departments to accomplish plant objectives.
- Ensured maintenance procedures are completed according to company policies and standards.

Building Services Manager

Federal Home Loan Bank

2017 - 2019

Topeka, Kansas

- Managed a multi-skilled team that performed a variety of daily duties, including general maintenance, grounds care, cafeteria services and custodial services for a 95,000 square foot office facility.
- Oversaw the functionality/maintenance of building systems.

- Oversaw the maintenance and operational reliability for disaster recovery site.
- Assisted in the development of a long range facilities plan to include workspace assessments.
- On-call 24/7 for building emergencies, including power outages, plumbing issues, snow storms and other emergency situations.

Maintenance Manager

Dillard's Distribution Center

2013 – 2017

Olathe, Kansas

- Managed team of four technicians who completed electrical, pneumatic and mechanical repairs to over 8 miles of package conveyor systems to ensure maximum up time.
- Developed and maintained the PM program for all building and machine operations.
- Developed and implemented a five year capital plan.
- Used sales analytics to ensure maintenance activities support production needs.

Director, Plant Operations

Morrison Senior Living

2012 – 2013

Topeka, Kansas

- Directed the overall management of the Engineering, Building Maintenance and Environmental Services programs for multi unit retirement communities.
- Ensured full compliance with all CMS and state regulatory requirements.
- Developed and monitored \$1.3 million budget to include a five year capital improvement plan.
- Advised on structural changes and additions/modifications to building and grounds.
- Interviewed independent contractors to receive and analyze bids, including blueprint analysis of proposed changes
- Gathered and analyzed daily, weekly and monthly data for Senior Executive staff.

Site Facilities Manager

P1 Group/St Luke's South Hospital

2009 – 2012

Overland Park, Kansas

- Managed a staff of seven to satisfy all building and grounds maintenance needs for a 120 bed hospital including a 5 floor attached medical office building.
- Led two successful hospital-wide Joint Commission accreditation surveys for the facilities department.
- Responsible for on-time completion of inspections and documentation for all Joint Commission required criteria.
- Developed and managed a \$2 million annual budget.

- Led construction progress meetings through completion.

Facilities Manager

Perceptive Software, Inc.

2006 – 2009

Shawnee, Kansas

- Arranged and reviewed contracts for vendor services and supervised hired contractors to ensure on time completion of projects.
- Developed and maintained a \$300,000 annual budget.
- Managed all building and grounds along with HVAC systems, surveillance, alarm, fire alarm, and badge access systems.

MILITARY

Work Center Supervisor/Lead Technician/Technician

United States Navy

1987-1993

- Periodic maintenance and casualty troubleshooting.
- Training and evaluating military bearing and mechanical aptitude of junior personnel.

EDUCATION

Associate of Applied Science in Electronics. DeVry University

Kansas City, MO. February 1995, Honor Graduate

Maintenance Management Certificate. Missouri State University

Kansas City, MO. October 2005.

Building Operator Level 1. Westar Energy

Topeka, KS. November 2015.

Certified Office Ergonomic Evaluator. HumanScale

Kansas City, MO. June 2018.

PROFESSIONAL AFFILIATIONS

- International Facility Management Association
- Topeka Facility Managers Association

City of Topeka Boards and Commissions Application

Submitted on	2 December 2024, 2:34PM
Receipt number	323
Related form version	9

Profile

First Name	Constance (Connie)
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Last Name	Jacobson
-----------	----------

Email Address	cmjacobson80@gmail.com
---------------	------------------------

Street Address	3064 Southwest Plass Avenue
----------------	-----------------------------

Suite or Apt	
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City	Topeka
------	--------

State	Kansas
-------	--------

Zip	66611
-----	-------

Are you a resident of the City of Topeka?	Yes
---	-----

What district do you live in?	District 5
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Primary Phone	7855806730
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Alternate Phone	
-----------------	--

Employer	Retired USD 501 Educator
----------	--------------------------

Job Title	Social Studies Teacher
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Which Board would you like to apply for?	Citizen's Government Review Committee
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Are you a registered voter?	Yes
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Are you currently a full or part-time employee of the City of Topeka?	No
---	----

Which department do you work for?	
-----------------------------------	--

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I am interested in serving on the Citizen's Government Review Committee because I have a wide variety of life experiences. First, I have lived in Topeka since September 1994 in District 5. Second, I have taught US Government and Economics to Topeka West high school students for many years, retiring July 1, 2024. I am a member of Most Pure Heart of Mary Church as well, serving as a Extraordinary Minister of Holy Communion for many years. I also am a member of the League of Women Voters Topeka-Shawnee County and a board member of the Briarwood Swim Club.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have taught US Government and Economics to Topeka West high school students for many years, retiring July 1, 2024. I am a member of Most Pure Heart of Mary Church as well, serving as a Extraordinary Minister of Holy Communion for many years. I also am a member of the League of Women Voters Topeka-Shawnee County and a board member of the Briarwood Swim Club. I have a Bachelor's of Science Degree in Business from Kansas State University with additional coursework completed.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I am currently a licensed secondary educator with credentials in History, Government and Social Studies, Business and English for Speakers of Other Languages.

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Constance \(Connie\) Jacobson.pdf](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Female

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct.

I Agree

Your electronic signature

A handwritten signature in black ink, consisting of a stylized initial 'C' followed by a horizontal line.

[Link to signature](#)

Alternative electronic signature

Constance Jacobson

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

CONSTANCE JACOBSON

3064 SW Plass Ave., Topeka, KS 66611 | (785)266-9058 | cmjacobson80@gmail.com

TEACHING EXPERIENCE

Social Studies Teacher at Topeka West High School, January 2006 to July 2024.

Student Teacher at Topeka West High School, Fall 2005

Courses taught: US History and US Government, AP US Government, Economics, Current Social Issues, Indigenous Studies

Additional Duties: Topeka West High School Student Council Sponsor, August 2007 through May 2011, Secondary Social Studies Curriculum and Assessment Team, Topeka Public Schools USD 501, served on a variety of school committees including: Go Green, Faculty and Student Recognition, Rigorous Instructional Practices, Freshman Mentoring, Public Relations and Technology. Served as Treasurer for Faculty and Staff Together (FAST) staff committee.

Emergency Substitute Teacher for the Topeka Catholic Schools Institute, School years 2003-04 and 2004-05

Adjunct Instructor for Washburn University, Fall 1999

AWARDS

EVERY VOTE MATTERS AWARD, FROM THE LEAGUE OF WOMEN VOTERS OF TOPEKA-SHAWNEE COUNTY, NOVEMBER 2014

PRIOR EXPERIENCE

Assistant Vice President/Branch Manager , Gage Branch Manager, Silver Lake Bank, Topeka, Kansas

EDUCATION

Completion of Licensure Program in History/Government, Washburn University, Topeka, Kansas, December 2005

Bachelor of Science, Business Administration, Kansas State University, Manhattan, Kansas, May 1990

MEMBERSHIPS

League of Women Voters Topeka-Shawnee County

Board Member, Briarwood Swim Club

Delta Kappa Gamma Society International

Most Pure Heart of Mary Church, Extraordinary Minister of Holy Communion

WORKSHOPS AND CONFERENCES

Project SEMILLA, KSU/KU ESOL Endorsement Program, January 2022 to January 2023

Harvard Case Method Institute Workshop, April 3, 2021

AP Summer Institute, US Government and Politics, June 2018

City of Topeka Boards and Commissions Application

Submitted on 2 December 2024, 11:35AM
Receipt number 324
Related form version 9

Profile

First Name Jim

Last Name Kaup

Email Address kaup@kauplawoffice.com

Street Address 4804 SW Brentwood Road

Suite or Apt

City TOPEKA, KS

State Kansas

Zip 66606

Are you a resident of the City of Topeka? Yes

What district do you live in? District 9

Primary Phone 7852319348

Alternate Phone

Employer Retired

Job Title

Which Board would you like to apply for? Citizen's Government Review Committee

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I would like to serve on the Review Committee because this is my community, having lived here since 1979, and because I have a long record of service to Topeka. I recently retired from a 40-plus year municipal law practice. I worked with and for dozens of local governments across Kansas, seeing the full range of forms of government—city administrator, city manager, strong mayor, mayor-council, city commission. I have also seen various electoral arrangements—councilmembers and commissioners elected by-district and at-large, and hybrid forms. I am a Kansas native, graduating from KSU and the KU Law School. I served the League of Kansas Municipalities as staff attorney, then general counsel in the 1980s and 1990s. That service gave me great experience in understanding how local governments could best go about protecting and improving the quality of life of community members.

I served on the Topeka-Shawnee County Metropolitan Planning Commission from 1992-96 as an appointee of Mayor Felker, on the Shawnee County Planning Commission from 1996-98, and am presently on the last year of my second term with the Topeka Planning Commission (2019-2025). Over the years I have also served on several advisory committees and task forces for the City, including for the Land Use and Growth Management Plan 2040.

In the 1990s I was the City's first legislative lobbyist, selected by Mayors Felker and Wagnon, promoting numerous City legislative initiatives. As I am retired I am able to contribute the time and energy required for the Committee. In sum, I have many years of experience directly relevant to the mission of the Committee, and a demonstrated commitment to helping make local governments better the lives of the members of their communities.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

As noted above, I am a recently retired attorney. Over the years I have made numerous presentations to legal and municipal organizations including the Kansas City Managers Association, the Kansas City Clerks Association, the Kansas Chapter of the American Planning Association, the Kansas City Attorneys Association, the Kansas County Counselors Association, and the National Institute of Municipal Law Officials. Also as noted above, my entire career has been devoted to serving local governments.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I retired my Kansas law license in 2024.

****Please upload a resume or any additional information you believe may be helpful in considering your application.**

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature

[Link to signature](#)

Alternative electronic signature James M. Kaup

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

James M. Kaup

4804 SW Brentwood Road
Topeka, KS 66606
785.231.9348 Cell

Profile

Jim Kaup dedicated his career as an attorney to serving the interests of Kansas local governments across the state. He is a sixth-generation Kansan and spent over 40 years working on behalf of Kansas counties and cities before his retirement in 2024.

His primary practice area focused on the land use development process, including planning, zoning and subdivision regulations. He drafted land use regulations and comprehensive plans for numerous city and county governments.

His legal practice covered many topics of municipal law, including the following:

- Comprehensive Plans
- Zoning and Subdivision Regulations
- Extraterritorial Land Use Regulatory Authority
- Annexation Policies and Municipal Service Plans
- City and County Home Rule
- Employment Law
- Open Records/Open Meetings
- Kansas Tort Claims Act
- City-County Interlocal Agreements

Education:

Kansas State University, Bachelor of Science with Honors, 1975
University of Kansas, School of Law, Juris Doctorate, 1979

Admitted to the Bar:

Kansas, 1979
Supreme Court of the United States, 1988
10th Circuit Court of Appeals, 1990

Experience:

League of Kansas Municipalities – Attorney 1981-1987 / General Counsel 1987-1993
Gilmore & Bell, PC – Of Counsel 1992-1993
Logan Riley Carson & Kaup, LC – Partner 1994-2003
Law Office of James M. Kaup, PA – 2003-2008
Kaup & Shultz, LC – Partner 2008-2011
Kaup Law Office – 2012-2024 (retired)

Mr. Kaup has been an instructor and lecturer in graduate studies programs at Wichita State University and the University of Kansas, and a guest lecturer at the University of Missouri-Kansas City School of Law and Washburn University School of Law. Mr. Kaup was on staff with the League of Kansas Municipalities for over 12 years, as attorney then General Counsel. He has served as Special Counsel to the Kansas Association of Counties on several occasions.

He has been a frequent speaker on land use law and other local government topics at programs for city and county attorneys, managers, planning commissioners and elected officials. He has served for over 15 years as a commissioner on the Topeka-Shawnee County, Shawnee County and City of Topeka planning commissions. His post-retirement interests include his ongoing involvement in land use, as well as environmental protection and affordable housing strategies.

Experience and References

Jim Kaup was engaged for over 40 years in providing legal services to Kansas cities and counties. Representations included, among others, the cities of Winfield, Arkansas City, Abilene, Basehor, Council Grove, Ottawa, Paola, Chanute, Emporia, Concordia, Dodge City, Garden City, Liberal, Lakin, Deerfield, Hays, Sublette, Lansing, Louisburg, Lawrence, Topeka, Edwardsville, LaCygne, Ogden, Fort Scott, and Osage City. Jim has also provided services for Riley, Johnson, Butler, Marion, Miami, Dickinson, Kearny, Pottawatomie, Linn and Wabaunsee counties. Please contact any of the following references:

Dr. Dee McKee, Pottawatomie Co. Commissioner
Courthouse, PO Box 284, Westmoreland KS
66549
785.565.1026

Richard U. Nienstedt
Retired City Manager, Ottawa
Former Interim City Manager, Topeka
785.214.8521

Warren Porter, Former City Mgr., Winfield, KS
City Administrator, Rose Hill
125 W. Rosewood, Rose Hill, KS 67133
316.776.2712

Barry T. Beagle, AICP
Senior Planner, City of Manhattan
1101 Poyntz Ave., Manhattan KS 66502
785.587.2425

Alan Morris
Former City Administrator, Topeka
785.231.9976

Prof. Hannes Zacharias, Former Johnson Co. Mgr.
KU School of Public Affairs & Administration
4060 Wescoe Hall, Lawrence, KS 66045
913.709.8153

Patrick Stewart, Director of Community Development
200 E. Ninth St., Winfield, KS 67156
620.221.5525

Kenneth A. Cook, AICP
Miami Co. Planning Director
201 S. Pearl, Paola, KS 66071
913.294.9553

City of Topeka Boards and Commissions Application

Submitted on 18 November 2024, 1:02PM
Receipt number 312
Related form version 9

Profile

First Name Shampayne

Last Name Lloyd

Email Address shampaynelloyd@yahoo.com

Street Address 2745 Sw Villa West Dr

Suite or Apt 2507

City Topeka

State Kansas

Zip 66614

Are you a resident of the City of Topeka? Yes

What district do you live in? District 8

Primary Phone 785 220 6964

Alternate Phone 785 220 6964

Employer Phoenix Hospice

Job Title Chaplain

Which Board would you like to apply for? Citizen's Government Review Committee

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I meet the requirements, and also I love our community. I believe I can add to the discussion and be an asset in this important work as a group, which is so vital to our community.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I have certificates and licenses in a variety of spheres, including health care, mental health, college and 4year seminary. I also served on the Human Relations Commission 2 terms, and the Mayor's team (community advocate engagement)under Mayor DeLa Isla.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Minister/ Pastor , Trauma Healing, CNA, CMA, Chaplain (Hospice& Topeka Police Department)

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Shampayne Lloyd Resume1.docx](#)

Voluntary Self Identification

Ethnicity African American

Gender Female

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Link to signature](#)

Alternative electronic signature

Shampayne Lloyd

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

Shampayne Lloyd
3719 SE 30 Terr #202
Topeka, Kansas 66605
785-383-9103
shampaynelloyd@yahoo.com

OBJECTIVE

A qualified professional with strong leadership, communication and interpersonal skills, seeking a position in a non-profit environment.

