COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 22, 2007. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Dr. Jim Congdon of Topeka Bible Church, gave the invocation.

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

A PRESENTATION on the Parks and Recreation Department was presented by Terry Bertels, Interim Parks and Recreation Director.

Mayor Bunten stated that Councilmember Ortiz was absent because of a family emergency.

Councilmember Kennedy requested that item 4A, a resolution granting New England Building a noise exception be withdrawn from the consent agenda.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7952 introduced by Councilmember John Alcala, granting Sacred Heart-St. Joseph Parish for its annual Germanfest an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

MINUTES of the regular meeting of May 15, 2007 were presented.

2007 Cereal Malt Beverage License Renewal applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSC #48</td>
<td>1531 SW Wanamaker Road</td>
</tr>
<tr>
<td>Herman’s Beef &amp; Sausage House</td>
<td>823 W Gordon</td>
</tr>
<tr>
<td>U Market Inc.</td>
<td>935 SE 21st Street</td>
</tr>
</tbody>
</table>
Councilmember Alcala moved to approve the consent agenda. The motion seconded by Councilmember Kennedy carried unanimously. (8-0-0)

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, May 22, 2007, at 6:00 P.M. relating to the proposed issuance by the City of Wichita, Kansas of its 2007 Series Health Care Facilities Refunding and Improvement Revenue Bonds for Presbyterian Manors, Inc., in one or more series, in a principal amount not to exceed $28,000,000.

RESOLUTION NO. 7953 authorizing the issuance of certain health care facilities refunding and improvement revenue bonds in the principal amount not to exceed $28,000,000 pursuant to an interlocal cooperation agreement by and between the City of Wichita, as issuer, and the City of Topeka, Kansas, as participant was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to close the public hearing and approve the resolution. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, May 22, 2007, at 6:00 P.M. relating to vacation request V07E/7 by PBJ, L.L.C., for a 16-foot wide utility easement located west of SW Cambridge Avenue about 140-feet north of SW 41st Street, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18883 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 16-foot wide utility easement located west of SW Cambridge Avenue about 140-feet north of SW 41st Street, City of Topeka, Shawnee County, Kansas placed on first reading May 15, 2007 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.
Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Ortiz -1.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, May 22, 2007, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Lateral Sanitary Sewer Improvement Project No. 40886-02, authorized by Resolution No. 7259, adopted and approved September 3, 2002.

ORDINANCE NO. 18884 introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a corrected special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40886-02 established by City of Topeka Ordinance No. 18393 and specifically repealing said ordinance placed on first reading May 15, 2007 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Ortiz -1.

A NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, May 22, 2007, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60561-02, authorized by Resolution No. 7260, adopted and approved September 3, 2002.
ORDINANCE NO. 18885 introduced by City Manager Norton N. Bonaparte, Jr., apportioning and levying a corrected special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60561-02 established by City of Topeka Ordinance No. 18395 and specifically repealing said Ordinance, placed on first reading May 15, 2007 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Don Wisdom, area developer expressed concern with the City’s special assessment process.

Councilmember Harmon asked if standard procedure was followed regarding the calculation of the special assessment.

Mike McGee, Deputy Public Works Director stated that normal procedure was followed. He explained that a correction was necessary because the area was originally platted for 21 lots, and the area was developed into 19 lots.

Braxton Copley, Assistant City Attorney stated that the assessed dollar amount remained the same because the cost of the project did not change. He also stated that a new requirement is now included in the special assessment process that prevents a developer from altering an approved platted area, after the public improvement petition has been filed.

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Ortiz -1.

A COMMUNICATION from City Manager Norton N. Bonaparte, Jr., requesting that a public hearing be set for June 5, 2007, at 6:00 p.m. at the City Council Chambers, 214 E. Eighth
Street, to hear and answer objections of taxpayers to the proposed amendments to the 2007 Operating Budget was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Kennedy carried unanimously. (8-0-0)

A COMMUNICATION approving the Real Estate Report and authorizing Real Estate Purchase Agreement Contract No. 37444 between the City of Topeka and Todd R. Tompkins in the amount of $825 for the sale of City surplus property located adjacent to 179 NW Holman Street was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Haynes asked how the purchase price was determined.

Jim Langford, Budget and Finance Director stated that the property was appraised at $825 by a Shawnee County Appraiser.

Councilmember Preisner moved to approve the communication. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

ORDINANCE NO. 18886 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 30, 2007, through May 6, 2007, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Absent: Ortiz -1.
ORDINANCE NO. 18887 introduced by City Manager, Norton N. Bonaparte, Jr.,
designating real property more specifically described herein as an historic landmark and
presently zoned "R-2" Single-Family Dwelling District and located at 1625 SW Central Park
Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on
first reading May 15, 2007 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Mayor Bunten asked if there were any exparte communications besides Councilmembers
Kennedy and Swank. There were none declared.

Councilmember Swank commended the applicants for their contributions to the
community.

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by
Councilmember Preisner carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala,

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., annexing land
to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located
at 6642 SW 29th Street within unincorporated Shawnee County, Kansas, and contiguous with the
City of Topeka corporate limits, and said land being annexed for all City purposes was presented
for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., apportioning
and levying a special assessment on certain lots and pieces of ground in the City of Topeka,
Shawnee County, Kansas, for Street Improvement Project No. 60598-02 with pavement, curb
and gutter and all other contingencies needed to complete the project as defined and described in Resolution No. 7918, adopted and approved February 28, 2007 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70142-04, Part A, which provides for the design of the reconstruction and widening of SE California Avenue, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Norton N. Bonaparte, Jr., City Manager reported that the City recently sent five firefighters to Greensburg, Kansas to assist with the tornado disaster. He also reported that the Federal Emergency Management Agency (FEMA) is currently assessing flood damage to area residents. He announced that the “Dream Night at the Zoo” event will be held on June 1st; the “Twilight Tours at the Zoo” event will be held on June 8th; and “Meet the Manager” sessions will be held on May 31st at the Central Park Community Center, and June 7th at the Crestview Community Center.

Councilmember Kennedy reminded everyone that there is no Council meeting next week.

Councilmember Swank announced the City continues to work with flood victims, and assured residents that the Federal Emergency Management Agency (FEMA) inspected all of the flood damaged neighborhoods.

Councilmember Blackburn commended City of Topeka Police Lieutenant Mike Hagen, as well as, the other police officers who assisted with the Greensburg, Kansas tornado disaster.

Lieutenant Mike Hagen, Topeka Police Department reported on the Greensburg, Kansas, tornado disaster clean up efforts.
NO FURTHER BUSINESS appearing the meeting was adjourned at 7:01p.m.

Brenda Younger
City Clerk