WORK EXPERIENCE

Certified Med Aide,

McCrite Plaza, Topeka, Ks

- Provided direct resident care as assigned, conduct resident rounds daily
- Completed daily charting for residents
- Identified and correct problems
- Maintained confidentiality and privacy of elder care, procedures, and documentation

Certified Med Aide,

Brewster Place, Topeka Ks,

- Helped with elder personal care functions, including dental and mouth care, bathing, dressing and grooming
- Met with the clinical support team as scheduled or needed to discuss elders needs and progress
- Recorded care data for each elder at the time of service
- Reported any resident abuse or suspected abuse to immediate supervisor immediately after moving elder to safety, if necessary

Activities Specialist, CNA, CMA

Plaza West Regional Health Care Center, Topeka, KS

- Assisted with the planning and implementation of **activities** for residents
- Helped design programs to encourage socialization
- Led residents in actives such as outings, reading and exercise
- Supported improvement of daily living skills for residents

Community Service & Volunteer Experience

Topeka Correction Facility

Volunteer, Incarceration to Incorporation

- Launched the urban ministry institute
- Launched Fight the good fight of faith
- Lead classes in maximum security area of the prison

Ross Elementary

Volunteer, Hope for the Future, Topeka Ks

- Formed mentor group for at risk girls in 501 school district
- Led weekly group meetings to promote self-worth
- Provided resources for anti-bullying

Mayor's Community Engagement Advocate

Volunteer, Mayor's Executive Team, Topeka Ks

- Assisted with grassroots community efforts
- Plan community engagement events in low income areas
- Collects data for community improvement

Education

Urban Ministry Institute

Leadership Development Seminary

Evangel Church Planting School

Church Planting Certificate

License and Certification

Allen County Community College

CNA, CMA

Valeo Topeka

Emergency Mental Health Aide

City of Topeka Boards and Commissions Application

Submitted on 22 November 2024, 9:17AM
Receipt number 319
Related form version 9

Profile

First Name Tamara

Last Name Martin

Email Address martin.tami64@gmail.com

Street Address 1206 SW High Ave

Suite or Apt

City Topeka

State Kansas

Zip 66604

Are you a resident of the City of Topeka? Yes

What district do you live in? District 6

Primary Phone 785-608-6718

Alternate Phone

Employer League of Kansas Municipalities

Job Title Legal Services Coordinator

Which Board would you like to apply for? Citizen's Government Review Committee

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

Serving on a citizen government review board offers a unique opportunity to contribute to the community by providing oversight, fostering transparency, and ensuring that government decisions align with public interests. It allows individuals to use their knowledge, skills, and diverse views to evaluate policies and practices, recommend improvements, and promote accountability. This role is a chance to engage directly in the democratic process, advocate for fairness and efficiency, and help shape decisions that impact the quality of life in the community.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

I graduated from Washburn University in 2012, shortly thereafter I started employment with the League and I assist our member cities with trainings, legislature monitoring, updating publications utilized by municipalities across the state. I am a member of the National Technical Honor Society, held a 4.0 GPA while attending school and working a full time job. I have recently become involved with the Topeka Legal Professionals as well.

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

I am currently a Notary for the State of Kansas.

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Washburn Resume.rtf](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Female

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature



[Uploaded signature image: signature.jpg](#)

Alternative electronic signature

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

Tami Martin

1206 SW High Topeka, KS 66604

Phone: 785-608-6718 • E-mail: martin.tami64@gmail.com

RELATED CAPABILITIES:

- Proficient with Microsoft Word, Access, PowerPoint, and Excel
- Type 60 wpm
- Basic accounting
- Preparing legal office documents, legal transcription
- Knowledge of legal terminology

EDUCATION:

Washburn University -2012

AA—Paralegal Studies Program

- Significant courses included: Intro to Paralegal, Legal Research, Legal Writing, Interviewing and Investigation, and Family Law

Washburn Institute of Technology -2010

Legal Office Professional

- Significant courses included: Business Accounting, Business Communications, Business Law, Human Relations, Document Processing
- Maintained a 4.0 grade point average while working full time
- Member of National Technical Honor Society

EXPERIENCE:

League of Kansas Municipalities – 2012-present

Legal Services Coordinator

- Answering telephones; assist with member services requests
- Provide legal assistance under the supervision of General Counsel and staff attorneys
- Proofread, format, and submit testimony and assist with multiple publications
- Track membership; coordinate board meetings and conferences for City Attorneys Association of Kansas and Kansas Mayors Association
- Handle attorney registration and membership in several organizations
- Complete monthly lobbyist expenditure reports
- Work with Education Manager on yearly Youth Essay contest

Kansas Legal Services – 2010-2012

Legal Secretary

- Provides support and collaborates with other staff to achieve goals and outcomes related to disability and domestic cases
- Answering telephones, handling client service inquiries
- Data entry, inter-office filing, filing documents at the courthouse

Payless Shoesource – 1993-2009

E-com Associate

- Sorted product and packaged orders
- Trained new employees in sorting and shipping orders
- Successfully led a 10–12-person team on a production line

City of Topeka Boards and Commissions Application

Submitted on	18 November 2024, 1:59PM
Receipt number	314
Related form version	9

Profile

First Name	Zachary
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Last Name	Surritt
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Email Address	zac@randsmaintenance.com
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Street Address	1259 SW Pembroke Ln
----------------	---------------------

Suite or Apt	
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City	Topeka
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State	Kansas
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Zip	66604
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Are you a resident of the City of Topeka?	Yes
---	-----

What district do you live in?	District 6
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Primary Phone	7852499317
---------------	------------

Alternate Phone	
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Employer	R&S Maintenance Services, Inc.
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Job Title	Business Development Director
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Which Board would you like to apply for?	Citizen's Government Review Committee
--	---------------------------------------

Are you a registered voter?	Yes
-----------------------------	-----

Are you currently a full or part-time employee of the City of Topeka?	No
---	----

Which department do you work for?	
-----------------------------------	--

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

Are you delinquent in payment of any taxes, fees, fines, or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka? No

Please explain your delinquent payment situation.

Please state why you are interested in serving on this board or commission:

I am a young professional who is generally knowledgeable about the City of Topeka and about municipal government. I am always interested in efforts to improve our city and working as a team to do so.

Interests & Experiences

Please describe your education, experience, and expertise including any honors, awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

Meriden City Council Member, 2015-2016
Forge Young Talent, 2024 Chair
Topeka Human Relations Commission, 2022-Current
Kansas NextGen Under 30 Awardee, 2024
Greater Topeka Chamber of Commerce Board of Directors, 2023
Meriden-Ozawkie Chamber of Commerce, 2024 Vice President

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

Public Notary, Current

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Zachary Surritt Resume.pdf](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

The information I am submitting is true and correct. I Agree

Your electronic signature

Alternative electronic signature Zachary Surritt

Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



ZACHARY SURRITT

BUSINESS DEVELOPMENT DIRECTOR

PROFILE

Experienced professional in business and economic development with a strong ability to communicate and organize, driving success.

Demonstrated expertise in leadership, advocacy, and strategic planning within private and nonprofit organizations across multiple communities.

EXPERIENCE

BUSINESS DEVELOPMENT DIRECTOR

R&S Maintenance Services, Inc.
2020 - Present

- Create and achieve short and long-term goals for growth
- Develop public relations materials, marketing and advertising strategies, and oversaw company rebranding.
- Establish and maintain relationships with clients and industry partners to drive growth.
- Recruit, interview and hire employees and implemented mentoring program to promote positive feedback and engagement.

GENERAL MANAGER


Chadwell's Automotive
2022 - Present

- Manage the personnel, finances, facility, and marketing of the business.
- Report to ownership directly and act on their behalf to ensure the success and growth of the business.
- Drove year-over-year business growth while leading operations, strategic vision, and long-range planning.


COMMUNITY SERVICE

- Meriden-Ozawkie Area Chamber of Commerce | 2021-Present | VP
- Forge Young Talent | 2021-Present | Board Chair, Advocacy Chair
- Topeka Human Relations Commission | 2022-Present | Commissioner
- Topeka Facility Managers Association | 2023-Present | Programs Chair
- Sales & Marketing Executives, Topeka | 2024-Present | Member

CONTACT

 785-249-9317

 zwsurrutt@gmail.com

 1259 SW Pembroke Ln
Topeka, KS 66604

SKILLS

- Industry Trends Tracking
- Relationship Building
- Strategic Planning
- Training and Mentorship
- Workforce Management
- Financial Administration
- Advertising and Marketing

EDUCATION

BACHELOR OF PUBLIC ADMINISTRATION

Washburn University
2016 - 2020

- Student Body President, 2018-2019
- Who's Who of Washburn University, 2019
- Student Life Award, 2019
- Mortar Board Honor Society
- Order of Omega Honor Society

AWARDS & HONORS

- NextGen Under 30 Kansas, 2024
- NASBA Ethical Leadership Certification, 2020



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: Downtown Business Improvement District 2025 Service Fee
PROJECT #:
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 relating to the Capital City Downtown Business Improvement District, amending Section 3.40.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on downtown businesses.)

VOTING REQUIREMENTS:

Discussion with Possible Action. Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize continuation of the current service fee in 2025.

STAFF RECOMMENDATION:

Discussion with Possible Action. Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district (BID). The City has established a BID for the downtown. Service fees are based on square footage and location.

Service fees are used to provide a variety of services to downtown businesses such as landscaping, lighting on Kansas Avenue and programs to promote downtown. There are no changes to the service fees for 2025.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

2025 Downtown BID Services and Budget

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a
6 service fee levy for 2025 relating to the Capital City Downtown
7 Business Improvement District, amending § 3.40.030 of the Topeka
8 Municipal Code and repealing original section.
9

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

11 Section 1. That section 3.40.030, Method of raising revenue, of The Code of
12 the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Method of raising revenue.**

14 (a) The method to be used to raise the funds necessary for the district shall be
15 the levy of service fees upon all businesses located within the district. "Business" means
16 a fixed place of business where one or more persons are employed or engaged in the
17 purchase, sale, provision or manufacturing of commodities, products or services. The
18 ownership of real estate which is unoccupied and which is held for investment
19 purposes, for sale or lease, shall be considered a business. For the purposes of this
20 chapter, the operation of multifamily residential property and the operation of structured
21 parking facilities shall not be considered to be a business.

22 (b) The service fees shall be based upon the location of the business in one of
23 the tier areas located in the map which is incorporated by reference. However, the
24 maximum service fee per business will not exceed \$15,000 regardless of the number of
25 square feet or tier area. The service fees assessed shall be as follows:

Number of square feet	Rate
0 - 999	\$60 (all tiers)
1,000 plus (tier one)	\$.0905 per square foot

1,000 plus (tier two)	\$.0405 per square foot
Unoccupied Real Estate	Rate
Tier One	\$.04525 per square foot
Tier Two	\$.0205 per square foot

26 (c) For the purposes of this chapter, the number of square feet of floor area
27 occupied shall be determined as the total area designated for the exclusive use by the
28 owner or tenants expressed in square feet and measured from the centerline of joint
29 partitions and from outside wall faces. In the case of leased property, square feet of
30 floor area occupied is considered that area for which tenants pay rent. In no event shall
31 square feet of floor area occupied include public toilets, corridors, stairwells, elevators,
32 mechanical equipment rooms, lobbies, mall areas, or hotel sleeping rooms. Further, in
33 no event shall square feet of floor area occupied include area which is unusable or is
34 not occupied due to applicable City codes. In the case of a building occupied by a single
35 business, the gross floor area may be reduced by subtracting the actual measured
36 square footage of excluded areas as defined in this section or by subtracting 15 percent
37 of the gross floor area, whichever is greater.

38 (d) Service fees under this section shall be levied for the year ~~2024~~2025 and
39 shall be due and payable in two semiannual installments. Service fees shall be deemed
40 delinquent if not paid within 30 days of the due date provided for the second semiannual
41 installment.

42 Section 2. That original § 3.40.030 of The Code of the City of Topeka, Kansas,
43 is hereby specifically repealed.

44 Section 3. This ordinance shall take effect and be in force from and after its

45 passage, approval and publication in the official City newspaper.

46 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
47 or portions thereof, which are in conflict with the provisions of this ordinance.

48 Section 5. Should any section, clause or phrase of this ordinance be declared
49 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
50 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

51 PASSED AND APPROVED by the Governing Body on _____.

52
53 CITY OF TOPEKA, KANSAS

54
55
56
57
58 _____
59 Michael A. Padilla, Mayor

60 ATTEST:

61
62
63 _____
64 Brenda Younger, City Clerk



May 1, 2024

Mr. Richard Nienstedt
Interim City Manager

Dear Mr. Nienstedt;

The Capital City Downtown Business Improvement District (CCDBID) Advisory Board has prepared their recommended budget for 2025. As required by the state statute and city ordinance, the budget and program of services will be considered and approved by the Advisory Board and submitted on or before May 15, 2024. Downtown Topeka, Inc., as the contractor for the CCDBID, will carry out the following program of services to the extent that the funding will permit:

1. Provide general maintenance and cleaning of the district on Kansas Avenue from 10th to Crane Street and other streets as determined by the administrator.
2. Provide maintenance of the equipment used in downtown cleaning.
3. Provide a walking path during snow on sidewalks from 4th to 10th on Kansas Avenue as well as the side streets from 6th to 10th.
4. Promote the district through a variety of marketing tools.
5. Spray for weeds on sidewalks
6. Underwrite and support special downtown events and parades.
7. Provide timely and pertinent information through the available mediums.
8. Publish a BID newsletter to communicate to businesses in the district.
9. Provide administrative services including inventory maintenance, office/overhead, insurance, salaries, benefits, etc.
10. Recruit new businesses and residential opportunities.
11. Collaborate with the City to provide Christmas lights and banners on Kansas Avenue.

We are committed to maintaining a clean, safe and inviting environment as we work to attract new businesses, residents and developments to the district. The CCDBID Advisory Board and Downtown Topeka, Inc. will address each situation with the following goals:

1. Create an attractive physical environment.
2. Create an attractive economic environment.
3. Strive to achieve excellence in the quality of life as a center of government, commerce, culture, history and recreation.

Thank you for your continued support and for the outstanding partnership we share.

Sincerely,

Ashley Gilfillan
President

2025 Capital City Downtown BID Program of Service / Budget

			2025	2024	2023
	Projected Beginning Balance		\$ -	\$ -	\$ -
Projected/Actual Revenue Current & Prior Years			\$ 220,000.00	\$ 220,000.00	\$ 220,000.00
	Uncollectable (10%)		\$ (22,000.00)	\$ (22,000.00)	\$ (37,400.00)
Total Revenue	Projected Revenue		\$ 198,000.00	\$ 198,000.00	\$ 182,600.00
Total Expense	Projected Expenses		\$ 209,551.24	\$ 209,551.24	\$ 198,051.24
Difference	Budget vs Projection difference		\$ (11,551.24)	\$ (11,551.24)	\$ (15,451.24)
	Projected Expenses				
District Maintenance:					
	Contract for Outdoor Cleaning Maintenance		\$ 8,000.00	\$ 8,000.00	\$ 5,000.00
	Landscaping Improvements		\$ 5,000.00	\$ 12,000.00	\$ 12,000.00
	Maintenance Equipment		\$ 4,000.00	\$ 4,000.00	\$ 4,000.00
	Utility Vehicle Maintence		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
	District maintenance other		\$ 4,500.00	\$ 4,500.00	\$ 4,500.00
	Event Insurance - Brier Payne Meade		\$ 4,000.00	\$ 2,000.00	\$ 2,000.00
	Misc Expenses		\$ 4,725.00	\$ 4,725.00	\$ 1,225.00
	Category Total:		\$ 35,225.00	\$ 40,225.00	\$ 33,725.00
District Programming					
	Special Events (parades, concerts, other)		\$ 45,000.00	\$ 35,000.00	\$ 30,000.00
	Category Total:		\$ 45,000.00	\$ 35,000.00	\$ 30,000.00
District Promotion					
	Media Advertising		\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
	Printed Materials		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
	District Promotions Other		\$ 4,500.00	\$ 4,500.00	\$ 4,500.00
	Category Total:		\$ 19,000.00	\$ 19,000.00	\$ 19,000.00
District Admin					
	Administrative Expenses		\$ 97,326.24	\$ 97,326.24	\$ 97,326.24
	Category Total:		\$ 97,326.24	\$ 97,326.24	\$ 97,326.24
District Enhancements					
			\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
	Category Total:		\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
New Opportunities					
	New Opportunities		\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
	Category Total:		\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
Category Totals					
	District Maintenance		\$ 35,225.00	\$ 40,225.00	\$ 33,725.00
	District Programming		\$ 45,000.00	\$ 35,000.00	\$ 30,000.00
	District Promotion		\$ 19,000.00	\$ 19,000.00	\$ 19,000.00
	District Administration		\$ 97,326.24	\$ 97,326.24	\$ 97,326.24
	Staff BID Exp \$86,077.47				
	Office Expenses \$11,248.77				
	District Enhancements		\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
	Contingency Funds Available				
	New Opportunities		\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
	TOTAL Expenses:		\$ 209,551.24	\$ 209,551.24	\$ 198,051.24



City of Topeka
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December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: NOTO Business Improvement District 2025 Service Fee
PROJECT #:
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 for the NOTO Business Improvement District, amending Section 3.70.030 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee imposed on NOTO businesses.)

VOTING REQUIREMENTS:

Discussion with Possible Action. Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize continuation of the current service fee in 2025.

STAFF RECOMMENDATION:

Discussion with Possible Action. Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district (BID). In 2023, the NOTO BID commenced and established a service fee based upon the business location, service type and square footage.

The service fees are used to provide a variety of services to NOTO businesses such as landscaping, public art and programs to promote the district.

There are no changes to the service fees for 2025.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Ordinance

NOTO BID Report and Budget 2025 Services

NOTO 2024 BID Report

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 for the NOTO Business Improvement District, amending § 3.70.030 of the Topeka Municipal Code and repealing original section.

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

Section 1. That section 3.70.030, Method of financing – Service fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Method of financing – Service fee.

(a) The district will be financed by imposition of an annual service fee for ~~2024~~2025 on businesses within the following tier levels:

Tier 1: Businesses located in the area bounded by Gordon Street on the north; Norris Street on the south; Quincy Street on the east and Jackson Street on the west.

Number of Square Feet	Retail and Service (Main Floor) Rate	Retail and Service (Distinct from Main Floor Business) Rate	Trade/Office Space/Warehouse Rate
1 – 500	\$100	\$75	\$75
501 – 1,000	\$175	\$125	\$125
1,001 – 2,500	\$250	\$200	\$200
2,501 – 5,000	\$325	\$275	\$275
5,001 – 10,000	\$400	\$350	\$350
10,001 – 20,000	\$475	\$425	\$425
20,001 plus	\$550	\$500	\$500

Tier 2: Businesses located in the area bounded by Morse Street on the north; Gordon Street on the south; Quincy Street on the east and Jackson Street on the west.

Number of Square Feet	Retail and Service (Main Floor) Rate	Retail and Service (Distinct from Main Floor Business) Rate	Trade/Office Space/Warehouse Rate
1 – 500	\$50	\$35	\$35
501 – 1,000	\$100	\$50	\$50
1,001 – 2,500	\$125	\$75	\$75
2,501 – 5,000	\$200	\$150	\$150
5,001 – 10,000	\$225	\$175	\$175
10,001 – 20,000	\$250	\$200	\$200
20,001 plus	\$300	\$250	\$250

20 However, businesses that had a physical presence in the district on or before
21 January 1, 2008, are not obligated to pay the fee.

22 (b) Service fees shall be due and payable on March 1st of each year.

23 Section 2. That original § 3.70.030 of The Code of the City of Topeka, Kansas,
24 is hereby specifically repealed.

25 Section 3. This ordinance shall take effect and be in force from and after its
26 passage, approval and publication in the official City newspaper.

27 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
28 or portions thereof, which are in conflict with the provisions of this ordinance.

29 Section 5. Should any section, clause or phrase of this ordinance be declared
30 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
31 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

NOTO Business Improvement District 2025 Program of Services

Submitted by:
Thomas Underwood, Executive Director
NOTO Arts and Entertainment District

The NOTO Business Improvement District was approved by the City of Topeka Governing Body in 2022 for formal implementation in 2023. The purpose of the NOTO BID is to provide fundamental services to the district that otherwise are not provided by local government, specifically in four primary areas: district maintenance, beautification, safety and security, and marketing.

The NOTO BID boundary is Morse Street to the north, Norris Street to the south, Quincy Street to the east, and Jackson Street to the west. Withing this geographic area are two tiers, with Tier 1 to the south of Gordon and Tier 2 to the north. Assessments are based on tier and type of business, e.g., retail versus warehouse. All businesses are assessed, though businesses established in the area prior to 2008 do not have to pay the assessment. It was estimated that if every business were to pay the assessment the NOTO BID revenue would be \$17,7255; for only businesses established after 2008 the estimated revenue was \$12,350.

With only the first year as a benchmark, it is difficult to ascertain patterns of compliance. Payments were very uneven, requiring numerous communications and several invoices throughout the year. One business did not pay until the very last day of the year. Thus, it was difficult to determine expenditures when revenue was so inconsistent. Nine businesses who were obliged to pay the assessment did not do so, resulting in a \$3,000 in uncollected assessment revenue.

The final amount collected in 2023 was \$10,050. However, due to the uncertainties of collections expenditures were limited and we closed the year with about \$4,000 in unspent funds for rollover. Assuming a similar amount will be collected in 2024, the total budget for the year is estimated at about \$13,000. In addition to basic maintenance, the primary expenditure planned for 2024 is the repair, replacement, or removal of banners in the district.

2025 Services

Assuming a 2024 collection of about \$10,000, the planned program of services for 2025 will continue to be fairly basic:

ITEM	SERVICES	EST. AMOUNT
District Maintenance	Trash service, snow removal	\$5,800
Beautification	New trash cans	\$2,100
Marketing	Repair archway, window clings	\$1,050
COT Administration	2% of revenue (2025)	\$200
NOTO Administration	5% of revenue (2025)	\$500
TOTAL		\$9,650

Collection Strategies

Despite an open, transparent, and inclusive process in the development of the NOTO BID, a surprising number of NOTO businesses complained about the new assessment. In its first year, several communications recounting the history and its purpose were sent, and the advisory board was active in direct contact. Towards the end of the year a letter from the City Manager was included in an invoice which did seem to spur a few businesses to pay. Probably the most significant impact on payment was the implementation of the NOTO Redevelopment Incentive Grant fund, of which payment of the NOTO BID (post-2008) is required. We will continue to educate the district on the importance of the BID. We also seek support from the COT in exercising its authority to collect a financial obligation to the City.

Other Revenue

The NOTO organization is a small non-profit entity that provides an array of services for the NOTO district and the community. Funding for the NOTO organization comes from grants, sponsorships, and donations. Except in the form of sponsorships or grants for certain events or projects, of which we have received increasing support this past year, NOTO does not receive Transient Guest Tax for operational costs. NOTO does not receive any Tourism Business Improvement District funds for operations of Redbud Park which is a site for free community concerts, public art, and festivals.

Advisory Board

The 2023/2024 Advisory Board included:

- Pedro Concepcion, Wheel Barrel
- Monette Mark, Fire Me Up Ceramics
- Denise Selbee-Koch, Compass Point
- Dave Horn, Donaldson's Jewelers
- Thomas Underwood, NOTO Arts and Entertainment District

The terms for Pedro Concepcion and Monette Mark have expired and they have chosen not to renew their appointment. Pending Advisory Board members include:

- Trish McAlister, Decades Garage
- DeAna Morrison, Amused Gallery and Gifts

The NOTO Bid is essential to the continued development of the area. While the amounts collected are minimal compared to the need, we believe collections will continue to improve as new businesses come to the district and existing businesses realize its value. Further, the NOTO Redevelopment Incentive Grant offers a great incentive.

2024 BID Report



Prepared by:
Pedro Concepcion
CEO / NOTO Arts &
Entertainment Distric

2024 NOTO Business Improvement District Budget

Revenue: \$13,000

- Remainder from 2023: about \$4,000
- Estimated for 2024: \$9,000

Expenses \$12,080

ITEM	DESCRIPTION	EST. AMOUNT
District Maintenance		\$4,800
• Trash	Public trash receptacle service (weekly)	\$3,200
• Snow Removal	Snow removal (as needed)	\$1,600
Safety and Security		\$500
Materials for Neighborhood Watch Program	Flashlights, signs, signage	\$500
Beautification		\$2,100
• Trash Cans	3 x \$700	\$2,100
Marketing		\$4,050
• Banners	Repair/replace	\$3,000
• Archway Lights	Repair	\$1,000
• BID clings		\$50
COT Administration	2% of revenue (2024)	\$180
NOTO Administration	5% of revenue (2024)	\$450
TOTAL		\$12,080

Cash Info:

Beginning of 2024 cash balance:	\$5,043.88
BID Cash received:	\$8,075.00
Cash Subtotal	\$13,118.88

2024 Cash expenses

Postage	\$32.99
North Topeka Art Misc Exp Payments	\$7,823.90
Total cash expenses	\$7,856.89

Cash Available as of 12/09/24 **\$5,261.99**

Receivables:

2022 receivables	\$0.00
2023 receivables	\$2,600.00
2024 receivables	\$4,625.00
Total receivables	\$7,225.00

ITEM	DESCRIPTION	AMOUNT
District Maintenance		\$3,100
• Trash	Public trash receptacle service (TRM Paid)	\$1,600
• Snow Removal	Snow removal (TRM Paid)	\$1,500
Safety and Security		\$0
Materials for Neighborhood Watch Program	Flashlights, signs, signage (Pending) Program was not developed	\$0
Beautification		\$0
• Trash Cans	3 x \$700 (Pending)	\$0
Marketing		\$4,723.90
• Banners	Repair/replace (Banners Replaced)	\$4,395.87
• Archway Lights	Repair (Archway Lights Repaired)	\$328.03
• BID clings	(Not purchased)	\$0
COT Administration	2% of revenue (2024) (Not Collected)	\$180
NOTO Administration	5% of revenue (2024) (Not Collected)	\$450
TOTAL		\$7,823.90

Safety and Security

We are currently in early discussions with TRM to explore what safety and security initiatives might look like for the district. These conversations are still in their infancy, but we’re optimistic about identifying effective solutions to enhance the safety and well-being of our community.

Beautification

We are excited to share that we are developing a partnership with Fire Me Up Ceramics to design a custom trash receptacle that reflects the unique character and spirit of our district. We look forward to seeing the design come to life and its eventual addition to the district.

Dear Governing Board,

As we look ahead to 2025, I wanted to share how the NOTO Business Improvement District is placing a strong focus on beautification efforts within our community. With a total revenue of \$10,000 projected for the year, we've carefully allocated funds to ensure that we prioritize creating a vibrant and welcoming environment for all who visit, live, and work in NOTO.

Here's how we're focusing on beautification:

1. District Maintenance

- **Trash Removal:** We've allocated \$3,200 for weekly public trash receptacle service, ensuring that our district remains clean and inviting.
- **Snow Removal:** With \$2,600 earmarked for snow removal as needed, we aim to maintain accessibility and safety during winter months.

1. Dedicated Beautification Funds

- **Trash Can Replacement:** We've allocated \$2,100 to purchase and install three new trash cans, enhancing both functionality and aesthetic appeal throughout the district.

1. Marketing and Infrastructure

- **Archway Lights Repair:** \$1,050 is set aside for necessary repairs to the iconic NOTO archway lights, keeping this signature feature as a focal point of the district.

With these focused investments, we are confident that NOTO will continue to be a district that our community and visitors can take pride in. The remaining funds will be responsibly allocated for administration and safety as we ensure sustainability and thoughtful management of resources.

Thank you for your continued support and commitment to the success of the NOTO Business Improvement District.

Best regards,

Pedro Concepcion

CEO, NOTO Arts & Entertainment District



City of Topeka
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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Tourism Business Improvement District 2025 Service Fee
PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION with POSSIBLE ACTION of an ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a service fee levy for 2025 relating to the Topeka Tourism Business Improvement District, amending Section 3.65.035 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would continue the current service fee of \$1 per room per night on hotel room rentals.)

VOTING REQUIREMENTS:

Discussion with Possible Action. Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize continuation of the current service fee in 2024.

STAFF RECOMMENDATION:

Discussion with Possible Action. Staff recommends recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district

(BID). The City has established a tourism business improvement district that encompasses the entire City.

This BID ends on December 31, 2027. Service fees are used for, for promotions and support of community events at Every Plaza. There are no changes to the service fees for 2025.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Topeka Tourism Business Improvement District (BID) 2025 Report and Budget

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by City Manager Dr. Robert M. Perez, establishing a
6 service fee levy for 2025 relating to the Topeka Tourism Business
7 Improvement District, amending § 3.65.035 of the Topeka
8 Municipal Code and repealing original section.
9

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

11 Section 1. That section 3.65.035, TTBID service fees, of The Code of the City
12 of Topeka, Kansas, is hereby amended to read as follows:

13 **TTBID service fees.**

14 (a) The service fee levied on all hotels in the District for calendar year ~~2024~~2025
15 shall be \$1.00 per paid occupied room per night on hotel room rentals.

16 (b) All revenue from the service fees shall be placed in a special fund, as
17 required by K.S.A. 12-1792 and amendments thereto, and shall be used only for the
18 services identified in TMC 3.65.020.

19 Section 2. That original § 3.65.035 of The Code of the City of Topeka, Kansas,
20 is hereby specifically repealed.

21 Section 3. This ordinance shall take effect and be in force from and after its
22 passage, approval and publication in the official City newspaper.

23 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
24 or portions thereof, which are in conflict with the provisions of this ordinance.

25 Section 5. Should any section, clause or phrase of this ordinance be declared
26 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
27 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.
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PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

Topeka Tourism Business Improvement District

Advisory Board Annual Report

Budget and Services 2025

May 15, 2024

Purpose:

The Tourism Business Improvement District (TBID) was created to provide supplemental funding to the Topeka Lodging Association to design and administer a Downtown Topeka Plaza. The Topeka City Council voted to adopt the TBID ordinance on March 14, 2017 and the TBID commenced on January 1, 2018. In accordance with the Kansas Business Improvement District statute, the TBID Advisory Board must present the following year's scope of services and budget before May 15 to the governing body. This document outlines those services as well as the budget for 2025.

Budget:

Following is the annual program of services and proposed budget for calendar year 2025. As you can readily see from this budget, the primary scope of service covered by the fee is the continued operational support of the Evergy Plaza. The distribution proposed in this budget is consistent with previous year's budget's.

Downtown Topeka Foundation- Operational support for Evergy Plaza	81.95%	\$327,800
City Administration	2.00%	\$8,000
Topeka Lodging Association Administration	8.85%	\$35,400
Topeka Lodging Association Contingency*	5.95%	\$23,800
Kansas Kids Wrestling	1.25%	\$5,000
TOTAL	100.00%	\$400,000

**Any balance of the revenues remaining after the above expenses will be held in the contingency fund.*

Fee Methodology:

Payment of the above expenditures will be achieved through the current TBID process as a business improvement service fee of \$1.00 on each qualifying room sold in all of the qualifying lodging properties within the TBID district.

Advisory Committee Members:

A Kurt Young: Executive Director, Topeka Lodging Association

John Gaches: Courtyard Marriott

Dean Patel: Meadow Acres Hotel

Linda Morgan: Ramada Downtown

Rob Bergquist: Cyrus Hotel

Kelsey Savage: Cyrus Hotel

Tim Laurent: Shawnee County Parks and Recreation



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: 2024 Traffic Signal Program
PROJECT #: 141036.00
CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: Yes
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by the Public Infrastructure Committee amending the 2024-2023 CIP and the 2024-2026 CIB regarding the 2024 Traffic Signal Replacement Program. (Project No. 141036.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2024 Traffic Signal Program Project.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the recommendation of the Public Infrastructure Committee.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Committee recommends amending the funding source for 2024 Traffic Signal Program Project 141036.00 from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.

BUDGETARY IMPACT:

\$1,200,000

SOURCE OF FUNDING:

Federal Funds Exchange

ATTACHMENTS:

Description

Resolution

PI Committee Cover Memo (J. McAnarney - October 24, 2024)

PI Committee Excerpt of Meeting Minutes (November 19, 2024)

PI Committee Referral Report (November 19, 2024)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by the Public Infrastructure Committee amending the
4 2024-2033 CIP and the 2024-2026 CIB regarding the 2024 Traffic
5 Signal Replacement Program.
6

7 WHEREAS, the Governing Body adopted Resolution No. 9425 approving the 2024-
8 2033 Capital Improvement Program (CIP) and the 2024-2026 Capital Improvement Budget
9 (CIB); and

10 WHEREAS, project budgets have been revised requiring modification of the
11 CIP/CIB; and

12 WHEREAS, at its meeting on November 19, 2024, the Public Infrastructure
13 Committee favorably considered staff's request to amend the CIP/CIB.

14 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
15 CITY OF TOPEKA, KANSAS, that the 2024-2033 CIP and 2024-2026 CIB, as approved by
16 Resolution No. 9425, be amended to revise the funding source for Project No. 141036.00,
17 the 2024 Traffic Signal Replacement Program as described by the project summary
18 attached herein and incorporated by reference in Exhibit A.

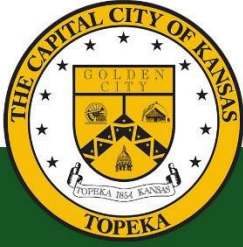
19 ADOPTED and APPROVED by the Governing Body on _____.

20 CITY OF TOPEKA, KANSAS

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24 _____
Michael A. Padilla, Mayor

25 ATTEST:

26
27
28 _____
29 Brenda Younger, City Clerk



CITY OF TOPEKA

City of Topeka Finance Department
215 SE 7th St, Rm 355
Topeka, KS 66603

budget@topeka.org
785-368-3970
www.topeka.org

To: Public Works Infrastructure Committee
From: Josh McAnarney, Budget Manager
Date: October 24, 2024
Re: CIP Amendments

Staff is recommending the following changes to the CIP:

- **2023 CIP:** Amend the funding source for project **241078 – 2023 Infill Sidewalk Program** from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project **141036 – 2024 Traffic Signals Program** from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project **601160 – Neighborhood Infrastructure (DREAMS 1)** from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project **131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM)** from Cash to GO Bonds for \$2,300,000.

Attached as a supplement are the Federal Funds Exchange guidelines. Lastly, the proposed operating budget for 2025 factors in the amendments above.



FEDERAL FUND EXCHANGE PROGRAM GUIDELINES

Program Description

The federal fund exchange program is a voluntary program that allows a local public agency (LPA) to trade all or a portion of its federal fund allocations in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars or with another LPA in exchange for their local funds.

Eligible Participants

Only LPAs that are eligible to receive a federal funding allocation may participate in the federal fund exchange program. Eligible LPAs include all counties in the state and cities with population greater than 5,000 that are not located in a Transportation Management Area (TMA). Currently the only TMAs in Kansas are the Mid America Regional Council (MARC – Kansas City Region) and the Wichita Area Metropolitan Planning Organization (WAMPO).

Participation in the program is optional. An eligible LPA may choose to exchange its federal funds or it may use the funds to develop a federal-aid project following the established procedures.

Federal Fund Distribution

A portion of the STPBG dollars that are made available to the State of Kansas are shared with LPAs. The funds are distributed to cities and counties based on federal law, state statute, or the policy of KDOT. Following is a summary of the methods of distribution of the federal funds.

Counties

STPBG funds are allocated to each of the counties in the state in accordance with KSA 68-402b, which provides for the distribution to be in the same proportion as the total gross amount of moneys received by each county from the Special City and County Highway Fund and the County Equalization and Adjustment Fund. Factors that determine this distribution are number of vehicle registrations, total miles of roads, and estimated average daily vehicle miles traveled in a county.

Small Urban (Cities not in a TMA with population greater than 5,000)

STPBG funds allocated to small urban cities are distributed to each city in proportion to its population relative to the total population of all eligible cities.

Exchange Rate

The exchange rate will be determined by the Secretary of Transportation on an annual basis.

Available Funds

KDOT will determine the amount of state funds available for exchange annually at the time the federal funding is confirmed for a federal fiscal year. KDOT may conduct more frequent reviews of available funding when necessary as a result of funding or budgetary considerations.

Allowable Uses of State Funds

The LPA is required to use the state funds for specific types of transportation improvement projects. This program allows a wider variety of projects and ranges of scope than the federal-aid program would permit. Acceptable project scopes include but are not limited to the following.

- Roadway construction, reconstruction, or rehabilitation.
- Pavement preservation including overlay, mill/overlay, chip and seal, pavement patching, or crack sealing.
- Purchase of aggregate to be placed exclusively on a specific section(s) of public road by LPA forces.
- Safety improvements including signing, traffic signals, pavement marking, removal of roadside obstacles, installation or upgrade of guardrails, or installation of turn lanes.
- Installation of erosion protection measures in roadside ditches or around drainage structures.
- Construction or reconstruction of sidewalks, ADA ramps, or pedestrian signals.
- Replacement of deteriorated curb and gutter.
- Storm sewer repairs to restore or enhance positive drainage.
- Bridge construction or replacement.
- Bridge rehabilitation or repair.
- Bridge painting.
- Bridge removal.
- Construction of low-water crossings.
- Improvements to transit or other multi-modal systems

The state funds may be used for all phases of a project. These include, but are not limited to: 1) preliminary engineering; 2) right-of-way acquisition; 3) utility relocations; 4) construction; and 5) construction inspection.

When work is performed by the LPA's forces, the cost of labor, equipment, material and supplies are eligible for reimbursement. No reimbursement shall be made for costs of mobilization, depreciation, profit or overhead. The LPA will be required to provide detailed work records documenting the actual costs incurred for labor and equipment provided by the LPA. Reimbursable equipment rates used by the LPA shall not exceed the KDOT equipment rates compiled periodically by KDOT's Bureau of Maintenance unless approved prior to construction.

The LPA may develop the project following its own procedures, criteria, and standards. All work performed shall be consistent with the Kansas Statutes, applicable regulations, and normal engineering practices for the work being done. Any work performed on the state highway or city connecting link will require coordination with the local KDOT Area Office.

All *Request to Exchange* and *Request for Reimbursement* forms must be received by KDOT no later than September 15 of each year. Any funds not requested by September 15 will be lost to the LPA.

Fund Exchange Agreement

Upon approval, KDOT and the LPA will enter into an agreement for the exchange of funds. This agreement will outline the amount of federal obligation authority to be transferred to KDOT, the amount of state funds to be provided to the LPA, the method of payment of the state funds to the LPA, any limitations that may apply to the use of these funds, and the specific responsibilities of each party.

Application

An LPA that wishes to exchange its federal funds will submit to the KDOT Bureau of Local Projects a "Request to Exchange Federal Funds" outlining the amount of federal funds the LPA wants to exchange, and providing the contact information for the person designated to be the main contact for the LPA.

Payment of State Funds

State fund exchange dollars will be paid to the LPA on a reimbursement basis up to the maximum amount specified in the agreement. The LPA will need to submit to BLP a [Federal](#)

[Fund Exchange Request for Reimbursement \(KDOT Form 1318\)](#). The Fund Exchange Agreement will set forth the request for reimbursement process. A request for reimbursement may be submitted at the completion of the project or progress payments may be made during the development and construction of the project and as the LPA expends dollars. Project costs that exceed the maximum dollar amount specified in the agreement will be the responsibility of the LPA.

Final Review

Upon completion of the project, the LPA will notify KDOT Bureau of Local Projects. KDOT staff may perform a final review of the project to confirm compliance with the terms of the agreement.

Questions

Any questions regarding the Federal Fund Exchange Program should be directed to the KDOT Bureau of Local Projects at (785) 296-3861 or at KDOT's toll-free number, 1-877-550-5368. As an alternative, you may email us at Lpeplans@ksdot.org.

Capital Improvement Project Summary

Project Name:	Infill Sidewalk/Ped Plan 2023	Council Priority:	Developing Neighborhoods
Project Number:	241078.00	Project Year(s):	2023 to 2032
Department:	Public Works	Estimated Useful Life:	40 Year(s)
Division:	N/A	Contact:	Mark Schreiner
Council District(s):	Multiple	New to CIP?	No
Type:	Repair/Replace	If Not New, First Year in CIP:	2019
Project Status:	Design	Previously Approved in CIB:	
Primary Funding Source:	Federal Funds	New money in CIB:	
Estimated Operating Cost		Total Current CIB:	
CIP Years 4-10:	\$0	Total Project Cost:	

Project Description:

This program constructs new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity that is identified in the Pedestrian Master Plan or through requests from the public. The program will improve connectivity by extending the network of pedestrian routes in the community and adding to the City's multi-modal transportation system. Priority projects will focus on the areas identified in the Pedestrian Master Plan. A detailed list of projects is not available due to constant changes in need, priority, and cost.

Project Justification:

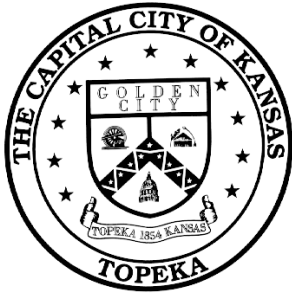
The city has identified over 14,000 linear feet of sidewalks categorized as in poor or very poor condition. Entire city network of sidewalks within city limits have not been assessed, so actual replacement needs will be higher.

History:

For years 2017 through 2021, \$3,125,000 was budgeted. A total of \$2,482,744 has been spent or encumbered as of 11/01/2021 with \$642,257 of spending authority remaining. \$214,285 of the remaining is not allocated.

Project Estimates	2023	2024	2025	2026	2027	2028-2032	Total CIP
Design/Admin Fees	\$ 45,000	\$ -					\$ 45,000
Right of Way	\$ -						\$ -
Construction/Service Fees	\$ 555,000						\$ 555,000
Contingency	\$ -						\$ -
Technology	\$ -						\$ -
Financing Costs (Temp Notes)	\$ -						\$ -
Cost of Issuance (Rev/GO Bonds)	\$ -						\$ -
Debt Reserve Fund (Rev Bond)	\$ -						\$ -
Capitalized Interest	\$ -						\$ -
Totals	\$ 600,000						\$ 600,000

Financing Sources	2023	2024	2025	2026	2027	2028-2032	Total CIP
G.O. Bonds and or ARPA	\$ -					\$ -	\$ -
Revenue Bonds and or ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fix Our Streets Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Countywide JEDO Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Facilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Fleet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund IT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Stormwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Wastewater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000
G.O. Bonds - Special	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 600,000						\$ 600,000



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
www.topeka.org

EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Tuesday, November 19, 2024. The Public Infrastructure Committee members met at 11:00 A.M. with the following Committee members present: Sylvia Ortiz (Chair), David Banks and Neil Dobler.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL of 2025 Capital Improvement Projects (CIP) Funding Source Amendments.

CIP Funding Source Amendments

Budget & Finance Division Director Josh McAnarney spoke to the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments.

- **2023 CIP:** Amend the funding source for project 241078 – 2023 Infill Sidewalk Program from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project 141036 – 2024 Traffic Signals Program from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project 601160 – Neighborhood Infrastructure (DREAMS 1) from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project 131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM) from Cash to GO Bonds for \$2,300,000.

Committee member Dobler thanked the Finance Department and Josh McAnarney for all their work.

MOTION: Committee member Banks made a motion to approve the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments. Committee member Dobler seconded. Approved 3-0-0.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Public Infrastructure

Title: 2025 CIP Funding Source Amendments

Date referred from Council meeting:

Date referred from Committee: November 19, 2024

Committee Action: MOTION: Committee member Banks made a motion to approve the 2025 CIP Funding Source Amendments and proceed to Governing Body approval. Committee member Dobler seconded. Motion approved 3-0-0.

Comments:

Amendments:

Members of Committee: Councilmembers Sylvia Ortiz (Chair), David Banks, Neil Dobler.

Agenda Date Requested: December 10, 2024



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney-
Budget and Finance
Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: 2024 Neighborhood
Infrastructure
(DREAMS 1) **PROJECT #:** 601160.00
CATEGORY/SUBCATEGORY 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: Yes
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by the Public Infrastructure Committee amending the 2024-2033 CIP and the 2024-2026 CIB regarding the 2024 Neighborhood Infrastructure DREAMS 1 Program. (Project No. 601160.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2024 Neighborhood Infrastructure (DREAMS 1) Project.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the recommendation of the Public Infrastructure Committee.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Committee is recommending to amend the funding source for the 2024 Neighborhood Infrastructure (DREAMS 1) Project 601160.00 from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.

BUDGETARY IMPACT:

\$1,500,000

SOURCE OF FUNDING:

Citywide Half-Cent Sales Tax
Cash

ATTACHMENTS:

Description

Resolution

PI Committee Cover Memo (J. McAnarney - October 24, 2024)

PI Committee Meeting Minutes Excerpt (November 19, 2024)

PI Committee Referral Report (November 19, 2024)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by the Public Infrastructure Committee amending the
4 2024-2033 CIP and the 2024-2026 CIB regarding the 2024 DREAMS
5 I program (Project No. 601160.00).
6

7 WHEREAS, the Governing Body adopted Resolution No. 9425 approving the 2024-
8 2033 Capital Improvement Program (CIP) and the 2024-2026 Capital Improvement Budget
9 (CIB); and

10 WHEREAS, project budgets have been revised requiring modification of the
11 CIP/CIB; and

12 WHEREAS, at its meeting on November 19, 2024, the Public Infrastructure
13 Committee favorably considered staff's request to amend the CIP/CIB.

14 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
15 CITY OF TOPEKA, KANSAS, that the 2024-2033 CIP and 2024-2026 CIB, as approved by
16 Resolution No. 9425, be amended to revise the funding source for Project No. 601160.00,
17 the 2024 Neighborhood Infrastructure (DREAMS I) program as described by the project
18 summary attached herein and incorporated by reference in Exhibit A.

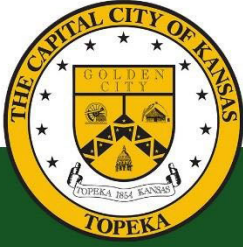
19 ADOPTED and APPROVED by the Governing Body on _____.

20 CITY OF TOPEKA, KANSAS

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22
23
24 _____
Michael A. Padilla, Mayor

25 ATTEST:

26
27
28 _____
29 Brenda Younger, City Clerk



CITY OF TOPEKA

City of Topeka Finance Department
215 SE 7th St, Rm 355
Topeka, KS 66603

budget@topeka.org
785-368-3970
www.topeka.org

To: Public Works Infrastructure Committee
From: Josh McAnarney, Budget Manager
Date: October 24, 2024
Re: CIP Amendments

Staff is recommending the following changes to the CIP:

- **2023 CIP:** Amend the funding source for project **241078 – 2023 Infill Sidewalk Program** from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
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- **2024 CIP:** Amend the funding source for project **601160 – Neighborhood Infrastructure (DREAMS 1)** from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project **131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM)** from Cash to GO Bonds for \$2,300,000.

Attached as a supplement are the Federal Funds Exchange guidelines. Lastly, the proposed operating budget for 2025 factors in the amendments above.



FEDERAL FUND EXCHANGE PROGRAM GUIDELINES

Program Description

The federal fund exchange program is a voluntary program that allows a local public agency (LPA) to trade all or a portion of its federal fund allocations in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars or with another LPA in exchange for their local funds.

Eligible Participants

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- Pavement preservation including overlay, mill/overlay, chip and seal, pavement patching, or crack sealing.
- Purchase of aggregate to be placed exclusively on a specific section(s) of public road by LPA forces.
- Safety improvements including signing, traffic signals, pavement marking, removal of roadside obstacles, installation or upgrade of guardrails, or installation of turn lanes.
- Installation of erosion protection measures in roadside ditches or around drainage structures.
- Construction or reconstruction of sidewalks, ADA ramps, or pedestrian signals.
- Replacement of deteriorated curb and gutter.
- Storm sewer repairs to restore or enhance positive drainage.
- Bridge construction or replacement.
- Bridge rehabilitation or repair.
- Bridge painting.
- Bridge removal.
- Construction of low-water crossings.
- Improvements to transit or other multi-modal systems

The state funds may be used for all phases of a project. These include, but are not limited to: 1) preliminary engineering; 2) right-of-way acquisition; 3) utility relocations; 4) construction; and 5) construction inspection.

When work is performed by the LPA's forces, the cost of labor, equipment, material and supplies are eligible for reimbursement. No reimbursement shall be made for costs of mobilization, depreciation, profit or overhead. The LPA will be required to provide detailed work records documenting the actual costs incurred for labor and equipment provided by the LPA. Reimbursable equipment rates used by the LPA shall not exceed the KDOT equipment rates compiled periodically by KDOT's Bureau of Maintenance unless approved prior to construction.

The LPA may develop the project following its own procedures, criteria, and standards. All work performed shall be consistent with the Kansas Statutes, applicable regulations, and normal engineering practices for the work being done. Any work performed on the state highway or city connecting link will require coordination with the local KDOT Area Office.

All *Request to Exchange* and *Request for Reimbursement* forms must be received by KDOT no later than September 15 of each year. Any funds not requested by September 15 will be lost to the LPA.

Fund Exchange Agreement

Upon approval, KDOT and the LPA will enter into an agreement for the exchange of funds. This agreement will outline the amount of federal obligation authority to be transferred to KDOT, the amount of state funds to be provided to the LPA, the method of payment of the state funds to the LPA, any limitations that may apply to the use of these funds, and the specific responsibilities of each party.

Application

An LPA that wishes to exchange its federal funds will submit to the KDOT Bureau of Local Projects a "Request to Exchange Federal Funds" outlining the amount of federal funds the LPA wants to exchange, and providing the contact information for the person designated to be the main contact for the LPA.

Payment of State Funds

State fund exchange dollars will be paid to the LPA on a reimbursement basis up to the maximum amount specified in the agreement. The LPA will need to submit to BLP a [Federal](#)

[Fund Exchange Request for Reimbursement \(KDOT Form 1318\)](#). The Fund Exchange Agreement will set forth the request for reimbursement process. A request for reimbursement may be submitted at the completion of the project or progress payments may be made during the development and construction of the project and as the LPA expends dollars. Project costs that exceed the maximum dollar amount specified in the agreement will be the responsibility of the LPA.

Final Review

Upon completion of the project, the LPA will notify KDOT Bureau of Local Projects. KDOT staff may perform a final review of the project to confirm compliance with the terms of the agreement.

Questions

Any questions regarding the Federal Fund Exchange Program should be directed to the KDOT Bureau of Local Projects at (785) 296-3861 or at KDOT's toll-free number, 1-877-550-5368. As an alternative, you may email us at Lpeplans@ksdot.org.

Capital Improvement Project Summary

Project Name:	Infill Sidewalk/Ped Plan 2023	Council Priority:	Developing Neighborhoods
Project Number:	241078.00	Project Year(s):	2023 to 2032
Department:	Public Works	Estimated Useful Life:	40 Year(s)
Division:	N/A	Contact:	Mark Schreiner
Council District(s):	Multiple	New to CIP?	No
Type:	Repair/Replace	If Not New, First Year in CIP:	2019
Project Status:	Design	Previously Approved in CIB:	
Primary Funding Source:	Federal Funds	New money in CIB:	
Estimated Operating Cost		Total Current CIB:	
CIP Years 4-10:	\$0	Total Project Cost:	

Project Description:

This program constructs new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity that is identified in the Pedestrian Master Plan or through requests from the public. The program will improve connectivity by extending the network of pedestrian routes in the community and adding to the City's multi-modal transportation system. Priority projects will focus on the areas identified in the Pedestrian Master Plan. A detailed list of projects is not available due to constant changes in need, priority, and cost.

Project Justification:

The city has identified over 14,000 linear feet of sidewalks categorized as in poor or very poor condition. Entire city network of sidewalks within city limits have not been assessed, so actual replacement needs will be higher.

History:

For years 2017 through 2021, \$3,125,000 was budgeted. A total of \$2,482,744 has been spent or encumbered as of 11/01/2021 with \$642,257 of spending authority remaining. \$214,285 of the remaining is not allocated.

Project Estimates	2023	2024	2025	2026	2027	2028-2032	Total CIP
Design/Admin Fees	\$ 45,000	\$ -					\$ 45,000
Right of Way	\$ -						\$ -
Construction/Service Fees	\$ 555,000						\$ 555,000
Contingency	\$ -						\$ -
Technology	\$ -						\$ -
Financing Costs (Temp Notes)	\$ -						\$ -
Cost of Issuance (Rev/GO Bonds)	\$ -						\$ -
Debt Reserve Fund (Rev Bond)	\$ -						\$ -
Capitalized Interest	\$ -						\$ -
Totals	\$ 600,000						\$ 600,000

Financing Sources	2023	2024	2025	2026	2027	2028-2032	Total CIP
G.O. Bonds and or ARPA	\$ -					\$ -	\$ -
Revenue Bonds and or ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fix Our Streets Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Countywide JEDO Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Facilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Fleet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund IT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Stormwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Wastewater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000
G.O. Bonds - Special	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 600,000						\$ 600,000



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
www.topeka.org

EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Tuesday, November 19, 2024. The Public Infrastructure Committee members met at 11:00 A.M. with the following Committee members present: Sylvia Ortiz (Chair), David Banks and Neil Dobler.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL of 2025 Capital Improvement Projects (CIP) Funding Source Amendments.

CIP Funding Source Amendments

Budget & Finance Division Director Josh McAnarney spoke to the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments.

- **2023 CIP:** Amend the funding source for project 241078 – 2023 Infill Sidewalk Program from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project 141036 – 2024 Traffic Signals Program from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project 601160 – Neighborhood Infrastructure (DREAMS 1) from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project 131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM) from Cash to GO Bonds for \$2,300,000.

Committee member Dobler thanked the Finance Department and Josh McAnarney for all their work.

MOTION: Committee member Banks made a motion to approve the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments. Committee member Dobler seconded. Approved 3-0-0.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Public Infrastructure

Title: 2025 CIP Funding Source Amendments

Date referred from Council meeting:

Date referred from Committee: November 19, 2024

Committee Action: MOTION: Committee member Banks made a motion to approve the 2025 CIP Funding Source Amendments and proceed to Governing Body approval. Committee member Dobler seconded. Motion approved 3-0-0.

Comments:

Amendments:

Members of Committee: Councilmembers Sylvia Ortiz (Chair), David Banks, Neil Dobler.

Agenda Date Requested: December 10, 2024



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: 2025 FIRM Program
PROJECT #: 131088.00
CATEGORY/SUBCATEGORY: 004 Budgets or Appropriations / 004 Project Budget - Capital Project
CIP PROJECT: Yes
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by the Public Infrastructure Committee amending the 2025-2034 CIP and the 2025-2027 CIB regarding the 2025 FIRM Program. (Project No. 131088.00) (The Public Infrastructure Committee recommended approval on November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for the 2025 FIRM Program.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the recommendation of the Public Infrastructure Committee.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Committee recommended to amend the funding source for Facilities Improvement, Repair, and Maintenance Program (FIRM) Project 131088.00 from Cash to GO Bonds for \$2,300,000.

BUDGETARY IMPACT:

\$2,300,000

SOURCE OF FUNDING:

GO Bonds

ATTACHMENTS:

Description

Resolution

PI Committee Cover Memo (J. McAnarney October 24, 2024)

PI Committee Meeting Minutes Excerpt (November 19, 2024)

PI Committee Referral Report (November 19, 2024)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by the Public Infrastructure Committee amending the
4 2025-2034 CIP and the 2025-2027 CIB regarding the 2025 FIRM
5 program (Project No. 131088.00).
6

7 WHEREAS, the Governing Body adopted Resolution No. 9520 approving the 2025-
8 2034 Capital Improvement Program (CIP) and the 2025-2027 Capital Improvement Budget
9 (CIB); and

10 WHEREAS, project budgets have been revised requiring modification of the
11 CIP/CIB; and

12 WHEREAS, at its meeting on November 19, 2024, the Public Infrastructure
13 Committee favorably considered staff's request to amend the CIP/CIB.

14 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
15 CITY OF TOPEKA, KANSAS, that the 2025-2034 CIP and 2025-2027 CIB, as approved by
16 Resolution No. 9520, be amended to increase the funding and revise the funding source
17 for Project No. 131088.00, the 2025 Facilities Improvement, Repair and Maintenance
18 program as described by the project summary attached herein and incorporated by
19 reference in Exhibit A.

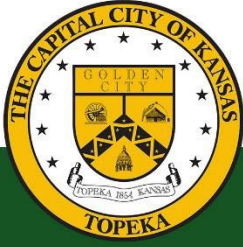
20 ADOPTED and APPROVED by the Governing Body on _____.

21 CITY OF TOPEKA, KANSAS

22
23
24
25 _____
26 Michael A. Padilla, Mayor

27 ATTEST:

28
29 _____
30 Brenda Younger, City Clerk



CITY OF TOPEKA

City of Topeka Finance Department
215 SE 7th St, Rm 355
Topeka, KS 66603

budget@topeka.org
785-368-3970
www.topeka.org

To: Public Works Infrastructure Committee
From: Josh McAnarney, Budget Manager
Date: October 24, 2024
Re: CIP Amendments

Staff is recommending the following changes to the CIP:

- **2023 CIP:** Amend the funding source for project **241078 – 2023 Infill Sidewalk Program** from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project **141036 – 2024 Traffic Signals Program** from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project **601160 – Neighborhood Infrastructure (DREAMS 1)** from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project **131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM)** from Cash to GO Bonds for \$2,300,000.

Attached as a supplement are the Federal Funds Exchange guidelines. Lastly, the proposed operating budget for 2025 factors in the amendments above.



FEDERAL FUND EXCHANGE PROGRAM GUIDELINES

Program Description

The federal fund exchange program is a voluntary program that allows a local public agency (LPA) to trade all or a portion of its federal fund allocations in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars or with another LPA in exchange for their local funds.

Eligible Participants

Only LPAs that are eligible to receive a federal funding allocation may participate in the federal fund exchange program. Eligible LPAs include all counties in the state and cities with population greater than 5,000 that are not located in a Transportation Management Area (TMA). Currently the only TMAs in Kansas are the Mid America Regional Council (MARC – Kansas City Region) and the Wichita Area Metropolitan Planning Organization (WAMPO).

Participation in the program is optional. An eligible LPA may choose to exchange its federal funds or it may use the funds to develop a federal-aid project following the established procedures.

Federal Fund Distribution

A portion of the STPBG dollars that are made available to the State of Kansas are shared with LPAs. The funds are distributed to cities and counties based on federal law, state statute, or the policy of KDOT. Following is a summary of the methods of distribution of the federal funds.

Counties

STPBG funds are allocated to each of the counties in the state in accordance with KSA 68-402b, which provides for the distribution to be in the same proportion as the total gross amount of moneys received by each county from the Special City and County Highway Fund and the County Equalization and Adjustment Fund. Factors that determine this distribution are number of vehicle registrations, total miles of roads, and estimated average daily vehicle miles traveled in a county.

Small Urban (Cities not in a TMA with population greater than 5,000)

STPBG funds allocated to small urban cities are distributed to each city in proportion to its population relative to the total population of all eligible cities.

Exchange Rate

The exchange rate will be determined by the Secretary of Transportation on an annual basis.

Available Funds

KDOT will determine the amount of state funds available for exchange annually at the time the federal funding is confirmed for a federal fiscal year. KDOT may conduct more frequent reviews of available funding when necessary as a result of funding or budgetary considerations.

Allowable Uses of State Funds

The LPA is required to use the state funds for specific types of transportation improvement projects. This program allows a wider variety of projects and ranges of scope than the federal-aid program would permit. Acceptable project scopes include but are not limited to the following.

- Roadway construction, reconstruction, or rehabilitation.
- Pavement preservation including overlay, mill/overlay, chip and seal, pavement patching, or crack sealing.
- Purchase of aggregate to be placed exclusively on a specific section(s) of public road by LPA forces.
- Safety improvements including signing, traffic signals, pavement marking, removal of roadside obstacles, installation or upgrade of guardrails, or installation of turn lanes.
- Installation of erosion protection measures in roadside ditches or around drainage structures.
- Construction or reconstruction of sidewalks, ADA ramps, or pedestrian signals.
- Replacement of deteriorated curb and gutter.
- Storm sewer repairs to restore or enhance positive drainage.
- Bridge construction or replacement.
- Bridge rehabilitation or repair.
- Bridge painting.
- Bridge removal.
- Construction of low-water crossings.
- Improvements to transit or other multi-modal systems

The state funds may be used for all phases of a project. These include, but are not limited to: 1) preliminary engineering; 2) right-of-way acquisition; 3) utility relocations; 4) construction; and 5) construction inspection.

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All *Request to Exchange* and *Request for Reimbursement* forms must be received by KDOT no later than September 15 of each year. Any funds not requested by September 15 will be lost to the LPA.

Fund Exchange Agreement

Upon approval, KDOT and the LPA will enter into an agreement for the exchange of funds. This agreement will outline the amount of federal obligation authority to be transferred to KDOT, the amount of state funds to be provided to the LPA, the method of payment of the state funds to the LPA, any limitations that may apply to the use of these funds, and the specific responsibilities of each party.

Application

An LPA that wishes to exchange its federal funds will submit to the KDOT Bureau of Local Projects a "Request to Exchange Federal Funds" outlining the amount of federal funds the LPA wants to exchange, and providing the contact information for the person designated to be the main contact for the LPA.

Payment of State Funds

State fund exchange dollars will be paid to the LPA on a reimbursement basis up to the maximum amount specified in the agreement. The LPA will need to submit to BLP a [Federal](#)

[Fund Exchange Request for Reimbursement \(KDOT Form 1318\)](#). The Fund Exchange Agreement will set forth the request for reimbursement process. A request for reimbursement may be submitted at the completion of the project or progress payments may be made during the development and construction of the project and as the LPA expends dollars. Project costs that exceed the maximum dollar amount specified in the agreement will be the responsibility of the LPA.

Final Review

Upon completion of the project, the LPA will notify KDOT Bureau of Local Projects. KDOT staff may perform a final review of the project to confirm compliance with the terms of the agreement.

Questions

Any questions regarding the Federal Fund Exchange Program should be directed to the KDOT Bureau of Local Projects at (785) 296-3861 or at KDOT's toll-free number, 1-877-550-5368. As an alternative, you may email us at Lpeplans@ksdot.org.

Capital Improvement Project Summary

Project Name:	Infill Sidewalk/Ped Plan 2023	Council Priority:	Developing Neighborhoods
Project Number:	241078.00	Project Year(s):	2023 to 2032
Department:	Public Works	Estimated Useful Life:	40 Year(s)
Division:	N/A	Contact:	Mark Schreiner
Council District(s):	Multiple	New to CIP?	No
Type:	Repair/Replace	If Not New, First Year in CIP:	2019
Project Status:	Design	Previously Approved in CIB:	
Primary Funding Source:	Federal Funds	New money in CIB:	
Estimated Operating Cost		Total Current CIB:	
CIP Years 4-10:	\$0	Total Project Cost:	

Project Description:

This program constructs new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity that is identified in the Pedestrian Master Plan or through requests from the public. The program will improve connectivity by extending the network of pedestrian routes in the community and adding to the City's multi-modal transportation system. Priority projects will focus on the areas identified in the Pedestrian Master Plan. A detailed list of projects is not available due to constant changes in need, priority, and cost.

Project Justification:

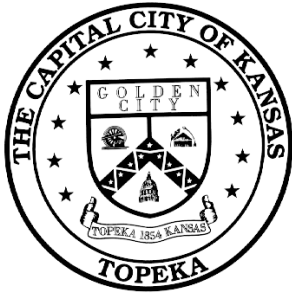
The city has identified over 14,000 linear feet of sidewalks categorized as in poor or very poor condition. Entire city network of sidewalks within city limits have not been assessed, so actual replacement needs will be higher.

History:

For years 2017 through 2021, \$3,125,000 was budgeted. A total of \$2,482,744 has been spent or encumbered as of 11/01/2021 with \$642,257 of spending authority remaining. \$214,285 of the remaining is not allocated.

Project Estimates	2023	2024	2025	2026	2027	2028-2032	Total CIP
Design/Admin Fees	\$ 45,000	\$ -					\$ 45,000
Right of Way	\$ -						\$ -
Construction/Service Fees	\$ 555,000						\$ 555,000
Contingency	\$ -						\$ -
Technology	\$ -						\$ -
Financing Costs (Temp Notes)	\$ -						\$ -
Cost of Issuance (Rev/GO Bonds)	\$ -						\$ -
Debt Reserve Fund (Rev Bond)	\$ -						\$ -
Capitalized Interest	\$ -						\$ -
Totals	\$ 600,000						\$ 600,000

Financing Sources	2023	2024	2025	2026	2027	2028-2032	Total CIP
G.O. Bonds and or ARPA	\$ -					\$ -	\$ -
Revenue Bonds and or ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fix Our Streets Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Countywide JEDO Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Facilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Fleet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund IT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Stormwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Wastewater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000
G.O. Bonds - Special	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 600,000						\$ 600,000



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
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Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
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EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Tuesday, November 19, 2024. The Public Infrastructure Committee members met at 11:00 A.M. with the following Committee members present: Sylvia Ortiz (Chair), David Banks and Neil Dobler.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL of 2025 Capital Improvement Projects (CIP) Funding Source Amendments.

CIP Funding Source Amendments

Budget & Finance Division Director Josh McAnarney spoke to the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments.

- **2023 CIP:** Amend the funding source for project 241078 – 2023 Infill Sidewalk Program from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project 141036 – 2024 Traffic Signals Program from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project 601160 – Neighborhood Infrastructure (DREAMS 1) from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project 131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM) from Cash to GO Bonds for \$2,300,000.

Committee member Dobler thanked the Finance Department and Josh McAnarney for all their work.

MOTION: Committee member Banks made a motion to approve the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments. Committee member Dobler seconded. Approved 3-0-0.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Public Infrastructure

Title: 2025 CIP Funding Source Amendments

Date referred from Council meeting:

Date referred from Committee: November 19, 2024

Committee Action: MOTION: Committee member Banks made a motion to approve the 2025 CIP Funding Source Amendments and proceed to Governing Body approval. Committee member Dobler seconded. Motion approved 3-0-0.

Comments:

Amendments:

Members of Committee: Councilmembers Sylvia Ortiz (Chair), David Banks, Neil Dobler.

Agenda Date Requested: December 10, 2024



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Josh McAnarney, Budget and Finance Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: 2023 Infill Sidewalk Program/Pedestrian Plan
PROJECT #: 241078.00
CATEGORY/SUBCATEGORY: 020 Resolutions / 004 Public Improvements
CIP PROJECT: Yes
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by the members of the Public Infrastructure Committee amending the 2023-2032 CIP and 2023-2025 CIB regarding the 2023 Infill Sidewalk/Pedestrian Plan. (Project No. 241078.00) (The Public Infrastructure Committee recommended approval November 19, 2024.)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would amend the funding source for 2023 Infill Sidewalk/Pedestrian Plan Project.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve the recommendation of the Public Infrastructure Committee.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Committee recommended to amend the funding source for 2023 Infill Sidewalk/Pedestrian Plan Project 241078.00 from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.

BUDGETARY IMPACT:

\$600,000

SOURCE OF FUNDING:

Federal Fund Exchange (FFE)

ATTACHMENTS:

Description

Resolution

PI Committee Cover Memo (J. McAnarney October 24, 2024)

PI Committee Meeting Minutes Excerpt (November 19, 2024)

PI Committee Referral Report (November 19, 2024)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by the Public Infrastructure Committee amending the
4 2023-2032 CIP and the 2023-2025 CIB regarding the 2023 Infill
5 Sidewalk/Pedestrian Plan.
6

7 WHEREAS, the Governing Body adopted Resolution No. 9318 approving the 2023-
8 2032 Capital Improvement Program (CIP) and the 2023-2025 Capital Improvement Budget
9 (CIB); and

10 WHEREAS, project budgets have been revised requiring modification of the
11 CIP/CIB; and

12 WHEREAS, at its meeting on November 19, 2024, the Public Infrastructure
13 Committee favorably considered staff’s request to amend the CIP/CIB.

14 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
15 CITY OF TOPEKA, KANSAS, that the 2023-2032 CIP and 2023-2025 CIB, as approved by
16 Resolution No. 9318, be amended to revise the funding source for Project No. 241078.00,
17 the 2023 Infill Sidewalk/Pedestrian Plan as described by the project summary attached
18 herein and incorporated by reference in Exhibit A.

19 ADOPTED and APPROVED by the Governing Body on _____.

20 CITY OF TOPEKA, KANSAS

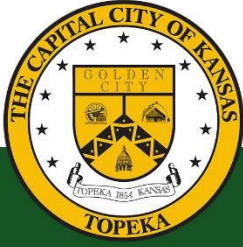
21
22
23
24 _____
Michael A. Padilla, Mayor

25 ATTEST:

26
27
28 _____
29 Brenda Younger, City Clerk

EXHIBIT A

Capital Improvement Project Summary							
Project Name:	Infill Sidewalk/Ped Plan 2023	Council Priority:	Developing Neighborhoods				
Project Number:	241078.00	Project Year(s):	2023 to 2032				
Department:	Public Works	Estimated Useful Life:	40 Year(s)				
Division:	N/A	Contact:	Mark Schreiner				
Council District(s):	Multiple	New to CIP?	No				
Type:	Repair/Replace	If Not New, First Year in CIP:	2019				
Project Status:	Design	Previously Approved in CIB:					
Primary Funding Source:	Federal Funds	New money in CIB:					
Estimated Operating Cost		Total Current CIB:					
CIP Years 4-10:	\$0	Total Project Cost:					
Project Description:							
<p>This program constructs new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity that is identified in the Pedestrian Master Plan or through requests from the public. The program will improve connectivity by extending the network of pedestrian routes in the community and adding to the City's multi-modal transportation system. Priority projects will focus on the areas identified in the Pedestrian Master Plan. A detailed list of projects is not available due to constant changes in need, priority, and cost.</p>							
Project Justification:							
<p>The city has identified over 14,000 linear feet of sidewalks categorized as in poor or very poor condition. Entire city network of sidewalks within city limits have not been assessed, so actual replacement needs will be higher.</p>							
History:							
<p>For years 2017 through 2021, \$3,125,000 was budgeted. A total of \$2,482,744 has been spent or encumbered as of 11/01/2021 with \$642,257 of spending authority remaining. \$214,285 of the remaining is not allocated.</p>							
Project Estimates							
	2023	2024	2025	2026	2027	2028-2032	Total CIP
Design/Admin Fees	\$ 45,000	\$ -					\$ 45,000
Right of Way	\$ -						\$ -
Construction/Service Fees	\$ 555,000						\$ 555,000
Contingency	\$ -						\$ -
Technology	\$ -						\$ -
Financing Costs (Temp Notes)	\$ -						\$ -
Cost of Issuance (Rev/GO Bonds)	\$ -						\$ -
Debt Reserve Fund (Rev Bond)	\$ -						\$ -
Capitalized Interest	\$ -						\$ -
Totals	\$ 600,000						\$ 600,000
Financing Sources							
	2023	2024	2025	2026	2027	2028-2032	Total CIP
G.O. Bonds and or ARPA	\$ -					\$ -	\$ -
Revenue Bonds and or ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fix Our Streets Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Countywide JEDO Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Facilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Fleet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund IT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Stormwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Wastewater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000
G.O. Bonds - Special	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 600,000						\$ 600,000



CITY OF TOPEKA

City of Topeka Finance Department
215 SE 7th St, Rm 355
Topeka, KS 66603

budget@topeka.org
785-368-3970
www.topeka.org

To: Public Works Infrastructure Committee
From: Josh McAnarney, Budget Manager
Date: October 24, 2024
Re: CIP Amendments

Staff is recommending the following changes to the CIP:

- **2023 CIP:** Amend the funding source for project **241078 – 2023 Infill Sidewalk Program** from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project **141036 – 2024 Traffic Signals Program** from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project **601160 – Neighborhood Infrastructure (DREAMS 1)** from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project **131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM)** from Cash to GO Bonds for \$2,300,000.

Attached as a supplement are the Federal Funds Exchange guidelines. Lastly, the proposed operating budget for 2025 factors in the amendments above.



FEDERAL FUND EXCHANGE PROGRAM GUIDELINES

Program Description

The federal fund exchange program is a voluntary program that allows a local public agency (LPA) to trade all or a portion of its federal fund allocations in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars or with another LPA in exchange for their local funds.

Eligible Participants

Only LPAs that are eligible to receive a federal funding allocation may participate in the federal fund exchange program. Eligible LPAs include all counties in the state and cities with population greater than 5,000 that are not located in a Transportation Management Area (TMA). Currently the only TMAs in Kansas are the Mid America Regional Council (MARC – Kansas City Region) and the Wichita Area Metropolitan Planning Organization (WAMPO).

Participation in the program is optional. An eligible LPA may choose to exchange its federal funds or it may use the funds to develop a federal-aid project following the established procedures.

Federal Fund Distribution

A portion of the STPBG dollars that are made available to the State of Kansas are shared with LPAs. The funds are distributed to cities and counties based on federal law, state statute, or the policy of KDOT. Following is a summary of the methods of distribution of the federal funds.

Counties

STPBG funds are allocated to each of the counties in the state in accordance with KSA 68-402b, which provides for the distribution to be in the same proportion as the total gross amount of moneys received by each county from the Special City and County Highway Fund and the County Equalization and Adjustment Fund. Factors that determine this distribution are number of vehicle registrations, total miles of roads, and estimated average daily vehicle miles traveled in a county.

Small Urban (Cities not in a TMA with population greater than 5,000)

STPBG funds allocated to small urban cities are distributed to each city in proportion to its population relative to the total population of all eligible cities.

Exchange Rate

The exchange rate will be determined by the Secretary of Transportation on an annual basis.

Available Funds

KDOT will determine the amount of state funds available for exchange annually at the time the federal funding is confirmed for a federal fiscal year. KDOT may conduct more frequent reviews of available funding when necessary as a result of funding or budgetary considerations.

Allowable Uses of State Funds

The LPA is required to use the state funds for specific types of transportation improvement projects. This program allows a wider variety of projects and ranges of scope than the federal-aid program would permit. Acceptable project scopes include but are not limited to the following.

- Roadway construction, reconstruction, or rehabilitation.
- Pavement preservation including overlay, mill/overlay, chip and seal, pavement patching, or crack sealing.
- Purchase of aggregate to be placed exclusively on a specific section(s) of public road by LPA forces.
- Safety improvements including signing, traffic signals, pavement marking, removal of roadside obstacles, installation or upgrade of guardrails, or installation of turn lanes.
- Installation of erosion protection measures in roadside ditches or around drainage structures.
- Construction or reconstruction of sidewalks, ADA ramps, or pedestrian signals.
- Replacement of deteriorated curb and gutter.
- Storm sewer repairs to restore or enhance positive drainage.
- Bridge construction or replacement.
- Bridge rehabilitation or repair.
- Bridge painting.
- Bridge removal.
- Construction of low-water crossings.
- Improvements to transit or other multi-modal systems

The state funds may be used for all phases of a project. These include, but are not limited to: 1) preliminary engineering; 2) right-of-way acquisition; 3) utility relocations; 4) construction; and 5) construction inspection.

When work is performed by the LPA's forces, the cost of labor, equipment, material and supplies are eligible for reimbursement. No reimbursement shall be made for costs of mobilization, depreciation, profit or overhead. The LPA will be required to provide detailed work records documenting the actual costs incurred for labor and equipment provided by the LPA. Reimbursable equipment rates used by the LPA shall not exceed the KDOT equipment rates compiled periodically by KDOT's Bureau of Maintenance unless approved prior to construction.

The LPA may develop the project following its own procedures, criteria, and standards. All work performed shall be consistent with the Kansas Statutes, applicable regulations, and normal engineering practices for the work being done. Any work performed on the state highway or city connecting link will require coordination with the local KDOT Area Office.

All *Request to Exchange* and *Request for Reimbursement* forms must be received by KDOT no later than September 15 of each year. Any funds not requested by September 15 will be lost to the LPA.

Fund Exchange Agreement

Upon approval, KDOT and the LPA will enter into an agreement for the exchange of funds. This agreement will outline the amount of federal obligation authority to be transferred to KDOT, the amount of state funds to be provided to the LPA, the method of payment of the state funds to the LPA, any limitations that may apply to the use of these funds, and the specific responsibilities of each party.

Application

An LPA that wishes to exchange its federal funds will submit to the KDOT Bureau of Local Projects a "Request to Exchange Federal Funds" outlining the amount of federal funds the LPA wants to exchange, and providing the contact information for the person designated to be the main contact for the LPA.

Payment of State Funds

State fund exchange dollars will be paid to the LPA on a reimbursement basis up to the maximum amount specified in the agreement. The LPA will need to submit to BLP a [Federal](#)

[Fund Exchange Request for Reimbursement \(KDOT Form 1318\)](#). The Fund Exchange Agreement will set forth the request for reimbursement process. A request for reimbursement may be submitted at the completion of the project or progress payments may be made during the development and construction of the project and as the LPA expends dollars. Project costs that exceed the maximum dollar amount specified in the agreement will be the responsibility of the LPA.

Final Review

Upon completion of the project, the LPA will notify KDOT Bureau of Local Projects. KDOT staff may perform a final review of the project to confirm compliance with the terms of the agreement.

Questions

Any questions regarding the Federal Fund Exchange Program should be directed to the KDOT Bureau of Local Projects at (785) 296-3861 or at KDOT's toll-free number, 1-877-550-5368. As an alternative, you may email us at Lpeplans@ksdot.org.

Capital Improvement Project Summary

Project Name:	Infill Sidewalk/Ped Plan 2023	Council Priority:	Developing Neighborhoods
Project Number:	241078.00	Project Year(s):	2023 to 2032
Department:	Public Works	Estimated Useful Life:	40 Year(s)
Division:	N/A	Contact:	Mark Schreiner
Council District(s):	Multiple	New to CIP?	No
Type:	Repair/Replace	If Not New, First Year in CIP:	2019
Project Status:	Design	Previously Approved in CIB:	
Primary Funding Source:	Federal Funds	New money in CIB:	
Estimated Operating Cost		Total Current CIB:	
CIP Years 4-10:	\$0	Total Project Cost:	

Project Description:

This program constructs new sidewalks and restores existing sidewalks to provide for continuous compliant pedestrian connectivity that is identified in the Pedestrian Master Plan or through requests from the public. The program will improve connectivity by extending the network of pedestrian routes in the community and adding to the City's multi-modal transportation system. Priority projects will focus on the areas identified in the Pedestrian Master Plan. A detailed list of projects is not available due to constant changes in need, priority, and cost.

Project Justification:

The city has identified over 14,000 linear feet of sidewalks categorized as in poor or very poor condition. Entire city network of sidewalks within city limits have not been assessed, so actual replacement needs will be higher.

History:

For years 2017 through 2021, \$3,125,000 was budgeted. A total of \$2,482,744 has been spent or encumbered as of 11/01/2021 with \$642,257 of spending authority remaining. \$214,285 of the remaining is not allocated.

Project Estimates	2023	2024	2025	2026	2027	2028-2032	Total CIP
Design/Admin Fees	\$ 45,000	\$ -					\$ 45,000
Right of Way	\$ -						\$ -
Construction/Service Fees	\$ 555,000						\$ 555,000
Contingency	\$ -						\$ -
Technology	\$ -						\$ -
Financing Costs (Temp Notes)	\$ -						\$ -
Cost of Issuance (Rev/GO Bonds)	\$ -						\$ -
Debt Reserve Fund (Rev Bond)	\$ -						\$ -
Capitalized Interest	\$ -						\$ -
Totals	\$ 600,000						\$ 600,000

Financing Sources	2023	2024	2025	2026	2027	2028-2032	Total CIP
G.O. Bonds and or ARPA	\$ -					\$ -	\$ -
Revenue Bonds and or ARPA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fix Our Streets Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Countywide JEDO Sales Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund General	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Facilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Fleet	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund IT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Stormwater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Wastewater	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operating Fund Water	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	\$ 600,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600,000
G.O. Bonds - Special	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 600,000						\$ 600,000



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
www.topeka.org

EXCERPT

CITY OF TOPEKA, Topeka, Kansas, Tuesday, November 19, 2024. The Public Infrastructure Committee members met at 11:00 A.M. with the following Committee members present: Sylvia Ortiz (Chair), David Banks and Neil Dobler.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL of 2025 Capital Improvement Projects (CIP) Funding Source Amendments.

CIP Funding Source Amendments

Budget & Finance Division Director Josh McAnarney spoke to the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments.

- **2023 CIP:** Amend the funding source for project 241078 – 2023 Infill Sidewalk Program from GO Bonds to Federal Funds Exchange (FFE) for \$600,000.
- **2024 CIP:** Amend the funding source for project 141036 – 2024 Traffic Signals Program from a split of \$400,000 FFE and \$800,000 GO Bonds to fully Federal Funds Exchange funded for a total of \$1,200,000.
- **2024 CIP:** Amend the funding source for project 601160 – Neighborhood Infrastructure (DREAMS 1) from \$1,500,000 of general fund cash to \$750,000 of Citywide Half-Cent Sales Tax and \$750,000 of Cash. Project total is not changing.
- **2025 CIP:** Amend the funding source for project 131088 – Facilities Improvement, Repair, and Maintenance Program (FIRM) from Cash to GO Bonds for \$2,300,000.

Committee member Dobler thanked the Finance Department and Josh McAnarney for all their work.

MOTION: Committee member Banks made a motion to approve the proposed changes to the Capital Improvement Projects (CIP) Funding Source Amendments. Committee member Dobler seconded. Approved 3-0-0.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Public Infrastructure

Title: 2025 CIP Funding Source Amendments

Date referred from Council meeting:

Date referred from Committee: November 19, 2024

Committee Action: MOTION: Committee member Banks made a motion to approve the 2025 CIP Funding Source Amendments and proceed to Governing Body approval. Committee member Dobler seconded. Motion approved 3-0-0.

Comments:

Amendments:

Members of Committee: Councilmembers Sylvia Ortiz (Chair), David Banks, Neil Dobler.

Agenda Date Requested: December 10, 2024



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Braxton Copley, **DOCUMENT #:**
Assistant City Manager
SECOND PARTY/SUBJECT: Hotel Topeka Funding **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional funding for operations and maintenance of Hotel Topeka in the amount of \$72,343.54.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would authorize an additional funding request of \$72,343.54.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to approve request from the Topeka Development Corporation for additional operational funding in the amount of \$72,343.54.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Currently there is only \$136,542.46 remaining authority from previously approved funding request resolutions. Staff is requesting an additional funding request of \$72,343.54 to bring the total authority up to \$208,886.

BUDGETARY IMPACT:

\$72,343.54

SOURCE OF FUNDING:

General Funds-Hotel Non-Departmental Expense

ATTACHMENTS:

Description

Resolution

TOKS Funding Request

Expense Summary

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Dr. Robert M. Perez regarding additional
4 funding for operations and maintenance of Hotel Topeka.

5 WHEREAS, the management agreement for Hotel Topeka requires the owner, the
6 Topeka Development Corporation, to maintain a minimum working capital account of
7 \$150,000; and

8 WHEREAS, the Governing Body, after receiving and considering the requests for
9 funding from the Topeka Development Corporation (TDC), has issued resolutions
10 authorizing funding in the total amount of \$2,103,505.43; and

11 WHEREAS, the TDC has received a request from the hotel management company
12 for \$208,886; and

13 WHEREAS, with existing authority of \$136,542.46, the Governing Body
14 acknowledges additional funding of \$72,343.54 needs to be authorized.

15 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
16 CITY OF TOPEKA, KANSAS, that the Governing Body authorizes funding to the Topeka
17 Development Corporation, not to exceed an additional \$72,343.54 from General Fund –
18 Hotel Non-Departmental Expense to operate and maintain Hotel Topeka.

19 ADOPTED and APPROVED by the Governing Body on _____.

20 CITY OF TOPEKA, KANSAS

21
22
23
24
25 _____
26 Michael A. Padilla, Mayor

27 ATTEST:

28
29
30 _____
31 Brenda Younger, City Clerk

Operating Funding Request

Property Name:	TOKS Associates LLC	Initial Funding		
Property/Asset #:	Hotel Topeka at City Center	Ongoing Funding	X	
Month/Year:	3-Dec-24	Capital Expenditure Funding		

Vendor	Description	Requested Amount	Notes
Anticipated Cash	Anticipated Cash	\$ (94,058.00)	Dec-24
State & City Taxes	Taxes	\$ 35,286.00	NOV Taxes
Payroll	Payroll	\$ 130,000.00	Pay Dates 12/15 and 12/29
AP Vendors	Guest Supplies, Cleaning Suplies, Utilities, etc.	\$ 172,925.00	12/01-12/31
Real Tax		\$ 55,847.00	2024 1st half- Due 12/20
Terrance Consultant		\$ 9,300.00	Mold Assessment - Operating Expense
Johnson Controls		\$ 15,832.00	Boiler Repair #1 Operating Expense
Johnson Controls		\$ 4,164.00	Boiler Repair #2 Operating Expense
AP Miscelanous	Unanticipated expenses	\$ 12,500.00	
		\$ -	
Total		\$341,796.00	

Ongoing Funding Reconciliation	Cash on Hand	\$282,910.00
	Working Capital	\$150,000.00
	Total Required	\$491,796.00
	Funding Requested	\$208,886.00

Requested by:	Kibret Messele			
	Controller	3-Dec-24	Date	
Approved by:	Jason Dinkens	3-Dec-24	Date	
	VP of Operations	Date		

Wiring Instructions:

Bank:	Bank of America
City/State:	Philadelphia
ABA#:	026009593
Account#:	3830 1141 8654
Account Name:	TOKS Associates LLC

Property Location : Topeka, KS

Additional Comments (optional):

Hotel Topeka Capital and Operating Funds Payments

Operating reserve	\$	150,000.00
D&O Insurance	\$	782.00
Additional operating reserve	\$	150,000.00
Sprinklers	\$	7,297.00
Locks	\$	90,661.82
horn strobe	\$	632.46
Actuators (parts only)	\$	19,106.09
Chavez remediation	\$	24,058.31
Backflow preventer; antifreeze loop & flow switch	\$	9,479.00
Drywall	\$	2,971.53
Pull Stations	\$	2,168.54
actuator partial labor	\$	18,286.60
remaining actuator labor	\$	69,344.00
LED lights #1	\$	2,250.00
LED lights #2	\$	1,620.00
Adams Brown Invoice	\$	26,747.80
server for lock system	\$	2,003.64
Operational Funding #1	\$	227,355.00
Operational Funding #2	\$	215,851.00
Operational Funding #3	\$	178,323.00
Operational Funding #4	\$	200,170.00
Operational Funding #5	\$	174,405.00
Damper Actuator Rehab	\$	49,747.69
Trane Chiller Rehab	\$	217,254.24
Officers and Directors Insurance	\$	786.25
Total	\$	1,841,300.97

Items Pending Capital Expense Form Approval

Total	\$ -

Items Pending Payment (Capital Expense Form Approved)

Site Improvements	\$ 125,662.00
Total	\$ 125,662.00

Hotel Fund Authorizations by Council

Resolution 9478	\$	500,000.00
Resolution 9491	\$	500,000.00
Resolution 9516	\$	500,000.00
Resolution 9532-capital Chiller	\$	217,254.24
Resolution 9549-capital site Imp.	\$	125,662.00
Resolution 9550-capital damper actuators	\$	59,589.19
Resolution 9589	\$	201,000.00
Sub-total Funding	\$	2,103,505.43

Remaining Authority \$ **136,542.46**



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Deputy Mayor Christina Valdivia-Alcala **DOCUMENT #:**
SECOND PARTY/SUBJECT: 2025 Governing Body Meeting Schedule **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Deputy Mayor Christina Valdivia-Alcala, cancelling Governing Body meetings and scheduling Special Meetings for calendar year 2025.

(Approval would provide notice that meetings would not be held on August 5, 2025, Primary Election Day; November 4, 2025, General Election Day; and November 11, 2025, Veteran's Day Holiday. Special Meetings will be scheduled on June 24, 2025, August 26, 2025, November 5, 2025; and November 12, 2025.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Topeka Municipal Code (TMC) Section 2.15.020(c)(1) authorizes Governing Body meetings to be cancelled, provided that the number of Council meetings in a month is not less than two as required by TMC Appendix A, Section A2-26.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution as part of the Consent Agenda.

BACKGROUND:

Traditionally, Governing Body meetings are cancelled in observance of established City holidays, Primary Election Day and General Election Day. The resolution provides notice of those cancellation dates as well as proposed special meeting dates.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution - 2025 GB Meeting Schedule

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Deputy Mayor Valdivia-Alcala cancelling certain
4 Governing Body meetings and scheduling special meetings for
5 calendar year 2025.
6

7 WHEREAS, TMC 2.15.020(c)(1) authorizes Governing Body meetings to be
8 cancelled by a majority vote of the Governing Body; and

9 WHEREAS, the Deputy Mayor recommends cancellation of certain meetings and
10 scheduling special meetings for the 2025 calendar year.

11 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
12 CITY OF TOPEKA, KANSAS that:

13 1. The Governing Body meetings regularly scheduled for the following dates are
14 cancelled for calendar year 2025: August 5 (Primary Election Day), November 4 (General
15 Election Day) and November 11 (Veteran’s Day Holiday).

16 2. Special Meetings are scheduled for June 24 and August 26 for budget
17 discussions. The regular Governing Body meetings canceling above in November, are
18 rescheduled for November 5 and November 12.

19 ADOPTED and APPROVED by Governing Body on _____.

20 CITY OF TOPEKA, KANSAS

21
22
23
24
25 _____
Michael A. Padilla, Mayor

26 ATTEST:

27
28
29
30 _____
31 Brenda Younger, City Clerk



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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE:	December 10, 2024	
CONTACT PERSON:	Josh McAnarney, Budget and Finance Division Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	2024 Budget Amendments	PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:	Authorize Public Hearing: 12-03-24.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION on the proposed amendments to the 2024 Operating Budget.

(Proposed amendments total \$3,080,000. An increase from \$130,581,319 to \$133,661,318.)

VOTING REQUIREMENTS:

Discussion only. Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

A public hearing has been established for December 17, 2024 to consider budget amendments. K.S.A. 79-2929 allows for governing bodies to amend a budget based upon a standard process outlined in statute that follows a similar process for the budget adopting. Any amended budgets for proposed increases in expenditures are required to be balanced by previous unbudgeted revenues or balances other than ad valorem property taxes. At no time after setting the maximum taxes levied can the governing body increase the ad valorem property taxes.

STAFF RECOMMENDATION:

Discussion only. Amendments would be considered on December 17, 2024, in conjunction with the public hearing.

BACKGROUND:

Proposed amendments total \$3,080,000 and will be considered on December 17, 2024, in conjunction with the

public hearing. Amended Funds include the Metro Transit Authority Pass Through, Federal Funds Exchange, Information Technology, Utilities, Tax Increment Finance (TIF) Districts and Community Improvement Districts (CID).

BUDGETARY IMPACT:

Proposed amendments total \$3,080,000. An increase from \$130,581,319 to \$133,661,318. Amended Funds include the following:

- Metro Transit Authority Pass Through from \$6,365,000 to \$6,800,000
- Federal Funds Exchange from \$3,750,000 to \$3,955,000
- Information Technology Fund from \$5,970,730 to \$6,470,730
- Utilities Fund from \$112,169,218 to \$113,669,218
- TIF Funds from \$850,000 to \$970,000
- CID Funds from \$1,476,370 to \$1,796,370

SOURCE OF FUNDING:

Fund Revenues and Balance

ATTACHMENTS:

Description

Budget Amendment Cover Memo J. McAnarney (November 25, 2024)

Notice of Public Hearing - December 17, 2024

State Budget Certification Form 2024 Budget Amendments



CITY OF TOPEKA

City of Topeka Finance Department
215 SE 7th St, Rm 355
Topeka, KS 66603

budget@topeka.org
785-368-3970
www.topeka.org

To: Members of the Governing Body
From: Josh McAnarney, Budget Manager
Date: 11/25/2024
Re: Budget Amendment of the FY24 City of Topeka Budget

Members of the Governing Body,

Below is a list of funds that are expected to exceed the original expense authority that was submitted in October 2023. In each fund list is the fund, the reason, and the projected amount.

1. **Topeka Metro Transit Authority:** The expense authority needs to be amended due to higher-than-expected Ad Valorem (Property) Tax collections. As this is a pass-through fund, the expense authority must be increased to match the higher revenue. Projected expenditures have risen from \$6,365,000 to \$6,800,000. More revenues came in because of past delinquent property taxes and the City exceeding a 95% collection rate.
2. **Federal Funds Exchange:** The expense authority within this fund needs to be amended due to projects being switched from GO Bond funding to FFE funding, as approved by the Council in multiple sessions. The higher expense transfers are supported by a built-up fund balance from the past few years. Projected expenditures have increased from \$3,750,000 to \$3,955,000.
3. **Tax Increment Financing (TIFs):** TIF revenues are tied to the increase in property values within the district. As property values rise due to economic development, improvements, or revitalization within the district, the property taxes generated from those properties increase. Since TIF revenue is based on the "increment" of new taxes above the baseline (usually set at the time the TIF was created), the revenue naturally increases as the property values rise. The fund exceeding expenses means that the City is paying out more to the developer than initially anticipated due to receiving more in property taxes. The expenditures have increased from \$850,000 to a projected \$970,000.
4. **Community Development (CIDs):** Similar to the TIF account, this amendment is being requested due to higher-than-expected revenue (in the form of sales tax), which has led to higher expenses than initially projected for payments to the developer. The projected expenditures have increased from \$1,476,370 to \$1,796,370.
5. **Information Technology:** Due to Polk-Quincy, City Hall, and Tyler ERP projects, there have been some additional expenses that were unbudgeted. The projected expenditures increased from \$5,970,730 to \$6,470,730.
 - a. **Torgeson**—\$175,000—is for the Polk Quincy Viaduct project damages (from other utilities moving their lines or vandalism) and splices for moves/additions of fiber directly due to fiber being in the way of the new planned path.
 - b. **SoftDocs**—\$100,000 —An unbudgeted one-time cost related to converting and



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migrating documents retained in Perceptive Content incompatible with the new ERP solution.

- c. **Microsoft True-Up**—\$175,000—When updating our licensing needs with Microsoft, we discovered that the City of Topeka had underpaid for the number of licenses in use. A “true-up” was required to bring our Microsoft account up to date.
 - d. **VPN Switch**—\$25,000—The Unplanned purchase of professional services, equipment, software, and the configuration of a new VPN system due to the existing system's vulnerability to cyber-attack.
6. **Combined Utilities (W, SW, WW):** The projected expenditures have increased from \$112,169,218 to \$113,669,218. This additional expense will be covered by revenue collections coming in higher than original expected. In January of 2024 there was a cold weather event that included broken water mains, a broken chlorine line, and the labor to make repairs. Reimbursement from FEMA is expected, but is not expected to happen in this year.

The funds in this amendment had a previous expenditure limit of \$130,581,318. These amendments will increase that to \$133,661,318—which is an increase of \$3,080,000.

**Notice of Budget Hearing for Amending the
2024 Budget**

The governing body of

City of Topeka

will meet on the day of December 17, 2024 at 6:00 pm at The City Council Chambers at 214 E Eighth St for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at www.topeka.org/finance/budget/ and will be available at this hearing.

Summary of Amendments

Fund	2024 Adopted Budget			2024 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Topeka Metro Transit Authority	4.200	5,792,928	6,365,000	6,800,000
Federal Funds Exchange			3,750,000	3,955,000
Information Technology			5,970,730	6,470,730
Combined Utilities			112,169,218	113,669,218
Tax Increment Financing			850,000	970,000
Community Development			1,476,370	1,796,370
			0	0
			0	0
			0	0
			0	0

Brenda Younger
Official Title: City Clerk

**Amended
Certificate
For Calendar Year 2024**

To the Clerk of Shawnee County, Kansas,
We, the undersigned, duly elected, qualified, and acting officers of
City of Topeka

certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

Table of Contents:			2024 Amended Budget		
			Page No.	Amount of 2023 Tax that was Levied	Adopted 2024 Expenditures
Fund	<u>K.S.A.</u>				
Topeka Metro Transit Authority	Charter Ord. 118	1	5,792,928	6,365,000	6,800,000
Federal Funds Exchange		2		3,750,000	3,955,000
Information Technology		3		5,970,730	6,470,730
Combined Utilities		4		112,169,218	113,669,218
Tax Increment Financing		5		850,000	970,000
Community Development		6		1,476,370	1,796,370
Totals		xxxxxxxx	5,792,928	130,581,318	133,661,318
Summary of Amendments		0			

Attested date: _____

County Clerk

Assisted by:

Address:

Email:

Governing Body

CPA Summary



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: Councilmember Spencer Duncan, Policy and Finance Committee Chair; and City Attorney Amanda Stanley
DOCUMENT #:
SECOND PARTY/SUBJECT: Common Consumption Area Amendment - TPAC
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION concerning the Common Consumption Area Amending the Downtown encompassing area to include the Topeka Performing Arts Center (TPAC). *(The Policy and Finance Committee approved by consensus on November 18, 2024.)*

(Proposed Common Consumption Area Amendment. The defined areas allow for individuals to possess and consume alcoholic liquor outside of a licensed bar, restaurant, or other eligible establishment that is permitted to sell alcoholic beverages by the State of Kansas.)

VOTING REQUIREMENTS:

Discussion only. No action is required of the Governing Body.

POLICY ISSUE:

Whether to expand the areas of common consumption areas and designate specific area boundaries.

STAFF RECOMMENDATION:

Staff recommends approval.

BACKGROUND:

In 2022, the State of Kansas Legislature passed House Bill 2277 allowing a city or county to establish one or more common consumption areas by ordinance or resolution, designate the boundaries of any common consumption area, and prescribe the time during which alcoholic liquor may be consumed.

4th Street from Jackson Street to Monroe Street; Monroe Street from 4th Street to 8th Avenue; 8th Avenue from Monroe Street to Quincy Street; Quincy Street from 8th Avenue to 10th Avenue; 10th Avenue from Quincy Street to Jackson Street; Jackson Street from 10th Avenue to 4th Street.

BUDGETARY IMPACT:

State Of Kansas requires a nonrefundable permit fee of \$100 to accompany the application. It is anticipated there will other budgetary impacts related to signage requirements and increased police presence.

SOURCE OF FUNDING:

General Fund: Permit Fee

ATTACHMENTS:

Description

Ordinance

Downtown Boundry Map

Committee Referral Report-P&F Committee Meeting-December 10, 2024

Committee Excerpt Report-P & F Committee Meeting-December 10, 2024

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Spencer Duncan, concerning common consumption areas; amending § 9.15.360 and repealing original section of the Topeka Municipal Code.

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

Section 1. That section § 9.15.360, Common consumption areas established-Boundaries of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Common consumption areas established; boundaries.

(a) The governing body hereby establishes the following common consumption areas (“CCA”):

(1) *Downtown.* The area encompassing ~~4th Street on the north; 10th Avenue on the south; Quincy Street on the east; and Jackson Street on the west.~~ 4th Street from Jackson Street to Monroe Street; Monroe Street from 4th Street to 8th Avenue; 8th Avenue from Monroe Street to Quincy Street; Quincy Street from 8th Avenue to 10th Avenue; 10th Avenue from Quincy Street to Jackson Street; Jackson Street from 10th Avenue to 4th Street.

(2) *NOTO.* The area encompassing Fairchild Street on the north, Norris Street on the south, Quincy Street on the east and Jackson Street on the west.

(b) Public streets or roadways within a CCA may be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

Section 2. That original § 9.15.360 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

27 Section 3. This ordinance shall take effect and be in force from and after its
28 passage, approval and publication in the official City newspaper.

29 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
30 or portions thereof, which are in conflict with the provisions of this ordinance.

31 Section 5. Should any section, clause or phrase of this ordinance be declared
32 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
33 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

34 PASSED AND APPROVED by the City Council on _____.

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36 CITY OF TOPEKA, KANSAS
37

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41 _____
42 Michael A. Padilla, Mayor

43 ATTEST:


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46 _____
47 Brenda Younger, City Clerk

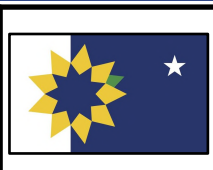


City of Topeka, Kansas GIS Data Disclaimer

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**City of Topeka
Common Consumption
Area (Downtown)**

 CC Boundary



COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Policy & Finance

Title: Common Consumption Area Amendment

Date referred from Council meeting:

Date referred from Committee: November 18, 2024

Committee Action: Committee members Spencer Duncan (Chair), Marcus Miller, Michelle Hoferer agreed by consensus.

Comments:

Members of Committee: Councilmembers Spencer Duncan (Chair), Marcus Miller, Michelle Hoferer

Agenda Date Requested: December 10, 2024



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Tonya Bailey, Sr Executive Assistant
Tara Jefferies, Sr Executive Assistant
E-mail: councilassist@topeka.org
www.topeka.org

EXCERPT

HOLLIDAY 1st FLOOR CONFERENCE ROOM, Topeka, Kansas, Monday, November 18, 2024. The Policy & Finance Committee members met at 2:00 P.M., with the following Committee members present: Duncan (Chair), Marcus Miller, Michelle Hoferer.

The following is an excerpt of the draft minutes from the meeting:

DISCUSSION and APPROVAL by the Committee concerning the common consumption area; amending § 9.15.360 and repealing original section of the Topeka Municipal Code.

TOPEKA PERFORMING ARTS CENTER (TPAC) COMMON CONSUMPTION AREA

Committee Chair Duncan spoke to the Topeka Performing Arts Center (TPAC) Common Consumption Area (CCA). When the CCA was introduced the area in front of TPAC was not included. Since then the TPAC Board of Directors have grown interest in participating.

City Attorney Amanda Stanley stated that after looking closer at the Common Consumption Area (CCA) it gave the opportunity to review policies concerning the alcohol drinking zone around 4th Street and Quincy.

Senior Attorney Brandy Roy-Bachman spoke to the recommendation for the boundaries encompassing the area.

The area amendment proposal is: 4th Street from Jackson Street to Monroe Street; Monroe Street from 4th Street to 8th Avenue; 8th Avenue from Monroe Street to Quincy Street; Quincy Street from 8th Avenue to 10th Avenue; 10th Avenue from Quincy Street to Jackson Street; Jackson Street from 10th Avenue to 4th Street.

Committee member Miller spoke to the positive impact to have the boundary down Monroe Street.

Committee Chair Duncan reminded everyone that all laws will apply and buildings can set their own standards to participate. He also spoke to notifying Shawnee County Department building at 200 SE 7th Street to give a courtesy update of the recommended amendment to the boundaries.

Committee member Hoferer stated she supports the boundaries of Monroe Street.

Committee members approved by consensus.



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December 10, 2024

DATE: December 10, 2024
CONTACT PERSON: **DOCUMENT #:**
SECOND PARTY/SUBJECT: Public Comment **PROJECT #:**
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Governing Body Rule 5.5

(c) **Public Comment on a specific agenda item:** Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.

(d) **General public comment:** Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

Procedures for Addressing the Governing Body

In accordance with Governing Body Rules 5.6 and 5.7, the following protocols for public comment apply:

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.

The following behavior will not be tolerated from any speaker:

- Uttering fighting words
- Slander
- Speeches invasive of the privacy of individuals (no mention of names) Unreasonably Loud Speech
- Repetitious Speech or Debate
- Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding office (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the City Council Chambers or Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

Zoom Meeting Protocol

- Make sure your Zoom name, email and/or phone number matches what was submitted to the City Clerk when you signed up for public comment. Any misnamed or unauthorized users will not be admitted to Zoom.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk atcclerk@topeka.org 215 SE 7th Street, Room 012B, Topeka, KS 66603 for attachment to the minutes.
- If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

BUDGETARY IMPACT:

SOURCE OF FUNDING: