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City Council Agenda

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

October 22, 2013

6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	District No. 1	Chad Manspeaker	District No. 6
John Campos II	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Nathan Schmidt	District No. 8
Denise Everhart	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

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

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

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

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

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

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INVOCATION:

PLEDGE OF ALLEGIANCE:

1. **PROCLAMATIONS:**
"None scheduled at this time."

2. **PRESENTATIONS:**
"Topeka Constitution"
"Topeka e311"

3. **ROLL CALL:**

4. **CONSENT AGENDA:**

A. Workers' Compensation Claim - Jesse Martinez

APPROVAL of a Workers' Compensation Settlement for Jesse Martinez, Parking Control Attendant, in the amount of \$14,013.72 for the permanent partial impairment of his cervical spine from injuries suffered on January 9, 2013.

B. Resolution - Noise Exception - PT's Coffee

A RESOLUTION introduced by Councilmember Manspeaker, granting PT's Coffee an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. concerning noise prohibitions. (Council District No. 1)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for live bands and outdoor festivities during the hours of 7:00 p.m. and 11:59 p.m. on November 1, 2013, at 1625 SW Washburn Avenue.)

C. MINUTES of the regular meeting of October 15, 2013

D. APPLICATIONS:

5. **UNFINISHED BUSINESS:**

A. Ordinance - Temporary Signs (ACZR12/2)

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.10.010, 18.10.020, 18.15.030, 18.15.060, 18.25.060, 18.25.220, 18.25.230 and 18.25.260, specifically repealing said original sections, as well as, creating Section 18.25.215, all concerning the regulation of temporary signs. Final Reading. (ACZR12/2) (Deferred from the meeting of September 24, 2013.)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would clarify definitions and standards for temporary signs that were

☐ [ATTACHMENTS](#)

☐ [ATTACHMENTS](#)

originally established in 2007.)

6. NEW BUSINESS:

A. Project Budget and Resolution - Topeka Bikeways Master Plan Improvement Project No. T-861005.00

☐ [ATTACHMENTS](#)

A PROJECT BUDGET in the amount of \$1,622,400 and **A RESOLUTION** introduced by City Manager Jim Colson, authorizing Improvement Project No. T-861005.00 which provides for implementation of the first phase of the Topeka Bikeways Improvement Master Plan, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *(All Council Districts)*

(Approval would authorize the construction of bikeways throughout the city. The project will be funded by \$420,000 from combined 2013 and 2014 Complete Streets and City-wide Infrastructure funds with a total debt service of \$577,743 spread over 20 years and \$1,202,400 from the Kansas Department of Transportation (Enhancement Grant) for a total project budget of \$1,622,400.)

B. Resolution - Annexation Exemption - 100 block NE 43rd Street (AE13/5)

☐ [ATTACHMENTS](#)

APPROVAL of an annexation exemption waiver from the annexation requirement of Topeka Municipal Code Section 13.10.120(c) for connection to the City water system outside the city limits for a tract of land generally located in the 100 block of NE 43rd Street within unincorporated Shawnee County, Kansas.

(Approval would allow a 11.39-acre tract outside the city limits to be developed for a single-family dwelling on City water without prior annexation.)

C. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

7. MISCELLANEOUS:

-

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

-

9. PUBLIC COMMENT:

-

10. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 30, 2013

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DATE:	October 22, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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		PAGE #:

DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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SECOND PARTY/SUBJECT: PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Topeka Constitution"
"Topeka e311"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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SECOND PARTY/SUBJECT: PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL: JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 24, 2013

☐ Back ☐ Print

DATE: October 22, 2013
CONTACT PERSON: Jacque Russell / Shannon Langston
DOCUMENT #:
SECOND PARTY/SUBJECT: Jesse Martinez
PROJECT #:
CATEGORY/SUBCATEGORY 005 Claims / 006 Appeals
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Workers' Compensation Settlement for Jesse Martinez, Parking Control Attendant, in the amount of \$14,013.72 for the permanent partial impairment of his cervical spine from injuries suffered on January 9, 2013.

POLICY ISSUE:

Approval of the settlement would close out future medical and future review and modification under the Kansas Workers Compensation Statute.

STAFF RECOMMENDATION:

Staff recommends approval of the Workers Compensation Settlement in the amount of \$14,013.72.

BACKGROUND:

Not applicable

BUDGETARY IMPACT:

If the claim is approved in the amount of \$14,013.72, it would be paid from the Risk Fund (Workers Compensation).

SOURCE OF FUNDING:

Risk Fund (Workers Compensation)

ATTACHMENTS:

No Attachments Available

Item #6



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 10, 2013

☐ Back ☐ Print

DATE: October 22, 2013
CONTACT PERSON: Chad Manspeaker DOCUMENT #:
SECOND PARTY/SUBJECT: Forrest Wright PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Manspeaker, granting PT's Coffee an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. concerning noise prohibitions. (Council District No. 1)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for live bands and outdoor festivities during the hours of 7:00 p.m. and 11:59 p.m. on November 1, 2013, at 1625 SW Washburn Avenue.)

POLICY ISSUE:

PT's Coffee has requested a noise exception be granted for a Art Walk to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending approval of the resolution.

BACKGROUND:

PT's Coffee is requesting the noise exception due to live bands and outdoor activities at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Resolution](#)

Item #7

1 RESOLUTION NO.

2
3 A RESOLUTION introduced by Councilmember Chad Manspeaker, granting PT's
4 Coffee an exception to the provisions of City of Topeka Code
5 Section 9.45.150, et seq. concerning noise prohibitions.
6

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

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

16 WHEREAS, PT's Coffee has requested that it be granted an exception to
17 the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes,
18 dates and times described herein, and

19 WHEREAS, upon review of the application of PT's Coffee, the Council of
20 the City of Topeka does hereby find that the requested activity does not offend
21 the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

22 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
23 Topeka that PT's Coffee is hereby granted an exception from the provisions of
24 City of Topeka Code Section 9.45.150, et seq. for live band performances and
25 outdoor activities located at 1625 SW Washburn Avenue during the hours of 7:00
26 p.m. and 11:59 p.m. on November 1, 2013.

27

28 ADOPTED and APPROVED by the City Council _____.

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30

CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

35 ATTEST:

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37

38

39 _____
Brenda Younger, City Clerk



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

☐ Back ☐ Print

DATE:	October 22, 2013	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2013

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CIP PROJECT:	No	
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STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 25, 2013

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DATE: October 22, 2013

CONTACT PERSON: Bill Fiander/Bill Hoover

DOCUMENT #: ACZR12/2

SECOND PARTY/SUBJECT: Temporary Signs

PROJECT #:

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 161 Comprehensive Zoning Cases

CIP PROJECT: No

ACTION OF COUNCIL: First Reading 7/09/13. Remanded back to PC 7/16/13. Deferred 4 weeks 9/24/13.

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.10.010, 18.10.020, 18.15.030, 18.15.060, 18.25.060, 18.25.220, 18.25.230 and 18.25.260, specifically repealing said original sections, as well as, creating Section 18.25.215, all concerning the regulation of temporary signs. Final Reading. (ACZR12/2) (Deferred from the meeting of September 24, 2013.)

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would clarify definitions and standards for temporary signs that were originally established in 2007.)

POLICY ISSUE:

This amendment is designed to improve enforcement and make the temporary sign regulations more user friendly. The current, somewhat vague definitions and regulations of temporary signs are making some types of these signs (such as feather flag signs) unenforceable and are also making it difficult for businesses to determine what temporary signs are and are not permitted. The Governing Body has the following options to consider:

(1) Adopt the recommendation of the Planning Commission by a majority vote (six votes) of the Governing Body.

(2) Reject or amend the Planning Commission's recommendation by a majority vote (six votes) of the Governing Body.

Item #10

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The current temporary sign regulations make it difficult for businesses to determine what signs are and are not permitted and also make it difficult to enforce some types of temporary signs (such as feather flag signs).

The Planning Department researched 19 other communities' sign regulations to see how they monitored temporary signs. Upon completing the research for the Planning Commission, the City advised local sign companies and business who use feather flags of the proposed sign changes and requested their input. The Planning Commission discussed the matter at nine (9) different meetings. Additionally, the Planning Department held two Question and Answer sessions open to the public. After multiple revisions were made, the changes were finally agreed upon by the Planning Commission.

As recommended by the Planning Commission, the key changes include:

- (1) Addressed "feather flags" by defining them as another type of freestanding temporary sign that is self-supportive and subject to the current height and size restrictions (6 x 32 square foot in commercial zoned districts).
- (2) Changed duration of temporary sign from "special event" to two, 30-day periods except for real estate, garage sale, open houses and election signs. They are still limited to one (1) per property.
- (3) Temporary signs must still advertise on the property the services are offered except for garage sales and open houses.
- (4) Banner signs still can only be placed on the face of a building limited to 25 percent of the surface area of the building face.
- (5) Allow a small freestanding sign (4 x 6 square foot) in the City rights-of-way during business hours where there are not adequate setbacks (e.g., Downtown).

Public Works may also place signs in rights-of-way during construction periods.

The Planning Commission recommended approval on May 20, 2013.

The Governing Body considered the ordinance on July 16, 2013 and voted 7-2-0 to remand it back to the Planning Commission. The minutes of that meeting, which included testimony from a Downtown merchant, are attached, as well as revised ordinance language that Councilmember Hiller passed out at the meeting. The main items of re-consideration are summarized below:

- (1) Allowance of contractor signs during a construction event (e.g. property improvement signs)
- (2) Allowance of previously allowed official flags of government entities, religious, business firms, charitable, public, and non-profits.
- (3) Make exception for feather flags above 6' including for Downtown businesses.

The Planning Commission met to consider the changes at its July 22, 2013, and August 26, 2013 meetings. Staff worked with the City Attorney's office to revise the ordinance to make the above changes. The Planning Commission recommended approval by a vote of 8-1-0 of the proposed ordinance just to include Item Nos. 1 and 2 above. They rejected Item No. 3 based on the discussion in the minutes as summarized below:

· It does not meet the original intent of the objectives established for this sign code update which was to make temporary sign regulations easier to understand and enforce while keeping the size and duration standards intact as established in 2007.

- Making an exception to established maximum heights for signs in the community makes self-enforcement more difficult which will require more staff resources to enforce compliance.
- It will lead to a greater number of temporary signs in the community and potentially open the door for other temporary sign types to justify an increase in their size.
- They are not all attractive, can be a nuisance to drivers and pedestrians, and get tattered and worn. Is this the type of character we want for our city?
- Downtown is a destination and pedestrian-oriented place. These signs are car-oriented. The huge investment being made Downtown would not benefit from cluttering the area with feather flags and would not fit the type of character.
- If an exception is made for Downtown, then what would prevent other areas from asking for exceptions?
- Most cities researched do not allow them. Banning them for commercial advertisement is what more cities are doing. Lincoln, NE is the latest example (see attached news articles).

BUDGETARY IMPACT:

There would be no impact on the City's budget as proposed.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

[Ordinance](#)

[Summary Report](#)

[Summary of Other Communities Temporary Sign Standards](#)

[Articles of Other Cities Feather Flags](#)

[Planning Commission Minutes August 26, 2013](#)

[Planning Commission Minutes July 22, 2013](#)

[Planning Commission Minutes May 20, 2013](#)

[Planning Commission Minutes April 22, 2013](#)

[Planning Commission Minutes March 25, 2013](#)

[Planning Commission Minutes January 28, 2013](#)

[Planning Commission Minutes December 17, 2012](#)

[Planning Commission Minutes November 26, 2012](#)

[Planning Commission Minutes October 22, 2012](#)

[Hiller amendments 7/16/13](#)

[July 16, 2013 Council Meeting Minutes](#)

[Petition](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 18.10.010, § 18.10.020, § 18.15.030, § 18.15.060, § 18.25.060, § 18.25.220, § 18.25.230 and § 18.25.260, specifically repealing said original sections, as well as the creation of §18.25.215, all concerning the regulation of temporary signs.

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

Section 1. That section 18.10.010, Defined, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Defined.

(a) For the purpose of this division, the term "sign" means ~~and includes any electronic sign, signboard, billboard, posterboard, transparency, banner, panel poster, bulletin, sign device, any announcement, decoration, demonstration, display or insignia used to advertise or to promote the interest of any person wherein the same is placed, out of doors, upon buildings or structures or upon constructed surfaces detached from or attached to or supported by buildings, other structures or the ground, and shall also include the sign supports and appurtenances necessary thereto~~ any outdoor device, structure, fixture or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, product, goods, services, activities, or uses.

(b) The provisions of this division shall not apply to the following:

(1) ~~signs located on governmental or school property where the primary purpose and function of the sign is to convey messages of public rather~~

~~than commercial interest or for keeping score at athletic events~~ Signs inside a building;

(2) Signs required by federal or state law;

(3) ~~Flags of any government agency;~~ Official flags of government jurisdictions and flags which are emblems of on-site business firms and enterprises, religious, charitable, public, and nonprofit organizations;

(4) Flags and pennants with no graphics, symbols, and/or written copy;

(5) Signs erected by governmental entities, except that identification signs for public buildings must comply with the ordinances regulating electronic message centers; and

(6) Signs authorized by the public works director for the duration of street, sidewalk, and utility improvement projects.

Section 2. That section 18.10.020, Classification, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Classification.

For the purpose of this division, signs are hereby classified as follows:

- (a) Wall signs;
- (b) Ground signs, ~~either portable or fixed to the ground~~ including portable;
- (c) Billboards or panel posters;
- (d) Roof signs;
- (e) Projecting signs; and
- (f) Temporary signs ~~and flags, banners and pennants.~~

51 Section 3. That section 18.15.030, Required, of The Code of the City of
52 Topeka, Kansas, is hereby amended to read as follows:

53 **Required.**

54 (a) Except for temporary signs identified in 18.25.260 TMC, ~~No~~ sign subject
55 to the provisions of this division shall hereafter be hung or erected until after a permit to
56 ~~hang, erect or locate such sign~~ has been obtained from the ~~public works director~~city
57 manager or his or her designees.

58 (b) No additional billboard or panel poster type signs subject to the provisions
59 of this division shall hereafter be hung or erected and no permits for additional
60 billboards or panel posters shall be issued by the public works director or his or her
61 designees following the effective date of this section; provided, that this provision shall
62 not prevent the necessary maintenance and/or repair of existing billboards or panel
63 posters.

64 (c) No sign erected or constructed prior to the effective date of this section for
65 which a permit was required for original construction shall be relocated, rebuilt or
66 remodeled without coming into compliance with the provisions of this division and until
67 after a permit granting permission for such relocation, rebuilding or remodeling has
68 been obtained from the public works director or his or her designees. A permit for a new
69 billboard or panel poster type sign shall not be issued until verification that an existing
70 billboard or panel poster type sign has been removed. A new billboard or panel poster
71 sign shall comply with the provisions of this division for new signs, including
72 construction type, distance requirements and zoning.

(d) Permits issued under this division shall become null and void after a period of 90 days from the date of issuance unless work is commenced towards the completion of the structural elements of the sign. One extension of time may be granted for good cause ~~shown by the public works director~~ city manager or his or her designees upon written request of the applicant.

Section 4. That section 18.15.060, Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Fees.

~~Any person desiring a permit under the provisions of this division shall, at the time of receiving such permit, pay to the city the fees required~~ Sign permit application fees are as follows:

(a) ~~Wall signs or nonfreestanding sign:~~ Wall signs: \$30.00.

(b) ~~Freestanding~~ Ground signs: \$60.00.

(c) Billboards/Panel posters: \$60.00

(d) Roof signs: \$60.00

(e) Projecting signs: \$30.00

(f) Balloon signs: \$25.00

(eg) Any advertising sign affixed to a trailer which is used solely for the transportation of the advertising sign and is not designed to carry any other load, a fee of \$10.00 per year per sign. This fee will allow the sign to be placed by the owner for a period of one year from date of issue at locations which comply with sign location requirements, when prior notice of the proposed location is given to the building code enforcement division and approval given by that division.

Section 5. That section 18.25.060, Defined, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Defined.

The term “ground signs” as used in this article means any sign not attached to a building, other than a billboard or panel poster, erected upon or supported by the ground and either affixed to the ground or portable. Any sign affixed to a trailer which is used solely for the transportation of the sign and is not designed to carry any other load shall be considered a portable sign for the purpose of sign regulations. Temporary signs identified in Article VII of Chapter 18.25 TMC are not ground signs.

Section 6. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section to Article VII, Chapter 18.25 “Temporary Signs,” to be numbered 18.25.215, which said section reads as follows:

Conformance with standards.

It is unlawful to erect or maintain a sign identified in Article VII unless the sign conforms to the standards established in Article VII.

Section 7. That section 18.25.220, Defined, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

DefinedDefinitions.

~~(a) The term “temporary freestanding sign,” for the purposes of this article, shall mean any sign, sign device, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other material, with a frame, intended to be displayed for a short period of time. The advertisement contained on a temporary~~

~~freestanding sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is erected or maintained.~~

~~(b) The term "temporary nonfreestanding sign," for the purposes of this article, shall mean any sign, sign device, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or other material, without a frame, intended to be displayed for a short period of time. The advertisement contained on a temporary nonfreestanding sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is erected or maintained.~~

~~(c) The term "temporary balloon sign," for the purposes of this article, shall mean an air or gas filled balloon or other inflated device designed to emulate or advertise a product or call attention to a specific product, service, business or event. Such device may be inflated with gas or carbon dioxide or hot air and may be anchored to the ground or airborne and tethered to the ground, and is intended to be displayed for a short period of time. The advertisement contained on a temporary balloon sign shall be limited to only the business, activity, industry or other pursuit conducted on or in the premises on which such sign is anchored to the ground or airborne and tethered to the ground, or maintained.~~

~~(d) The term "limited duration, temporary, freestanding sign," for the purposes of this article, shall mean any sign, sign device or advertising display constructed of fabric, cardboard, plaster or other material with a self-supportive frame intended to be displayed for a short period of time. Said signs may advertise a business, activity, or~~

140 ~~other pursuit not conducted on or in the premises on which the sign is erected or~~
141 ~~maintained.~~ The following definitions shall apply to this article:

142 Banner sign. A banner sign is a sign that is not self-supporting and is made of
143 cloth, fabric, vinyl, or other material.

144 Election sign. An election sign is a sign that addresses a ballot question or
145 candidate in an upcoming election.

146 Freestanding sign. A freestanding sign is a self-supporting sign comprised of
147 cloth, fabric, vinyl, or other material placed in or on the ground.

148 Garage sale sign. A garage sale sign is a sign that advertises the sale of used
149 personal property.

150 Inflatable sign. An inflatable sign is a sign designed or constructed with the
151 ability to be mechanically filled with air or gas.

152 Open house sign. An open house sign is a sign that invites prospective buyers
153 or tenants to view real property that is for sale or lease.

154 Property improvement sign. A property improvement sign is a sign conveying
155 information regarding modifications or improvements to real property, including
156 construction projects.

157 Property sign. A property sign is a sign that conveys information regarding
158 activities or events affecting real property. Property signs include open house signs,
159 real estate signs, and property improvement signs.

160 Real estate sign. A real estate sign is a sign pertaining to the sale or lease of the
161 lot or tract of land on which the sign is located or the sale or lease of one or more
162 structures located on the lot or tract of land.

163 Temporary sign. A temporary sign is a sign intended to display messages of a
 164 transitory or temporary nature. Temporary signs shall include but are not limited to
 165 elections, garage sales, and property signs.

166 Section 8. That section 18.25.230, Placing and time of limitation, of The Code
 167 of the City of Topeka, Kansas, is hereby amended to read as follows:

168 **Placing and time limitationInflatable signs.**

169 ~~(a) Temporary Freestanding Signs. One temporary freestanding sign, not exceeding six~~
 170 ~~square feet per sign face and 48 inches in height may be placed or displayed at any~~
 171 ~~given time on private property in any R or M dwelling district; provided, however, a sign~~
 172 ~~not exceeding 32 square feet and 72 inches in height per sign face shall be permitted~~
 173 ~~on parcels exceeding one acre in size. One temporary freestanding sign not exceeding~~
 174 ~~32 square feet per sign face and 72 inches in height may be placed or displayed at any~~
 175 ~~given time on private property in any district other than the R or M districts. The~~
 176 ~~temporary freestanding sign shall only be displayed during that time period the event,~~
 177 ~~activity or pursuit occurs on the premises. Further, the temporary freestanding sign shall~~
 178 ~~be erected only upon the day the event, activity or pursuit commences and shall be~~
 179 ~~removed immediately after the event, activity or pursuit concludes. The display of a~~
 180 ~~temporary freestanding sign shall be limited to two separate occasions during any~~
 181 ~~calendar year. No permit is required for the display of a temporary freestanding sign.~~

182 ~~(b) Temporary nonfreestanding signs shall be placed flat upon any face of a building. All~~
 183 ~~such signs shall not extend above or beyond the face of a building on which they are~~
 184 ~~placed or extend more than 12 inches from the face of the building, and shall not~~

~~exceed 25 percent of the surface of the face of the building upon which they are displayed.~~

~~(c) Temporary balloon signs are subject to the following:~~

~~(1) Temporary balloon signs which exceed two cubic feet may not be placed on a property unless a permit is first obtained, as provided by TMC [18.15.030](#) and this section.~~

~~(2) A temporary balloon sign may be placed on the properties specified in the permit four times a calendar year for one week at a time. The maximum altitude at the top of the temporary balloon sign shall not exceed 55 feet including the length of the tether or height of structure to which the temporary balloon sign is attached. No temporary balloon sign may be placed on properties unless the owner has provided notice to all agencies requiring notification at least one week ahead of erection of the temporary balloon sign. Said notice shall be given by certified mail at the expense of the person for whom the temporary balloon sign will be erected. Agencies who desire notification of temporary balloon sign erection shall contact the development services division which shall maintain a list of such agencies.~~

~~(3) As a condition for the issuance of a permit, the owner and/or user of the temporary balloon sign must agree to hold the city harmless from all claims resulting from the placement of the temporary balloon sign.~~

~~(4) The permit fee for a temporary balloon sign shall be \$25.00 per placement on a property. The permit shall expire one week from its effective date.~~

~~(5) Temporary balloon signs are only allowed in C-4, C-5, I-1 and I-2 zoning districts.~~

~~(6) The temporary balloon signs must meet all applicable FAA regulations.~~

~~(7) The gas used in any temporary balloon signs must be noncombustible and the balloon may not be internally illuminated.~~

~~(8) No permit shall be issued for placement of a temporary balloon sign on property within 500 feet from the property line of a hospital with a helicopter landing pad.~~

~~(9) No temporary balloon sign shall be tethered within 55 feet of an overhead power line or property line.~~

~~(d) Limited Duration, Freestanding Signs. Not more than two limited duration, freestanding signs, not exceeding six square feet per sign face and 48 inches in height may be placed or displayed on private property with the consent of the property owner. Limited duration, freestanding signs may be displayed and may remain in place only from 5:00 p.m. Thursday until 5:00 p.m. Sunday. Not more than two limited duration, freestanding signs may be displayed on any property at any given time. No permit is required for the display of a limited duration, freestanding sign. An inflatable sign that exceeds two cubic feet shall not be placed on a property unless a permit is obtained pursuant to TMC 18.15.030. Moreover, the following restrictions shall apply:~~

~~(a) Duration; display. The sign may be placed on property specified in the permit four times per calendar year not to exceed one week at a time. Such sign is allowed only in C-4, C-5, I-1 and I-2 zoning districts. If the inflatable sign is tethered and airborne, no permit shall be issued for placement within 500 feet from the property line of a health care facility with a helicopter landing pad or within 55 feet of an overhead power line or property line.~~

(b) Altitude. The maximum altitude at the top of the sign shall not exceed 55 feet including the length of the tether or height of the structure to which the sign is attached.

(c) Federal regulations. The sign shall comply with all Federal Aviation Administration regulations.

(d) Type of gas; anchor; illumination. The gas used shall be noncombustible and the sign may not be internally illuminated. The sign may be anchored to the ground or airborne and tethered to the ground.

(e) Hold harmless. Each applicant shall agree, in writing, to hold the city harmless from all claims resulting from the placement of the sign.

(f) Notice. No sign shall be placed on property unless the owner has provided notice to any person or organization that has requested notice from the city manager or designee. Such notice shall be provided at least one week before erection of the sign and shall be given by certified mail by the owner or designee.

(g) No off-premise advertising. Any advertisement contained on a sign shall be limited only to the business, activity, industry or other pursuit conducted on the premises upon which the sign is anchored.

Section 9. That section 18.25.260, Allowed without permit, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Allowed without permitRestrictions.

~~The following temporary signs are allowed in any zoning district and do not require a permit:~~

~~(a) Official flags of government jurisdictions and flags which are emblems of on-site business firms and enterprises, religious, charitable, public, and nonprofit organizations.~~

~~(b) Decorative streamers with no printed advertising.~~

(a) Banner signs. Banner signs may be displayed provided all of the following requirements are met:

(1) The sign is placed only on the face of a building;

(2) The sign does not extend above or beyond the face of a building or extend more than 12 inches from the face of the building;

(3) The sign does not exceed 25 percent of the surface of the face of the building; and

(4) Any advertisement is limited to the establishment, product, good, service, or activity occurring on the premises on which the sign appears.

(b) Freestanding signs.

(1) Residential district; dimensions. One freestanding sign, not exceeding six square feet per sign face and four feet in height, may be placed on private property, with the consent of the owner, in any R or M zoning district. For parcels exceeding one acre in size, one freestanding sign not exceeding 32 square feet per sign face and six feet in height may be placed on private property, with the consent of the owner, in any R or M zoning district .

(2) Non-residential district; dimensions. One freestanding sign, not exceeding 32 square feet per sign face and six feet in height, may be placed on

private property, with the consent of the owner, in any district other than R or M zoning districts.

(3) Duration; freestanding signs. Except for signs identified in subsections (b)(4) and (b)(5), a freestanding sign can be displayed only for a period of time not to exceed thirty (30) consecutive days two times per calendar year.

(4) Duration; garage sale signs. Garage sale signs can be displayed no more than two times per calendar year for no more than four consecutive days each time.

(5) Duration: property and elections. Property signs and election signs shall be removed after the activity or event concludes.

(6) No off-premise advertising. Except for garage sale signs and open house signs, any advertisement shall be limited to the establishment, product, good, service, or activity occurring on the premises on which the sign appears.

(7) Right-of-way. One freestanding sign may be placed in City right-of-way in any district not zoned R or M where the distance between the building face and the right-of-way is less than two feet provided all the following requirements are met:

(a) The sign is placed no closer than two feet from the back of the curb;

(b) The sign is placed only during the hours the establishment is open;

(c) The sign does not exceed six square feet per sign face and four feet in height;

(d) The sign does not obstruct a continuous through pedestrian zone of at least six (6) feet in width; and

(e) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

(i) transit stop areas;

(ii) designated disabled parking spaces;

(iii) disabled access ramps; or

(iv) building exits including fire escapes.

(c) Examples of temporary signs.



Freestanding sign



Freestanding sign



Inflatable sign



Banner sign

314 Section 10. That original §18.10.010, §18.10.020, §18.15.030, §18.15.060,
315 §18.25.060, §18.25.220, §18.25.230 and §18.25.260 of The Code of the City of Topeka,
316 Kansas, are hereby specifically repealed.

317 Section 11. This ordinance shall take effect and be in force on November 1,
318 2013 after its passage, approval and publication in the official City newspaper.

319 Section 12. This ordinance shall supersede all ordinances, resolutions or rules,
320 or portions thereof, which are in conflict with the provisions of this ordinance.

321 Section 13. Should any section, clause or phrase of this ordinance be declared
322 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
323 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

324 PASSED AND APPROVED by the Governing Body on _____.

325
326 CITY OF TOPEKA, KANSAS

327
328
329
330
331 _____
332 Larry E. Wolgast, Mayor

333 ATTEST:

334
335
336 _____
337 Brenda Younger, City Clerk

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: ACZR12/2 Temporary Signs

This is an amendment to the temporary sign regulations designed to bring clarity for all users without changing intent of standards and make the regulations more user-friendly. Current regulations include somewhat vague definitions and standards that are making some types of temporary signs unenforceable (e.g., feather flag signs) and also making it difficult for businesses to determine what signs are and are not permitted.

The Planning Department researched nineteen (19) other communities' sign regulations to see how they monitored temporary signs. A summary table showing this research is attached. Many of the communities prohibit feather flag signs and most of the remaining communities only allow them several times per year for limited duration.

Upon completing the research for the Planning Commission, the Planning staff advised local sign companies and business using feather flags of the proposed sign changes and requested their input. The Planning Commission discussed this at five (5) different meetings that were open to the public. Additionally, the Planning Department held two (2) Question and Answer sessions open to the public. After multiple revisions were made, the changes were finally agreed upon by the Planning Commission. No objections were provided at the meeting.

As recommended by staff and adopted by the Planning Commission at its May 20, 2013 meeting (6-0-3), the key elements of the updated temporary sign ordinance include:

- 1) Addressed "feather flags" by defining them as another type of freestanding temporary sign that is self-supportive and subject to the current height and size restrictions (6'/32 sq. ft. in commercial). All are still limited to one (1) per property.
- 2) Changed duration of temporary sign from "special event" to two 30-day periods except for real estate, garage sale, open houses, and election signs.
- 3) Temporary signs must still advertise on the property the services are offered except for garage sales and open houses.
- 4) Banner signs still can only be placed on the face of a building limited to 25 percent of the surface area of the building face.
- 5) Allow a small freestanding sign (4'/6 sq. ft.) in the City rights-of-way during business hours where there are not adequate setbacks (e.g., Downtown). Public Works may also place signs in rights-of-way during construction periods.
- 6) The ordinance would become effective on November 1, 2013.

The Governing Body considered the ordinance on July 16, 2013 and voted 7-2-0 to remand it back to the Planning Commission. The minutes of that meeting, which included testimony from a Downtown merchant, are attached, as well as revised ordinance language that Councilmember Hiller passed out at the meeting. The main items of re-consideration are summarized below:

1. Allowance of contractor signs during a construction event (e.g. property improvement signs)
2. Allowance of previously allowed official flags of government entities, religious, business firms, charitable, public, and non-profits.
3. Make exception for feather flags above 6' including for Downtown businesses.

The Planning Commission met to consider the changes at its July 22nd and August 26th meetings. Staff worked with the City Attorney's office to revise the ordinance to make the above changes. The Planning Commission recommended **approval** (8-1-0) of the proposed ordinance just to include items #1 and #2 above. They rejected item #3 based on the discussion in their minutes as summarized below:

- It does not meet the original intent of the objectives established for this sign code update which was to make temporary sign regulations easier to understand and enforce while keeping the size and duration standards intact as established in 2007.
- Making an exception to established maximum heights for signs in the community makes self-enforcement more difficult which will require more staff resources to enforce compliance.
- It will lead to a greater number of temporary signs in the community and potentially open the door for other temporary sign types to justify an increase in their size.
- They are not all attractive, can be a nuisance to drivers and pedestrians, and get tattered and worn. Is this the type of character we want for our city?
- Downtown is a destination and pedestrian-oriented place. These signs are car-oriented. The huge investment being made Downtown would not benefit from cluttering the area with feather flags and would not fit the type of character.
- If an exception is made for Downtown, then what would prevent other areas from asking for exceptions?
- Most cities researched do not allow them. Banning them for commercial advertisement is what more cities are doing. Lincoln, NE is the latest example (see attached news articles).
- There has been considerable thought on this item with no less than nine (9) meetings being held by the Commission to deliberate on this matter.

Temporary Signs for Commercial/Industrial Zones in Other Communities

October 9, 2012

<u>Community</u>	<u>Summary of Restrictions</u>
Hutchinson, KS	Up to 4 temporary sign permits for 20 days per year may be issued on the same zoning lot. Maximum sign area is 32 s.f. and maximum height is 5' except on buildings where it is 20'. Must be at least 50' from any other temporary sign.
Kansas City/ Wyandotte County, KS	Wind/banner signs, pennants, and some other temporary-type signs are prohibited except for special events. Then they are allowed for 7 days within any 6 months or banner signs displayed on walls (up to 50 s.f. in size) are allowed for 30 days within any 6 months.
Lawrence, KS	One temporary sign permit per year for a sign area up to 60 s.f. and limited to 30 days.
Leavenworth, KS	One temporary sign allowed by a permit for up to 60 days and up to 120 days per year. In addition, 1 banner sign attached to a building or wall is allowed by a permit and is limited to 30 days followed by 60 days downtime. Limit of 4 banner permits per year.
Lenexa, KS	Limited to 4 sign permits per year of 15 days each for each business location. Free-standing sign is allowed if you have at least 200' of frontage and is limited to 32 s.f. and 8' in height. Portable signs and attention-attracting devices including feather signs are prohibited.
Manhattan, KS	Up to 3 banner signs per business are allowed without permits if mounted on a wall or a permanent sign structure. Temporary sales aids (pennants and non-governmental flags) are allowed without permits for up to 30 consecutive days.
Olathe, KS	Limited to 1 per street frontage or building and 4 periods of 30 days each (cannot run consecutively) per calendar year. Freestanding signs must be setback 10' from property lines and are limited to 4' in height and to an area of 32 s.f. Wall-mounted banners are limited in size to what is permitted for a permanent wall sign.
Overland Park, KS	Banner signs, feather flag signs, and similar signs are not allowed. Pole signs are also not allowed.
Salina, KS	Those placed over an existing sign face at least 8' high or on an existing building, wall, or fence behind the front yard setback have no time limitations. All other locations are limited to only 4 types of specific events, each allowing 1 sign up to 32 s.f. in size and for 21 days duration. Sign permits are not required for these types of signs.
Shawnee, KS	Permits are required and display is allowed for up to 90 days per calendar year. Banners may be placed on a wall of a building and are limited to 32 s.f. Feather signs/banners in front yards are limited to 20 s.f. Other portable signs are not allowed.

Little Rock, AR	Each business may have 1 building mounted banner and 1 freestanding banner but shopping centers are limited to 2 freestanding banners per property per street frontage. Freestanding banners are limited to 5' in height and 20' in width. All banners are limited to 6 weeks per sign permit and 24 weeks per year and are allowed during special events only.
Englewood, CO	Feather flag signs, banners and portable signs are all prohibited. However, banners in size up to 50 s.f. are allowed if attached to a wall or on the first floor of a building. These require a permit and are for up to 2 weeks each and limited to 6 permits per year.
Council Bluffs, IA	All swinging and portable signs are prohibited. Banner signs are limited to those attached to a building.
Des Moines, IA	Banners, banner signs and pennants are prohibited except for 1 special event per business per year which requires a permit and is limited to 10 days in duration.
Independence, MO	Wind-blown signs, pennants, inflatable signs, and portable signs are prohibited. Banner signs are allowed via a permit for 15 days each or 1 permit for 60 days and limited to 60 days per calendar year. Must be attached to a building or setback 5' from property lines.
Jefferson City, MO	Each business is limited to 1 temporary or 1 portable sign at any time and is limited in size to 12 s.f.
Kansas City, MO	Banners, feather flag signs and banner signs are only allowed during special events. Special event signs require a permit and pennants, banners, banner signs, and feather flag signs are limited to four 30-day periods per calendar year and they cannot be consecutive. Other temporary signs are limited to two 30-day periods per calendar year. Portable signs are prohibited.
Lee's Summit, MO	Pennants, feather flag signs, and portable signs are prohibited. Banners are only allowed as window or wall signage with 1 per building or lot, at a size up to 40 s.f., and limited to 4 banners per year and 15 days each (with 15 days downtime between permits).
Springfield, MO	A banner sign up to 4 s.f. is allowed without a permit for 30 days per calendar year. Other temporary signs are allowed by a permit for 15 or 30 days each, limited to 6 permits per year. Parking lot light pole banners located at least 50' from the ROW, up to 10 s.f. in size, and flown at least 10' high are allowed without a permit.

LINCOLN, Neb. – Feather signs are multiplying like dandelions in spring.

You can see them sprouting along O Street, fluttering in the wind. They've sprung up on the edges of town, calling attention to apartment complexes.

By the looks of many major streets, you'd never know that the so-called feather signs are illegal, banned by city ordinances intending to keep Lincoln tidy, free of eye clutter and driving distractions.

But the free-flying days of feather signs seemingly are almost over. The city has decided to begin enforcing its no-feather flag rule in earnest.

A letter from Fred Hoke, the city's Development Services Center director, will go out soon to half a dozen of the major business associations explaining city sign law and notifying them that city building inspectors will begin keeping a list and calling on businesses in violation.

Last year, the city tried to keep a lid on feather signs by notifying the sign companies licensed by the city that feather signs are illegal and asking the local companies to stop selling the signs, Hoke said.

But businesses began buying the signs online when they couldn't get them locally, Hoke said. So the signs have multiplied as businesses not only flouted the sign law but avoided paying local sales taxes.

It's time to enforce the city's code or change it, Hoke said.

There is a \$200-per-day fine for disobeying the city sign ordinance, but Mike Petersen, who handles sign permits for the city, expects most businesses will take down the temporary signs when they find out they are in violation of the law.

City building inspectors will be talking with commercial property owners and managers about their feather signs, informing them of the illegal nature of the signs and requesting they remove them, Hoke says in the letter to business associations.

ESCONDIDO — Escondido has granted merchants a two-month grace period to stop using feather flag signs, which City Council members complain make the city look like a circus.

The council recently reinstated a complete ban on the fluttering signs that went into effect Saturday, but city planners decided to allow merchants to continue using the fluttering signs through Sept. 1.

After that, feather flags will only be allowed during special events, and merchants will be required to get permit stickers for such use.

City officials said they want to help merchants struggling in a weak economy, but that the signs create problems with safety and aesthetics.

TACOMA is saying no to feather flags, a type of fluttering sidewalk advertisement that some city officials say is ugly and belongs in the suburbs.

The Tacoma City Council approved a ban on feather signs in its downtown area last week, making the signs illegal downtown starting Aug. 1.

But local businesses say this type of sign — generally resembling a vertical flag attached to a pole — is sometimes necessary and can help them attract customers that might otherwise pass them by.

Council members, before voting to outlaw the signs Tuesday, agreed to work with local business owners in the coming months to find a compromise between no regulation and an outright ban.

At a study session preceding Tuesday's council vote, Councilmen Ryan Mello and Marty Campbell had proposed allowing the signs for another year. Mayor Marilyn Strickland warned that the city had to do something about the signs before they got out of hand.

"They're just really unsightly," Strickland said Tuesday. "We need to think of what kinds of standards we want in our downtown."

She added in an email Friday: "They seem better suited for use in a more suburban environment with fast-moving cars on thoroughfares instead of a pedestrian-oriented downtown core or business district."

Tacoma City Manager T.C. Broadnax said that in choosing whether to allow feather signs downtown, the City Council needs to think about whether it wants to be a suburban or urban destination.

"It definitely would distract from Pacific Avenue and everything we're doing on that street," Broadnax said.

Councilman Joe Lonergan said that he considers feather signs "an auto-oriented type of signage."

"The question is, do we want pedestrian-oriented uses or traffic-oriented uses?" Lonergan asked Tuesday. "I think consistently this council has said it wants pedestrian-oriented uses downtown."

Peter Huffman, Tacoma's interim planning and development services director, said the council will review its policy and may decide to allow the signs in a limited form down the road, he said.

"What we'll be doing is going through a process and working with property owners and business owners here in the future," Huffman said.

Huffman said he's not sure how long the process will take, but he's hoping it will be no more than four to six months.

One regulatory option would be to allow feather signs only for special events, such as store grand openings, Broadnax said.

LAKEWOOD - City leaders want to make it clear: Lakewood sidewalks will no longer look like feather dusters.

After receiving numerous complaints on the extensive use of so-called "feather banners" in Lakewood, city officials agree something must be done.

"It's gotten too yucky and I think it's time to crack down," said Lakewood Councilmember Walter Neary in a public meeting last month.

But council members concede, some of the blame for the spread of bobbing, 10-foot tall sidewalk banners, rests with the council itself.

In June of 2011, the Lakewood City Council adopted an ordinance revising the city's sign regulations, but they did not mention the long, ruffling temporary signs that dot front lawns of small and large businesses.

Soon after, unregulated feather banners sprouted all over town. Councilmember Jason Whalen joked that it appears some business owners think, "One is good. Ten are better."

Changes to the sign code were intended to allow business to continuously display one portable sign without a permit, as long as the sign is an A-frame, T-frame, or banner attached flat against the wall of the business. But certain businesses like AAA Buffet have 10 of the banners posted near a Highway 512 intersection.

**Minutes of the
Topeka Planning Commission
Monday, August 26, 2013**

- 1. ACZR 12/2 Temporary Signs** – Bill Fiander briefed the Planning Commission of the status of the Temporary Sign Ordinance. Mr. Fiander explained that the City Council remanded the item to the Planning Commission. Mr. Fiander explained the ordinance has been drafted with changes to address the requests of the City Council. Mr. Fiander stated the changes include the allowance for contractor signs when there is an improvement to a property. Mr. Fiander stated the amendment allows for the property improvement signs to be placed until the end of the event have been added.

Mr. Fiander stated the City Council asked for a re-insertion of official flags for government entities and charitable or non-profit organizations. Mr. Fiander stated the allowance was added to the ordinance. Mr. Fiander explained that pennants without advertisement are exempt from the ordinance.

Mike Lackey asked if flags in permanent poles are permissible. Mr. Fiander confirmed. Mr. Fiander stated the ordinance was to address non-permanent signs. Mary Feighny explained the ordinance does not apply to flags or signs without wording.

Mr. Lackey stated he thought this was previously agreed upon. Mr. Fiander explained it was not clarified enough and has been done through the changes of the draft ordinance.

Richard Beardmore asked if the property improvement signs were not allowed in the right of way. Mr. Fiander confirmed they are not.

Mr. Beardmore asked if the ordinance addressed specific time limits. Mr. Fiander stated it is based on the project; it must be removed once complete.

Mr. Beardmore asked for an example of the term “business firms”. Ms. Feighny explained the term addresses the emblem of a business.

Scott Gales provided an example of a hotel having a flag with the company emblem on it is permissible. Ms. Feighny confirmed.

Mr. Fiander explained the third reconsideration is for the allowance of feather flags. Mr. Fiander stated the minutes from the City Council are included in the agenda packet and a list of suggested revisions from Councilmember Karen Hiller. Mr. Fiander stated the remanded item was initially discussed at the Planning Commission on July 22, 2013. Mr. Fiander explained that based upon that

discussion, the Planning Staff worked with the Legal Department to add an exception for feather flags downtown in the right-of-way.

Mr. Fiander expressed that there are merchants in the downtown district who are requesting the flags in the right of way, much like the sandwich boards. Mr. Fiander stated the allowance has been added to the ordinance, allowing the flags to exceed six feet but limited to twelve feet in height. Mr. Fiander stated the same conditions apply in regards of clearance of pedestrian right of way and hours of display.

Mr. Fiander stated the Planning Staff is not supportive of the exceptions for feather flags as it does not accomplish the objectives set by the Planning Commission and makes enforcement of the sign code more difficult. Mr. Fiander explained there is an issue where there is unequal treatment will require more staff resources to ensure compliance. Mr. Fiander stated that when standards are not consistent, it becomes a cycle of trying to educate and explain. Mr. Fiander explained there is an issue with self-compliance.

Mr. Fiander explained that sign violations are an opportunity to educate the public and most often self-compliance is accomplished. Mr. Fiander added there has not been a sign violation case that has gone to Municipal court. Mr. Fiander stated there are typically opportunities to education and offenders become compliant.

Mr. Fiander explained the trend amongst other cities is to ban feather flags and used Lincoln, Nebraska as an example. Mr. Fiander added that one city stated that if there were an exception it would not be in the downtown area but in a suburban area that is not pedestrian-oriented. Mr. Fiander stated within the state of Kansas, this draft is a more-lenient of ordinances in regards to feather flags.

Mr. Fiander stated there was a letter passed out from the downtown merchants. Mr. Fiander explained this case was not advertised as a public hearing but the commission may elect to take public comment.

Brett Klausman asked if this is specific to temporary signs. Mr. Fiander confirmed. Mr. Klausman asked how many different sign ordinances are in effect for Topeka. Mr. Fiander stated there is one sign code but many types of signs. Mr. Fiander stated there are many applications, such as Boyles signs or inflatable signs.

Mr. Klausman asked if humans holding a sign, on a street corner, are considered a temporary sign. Mr. Fiander and Ms. Feighny stated that has not been addressed. Mr. Fiander stated that portable signs have been addressed. Mr. Fiander stated it would be fitting to bring portable signs (Boyles Signs) back and add to the temporary sign regulation. Mr. Klausman stated he thinks that the feather flags would be considered portable because they are put up in the morning and then removed in the evening. Mr. Klausman added that the City of Lawrence has prohibited the feather flags but they are visible around town. Mr. Fiander explained

that instances such as that are enforceable items. Mr. Fiander stated people placing the flags will happen and Zoning Enforcement will address it.

Mr. Fiander stated there were nineteen cities reviewed when drafting the ordinance.

Nicholas Jefferson asked if there is a reason that other cities were prohibited. Mr. Fiander explained the main reasons for banning the feather flags were for aesthetics and safety. Mr. Fiander added that it is based on a city's character and how the signs fit with the character.

Mike Lackey stated that allowing portable signs is not a reason to allow feather flags. Mr. Lackey stated they are unattractive and he has seen many tattered or worn signs. Mr. Lackey added that he does not see a reason to allow the feather flags.

Kevin Beck stated that there is so much work being done to renovate downtown. Mr. Beck asked how the feather flags will fit into the architectural design of the renovations.

Mr. Gales stated the problem he sees is allowing it in the right of way. Mr. Gales stated that there are so many meticulous details being added that it could potentially add more problems. Mr. Gales explained how sandwich boards are there for informative reasons. Mr. Gales stated the issue is no longer that it is on a private property, but that it is in the public right of way. Mr. Gales stated he respects the need to advertise but the introduction of the feather flag in the right of way is of concern.

Mr. Lackey asked how the signs would be put up. Mr. Lackey asked if a hole would be drilled in to the ground. Mr. Fiander stated they have been put up in tree wells or simply in a base.

Michelle Cuevas- Stubblefield stated that adopting the ordinance opens many issues. Ms. Cuevas-Stubblefield added if there is a huge investment for adding character to the downtown area, she does not see the benefit of cluttering the area with feather flags.

Mr. Klausman stated that he didn't believe everyone wants to put them up but that allowing them in the ordinance states that the neighbors are ok with people having them. Mr. Klausman stated that if people pay rent and want to market, he doesn't see that the investment matters that much.

Ms. Cuevas-Stubblefield explained that downtown is a destination and did not believe that the feather flag would drum additional business.

Dennis Haugh stated he did not believe that grabbing attention was needed in the downtown area as the competition is in the same area.

Mr. Beardmore stated the downtown area is a 20-mph zone and a pedestrian orientated area. Mr. Beardmore stated that the feather flags may interfere with light poles, street lights and the trees.

Mr. Gales stated that if a flag is moving in the wind, it would be distracting, especially when the driver needs to attend to pedestrians. Mr. Gales added that he is concerned about putting them in the right of way.

Mr. Beck stated that as long as the allowance is made for the downtown is done, what will stop other local businesses from signing a document and asking for an allowance in another area of town, such as Wanamaker.

Mr. Klausman stated that he is in favor of the flags as he has noticed them appearing all over town and are increasingly popular.

Ms. Cuevas-Stubblefield asked where the liability is if someone gets hurt by a feather flag that is allowed in the public right of way.

Mr. Beck asked if it would be permissible for a flag mount being placed on a building and a feather flag put in to the mount. Ms. Feighny explained the caption is in the right of way being permissible. Mr. Fiander explained that Mr. Beck's suggestion would fit under another definition. Mr. Fiander explained the projection of the flag is more pedestrian-oriented. Mr. Fiander suggested a flat banner in lieu of such. Mr. Beck stated he was suggesting another source of attention getting signs as an alternative.

Mr. Lackey stated he did not believe the feather flags would cause a "make or break" situation for business owners.

Mr. Fiander explained the options for the Planning Commission in regards to the submitted draft ordinance. Mr. Fiander stated the options are to re-submit the original ordinance with reasons the action. Mr. Fiander stated the Planning Commission could submit an amended ordinance or defer the issue for further discussion.

Mr. Klausman asked what the City Council options are. Ms. Feighny stated the City Council could either accept the ordinance or change it. Ms. Feighny explained that the ordinance would then require a simple-majority vote.

Mr. Fiander asked if the initial submission was a majority vote. Ms. Feighny explained the first time required a two-thirds vote to change the ordinance. Ms. Feighny explained that the ordinance returning to City Council, however, only requires a simple-majority vote.

Mr. Lackey moved to accept the draft ordinance with items one and two but reject item three.

Mr. Beck asked for clarification of what Mr. Lackey was proposing.

Mr. Jefferson asked if item three was just allowing exception for downtown but not for everywhere else. Mr. Fiander confirmed and stated it the exception is just for downtown. Mr. Fiander stated staff could add all areas around town but it would require another draft ordinance and could be brought back to the Planning Commission.

Mr. Lackey moved to accept the draft ordinance with items one (property improvement signs) and two (official flags) but reject item three, Dustin Crook seconded. **APPROVAL. (8-1-0, Brett Klausman voted No.)**

**Minutes of the
Topeka Planning Commission
Monday, July 22, 2013**

ACZR 12/2 Temporary Signs – Bill Fiander explained the City Council remanded the ACZR 12/2 Temporary Signs ordinance. Mr. Fiander explained Councilwoman Hiller presented three issues that the Planning Commission need to address.

Mr. Fiander explained he is checking with legal to find out the correct language for exempting. Kevin Beck stated he thought the language was in there. Mr. Fiander stated the language was changed per the legal department. Mr. Fiander stated it is being reviewed.

Mr. Beck asked how consultants are affected by this ordinance. Mr. Fiander stated it would be same as the contractors. Mr. Fiander stated he is hoping to return with an ordinance that addresses the contractor/consultants issue. Richard Beardmore suggested addressing removal of the signs.

Mr. Fiander explained that a member of the Downtown Merchants Association desired to have feather flags exempted for downtown and potential branding effect for the stores.

Michelle Cuevas-Stubblefield stated the ordinance is a pro-active approach to address issues and protect business owners, investing in Topeka, who are maintaining a quality store-front property. Ms. Cuevas-Stubble stated the research has been done and the proposal would be very lenient compared to other cities.

Mr. Beardmore asked if there were comments presented that caused the issue to become a proposed ordinance for addressing. Mr. Fiander stated there were problems addressing feather flags as they were not addressed in the current code. Without addressing the ordinance, the Zoning Inspector was not able to enforce the feather flags as being not compliant with height limits.

Mr. Beck suggested that the requests presented from City Council be addressed by the Planning Commission next month.

Ms. Cuevas-Stubblefield stated it would best to present a list of reasons why the issues were chosen. Mr. Beardmore suggested presenting a summary or recap of what how the ordinance was constructed and resent to City Council.

Mr. Fiander suggested having a discussion with the merchants of downtown to ensure the issues are understood.

**Minutes of the
Topeka Planning Commission
Monday, May 20, 2013**

ACZR 12/2 Temporary Signs- amending sign standards in Chapter 18.25 contained in the Comprehensive Zoning Regulations of the Topeka Municipal Code. These changes would update the definition of temporary signs, including feather flag signs. **(Fiander)**

Discussion by members: Bill Fiander summarized the changes to the ordinance based on the Planning Commission's direction from the April 22nd Public Hearing Including:

- Allowance for Sidewalk Signs
- Allowance for construction signs to help identify businesses

Mike Lackey asked if sandwich boards will require a minimum space to allow pedestrians area to walk. Mr. Fiander clarified a six foot clearance is required. Mr. Fiander explained the sign could only be placed during the open hours of the business.

Scott Gales stated he likes the Capital Federal Building and asked if it was compliant. Mr. Fiander stated it does fit with the EMC ordinance and explained the size requirements.

Proponents:

No one spoke in favor of the proposal.

Opponents:

No one spoke in opposition of the proposal.

Michelle Cuevas-Stubblefield asked if the feather flags were addressed in the final draft. Mr. Fiander stated nothing has changed in the draft. Mr. Fiander stated the definition was included but the size limitation and quantity are the same as previous drafts. Ms. Stubblefield asked if the industries were ok with the height requirement. Mr. Fiander stated he has not received any further input in opposition.

Kevin Beck stated the feather flags would virtually be eliminated based on them not meeting the height limit for temporary signs. Mr. Fiander stated the effective date is September 1, 2013, if passed. This date allows time for those who have purchased them the opportunity to use them.

Mike Lackey moves to approve, seconded by Richard Beardmore.
APPROVAL. (6-0-3)

**Minutes of the
Topeka Planning Commission
Monday, April 22, 2013**

- 1. ACZR 12/2 Temporary Signs-** amending sign standards in Chapter 18.25 contained in the Comprehensive Zoning Regulations of the Topeka Municipal Code. These changes would update the definition of temporary signs, including feather flag signs. **(Fiander)**

Discussion by members: Bill Fiander summarized the staff report for the case. Mr. Fiander explained staff recommends approval of the proposed ordinance. Mr. Fiander provided a briefing regarding the work on the sign code. Mr. Fiander explained that the work on the temporary sign ordinance included eliminating ambiguous terms and defining those that needed corrected without changing the current language too much. Mr. Fiander stated the definition of temporary signs was ambiguous. Mr. Fiander stated the work has changed from the previous month.

Mike Lackey asked to clarified the special event, to include open houses and garage sales, and how many per property. Mr. Fiander clarified.

Mr. Fiander explained that most feather flags available for purchase exceed ten feet. The proposed sign code update would limit temporary signs to be less than six feet tall. Mr. Fiander explained garage sale signs and real estate signs.

Kevin Beck asked about open house signs and if there may be more than one posted.

Mr. Fiander confirmed and explained that after the special event, the open house, the signs would be removed.

Michelle Cuevas-Stubblefield asked if business within a strip mall would be limited to just one sign per property for freestanding signs.

Mr. Fiander explained it would be for the principal or parent owner. It was not clear in the ordinance. Due to this, the enforcement was one per property and the enforcement will not be changed.

Mr. Lackey asked if banners in a fast food rest from inside were considered.

Mr. Fiander explained the signs are outside the building, not inside, that are being addressed in the code.

Dennis Haugh asked if tenants in retail space, such as the strip malls, would have to take turns.

Mr. Fiander explained that one per property is how it is being enforced. Mr. Fiander added that portable signs are different than the temporary.

Brett Klausman asked if the changes in the code will promote more portable signs being put out and is it the proposed worse.

Mr. Fiander explained the Planning Department was directed to addressing feather flags and not portable signs.

Mr. Lackey asked if portable signs were addressed in this ordinance. Mr. Fiander stated no.

Mr. Klausman asked if vinyl stickers on the outside of restaurant are considered temporary or are they considered special.

Mr. Fiander stated that there were not any instances where that was enforced.

Bill Hoover stated when there are numerous signs in the yard that will cause the Zoning Administrator to look into it. However, stickers in the window would not.

Mr. Fiander stated there were two public Question and Answer sessions on March 18, 2013. The Zoning Administrator identified a number of businesses that were using feather flags and notified them with invitation.

Proponents: none.

Opponents:

Vince Frye, President of Downtown Topeka, Inc. asked for clarification when streets are under construction and causes an obstruction to getting to the business. Mr. Frye asked if businesses would be able to post temporary signs through the construction period to let customers know they are open. Mr. Frye also asked if it could be for periods longer than 30 days.

Mr. Fiander stated the code does not address that as it is considered off-premise advertisement. Mr. Fiander explained historically, advertising during a construction phase it has been a challenge.

Mary Feighny stated it is not addressed in the changes proposed for the ordinance but the issue is to be addressed at a later time.

Mr. Frye stated the city is adamant about ensuring customers can get to the business but has not addressed the advertising.

Mr. Klausman asked what Mr. Frye envisions.

Mr. Frye stated it would be on sidewalks due to the streets being closed for a long time.

Mr. Beck asked if he meant sandwich boards. Mr. Frye said no.

Mr. Fiander explained there has not been any effort to address signs that are not attention getting from the street.

Mr. Lackey stated the alternate signage has been considered temporary traffic control and have been coordinated with the contractor. This is to prevent a large number, such as 15 signs at end of the block that becomes cluttered and unable to read. However, signs such as "All Businesses Open" have been done. Mr. Lackey stated the temporary signs for the construction period should be coordinated with the city engineering department and the contractor.

Mr. Fiander stated during North Topeka Bridge construction, construction signage was coordinated with detour signs and provided traffic control and access points. The signs that Mr. Frye speak of are not temporary signs but traffic control.

Mr. Hoover stated there are no changes to make it better or worse but not being addressed. Mr. Fiander stated those issues are more about right of way. Ms. Feighny stated the City Manager would do what he could to accommodate merchant needs during construction.

Mr. Klausman asked about signs changing daily, such as placing sandwich boards in the morning and removing at the end of the day. Mr. Fiander stated it has never been enforced.

Ms. Cuevas-Stubblefield asked if this was more for driving traffic as opposed to pedestrian. Mr. Fiander confirmed.

Ms. Cuevas-Stubblefield asked if the ordinance was exclusive of Mr. Frye's concern. Ms. Feighny confirmed.

Anje Kearny, owner of Kansas Avenue Market, spoke in opposition of

the proposed. Ms. Kearny stated she did not understand why the temporary signs are an issue. Ms. Kearny stated that several businesses cannot afford to go buy new signs. Ms. Kearny stated she spoke to 20 businesses and none of them had heard about the proposed sign code amendment. Ms. Kearny explained that she believes businesses are fearful of having the city punish them if they speak out. Ms. Kearny explained she has recently opened the Kansas Avenue Market and just bought \$200 worth of temporary signs. Ms. Kearny stated there is a need for more publicity with Topeka Capital Journal. Ms. Kearny stated she feels like this ordinance and the City of Topeka is unfriendly to businesses and does not see a problem with the feather flags.

Mr. Lackey stated he remembered at least two articles in the Topeka Capital Journal and asked for a summary of how this was communicated to the public.

Mr. Fiander explained the work on the ordinance amendment started in November, there were two articles in the newspaper. Mr. Fiander explained there were public hearings started in December. Mr. Fiander stated there was a meeting at the C.A.C, and referenced that Ms. Kearny was in attendance.

Ms. Kearny stated she is the co-chair for the C.A.C.

Mr. Fiander added the amendment and meetings were advertised to the businesses in March, and the issue has been on the Planning Commission for several months. Mr. Fiander stated the essence of the ordinance has always been the same but addressed the height and size and definitions. The reason the amendment was started was due to a lack of defining feather flags, enforcement not be done.

Ms. Kearny stated Topeka has too many problems with houses not being up to code and are in horrible condition and Code Compliance is not addressing those issues but is going after this problem instead.

Ms. Cuevas-Stubblefield explained that signs change rapidly, feather flags were not used two years ago and it has to be regulated. Ms. Cuevas-Stubblefield explained that too many feather flags will take away from the look of Topeka and we need to ensure we do not look like a big advertising community. Ms. Cuevas-Stubblefield stated that trying to find a balance between the two has been a struggle and ensuring we understand current regulations and find a balance is the goal.

Ms. Kearny stated that she lived elsewhere and garage sale signs were not limited but required a permit. Ms. Kearny explained that that city would fine for not displaying the permit or removing signs after the event. Ms. Kearny does not understand why Topeka is trying to limit this.

Mr. Haugh stated the proposed amendment is much more lenient than surrounding cities.

Ms. Cuevas-Stubblefield stated that many communities are not allowing the use of feather flags.

Mr. Klausman explained that this amendment is addressing temporary and freestanding signs. Mr. Klausman stated that the downtown has mostly shopping done by pedestrians. Mr. Klausman asked if the amendment could separate the downtown area from city retail.

Mr. Hoover stated there will be a downtown plan modified in the future and that would be a great place to address that.

Ms. Feighny stated that is occurring now and enforcement not done until it is impeding on pedestrian traffic. Ms. Feighny added that the Zoning Administrator will usually call the store and ask them to move the sign to correct the issue.

Mr. Fiander explained there has to be a clear zone for pedestrians. Mr. Fiander stated placing signs in the right of way would be addressed in another part of the ordinance and is not being addressed or changed.

Mr. Klausman stated he is concerned with the sandwich boards, and pictures of, being shown in the amendment but would be allowed downtown. Mr. Klausman asked if downtown could be specialized in the ordinance.

Ms. Kearny stated she is downtown and she is just trying to help with business in that area. However, Ms. Kearny stated that there are areas such as 29th and Topeka Boulevard that would be in the same situation as downtown by specializing the area in regards to signage.

Mr. Lackey asked if there were new definitions that define the length of time in the amendment.

Mr. Fiander stated that is what the Planning Department has done by providing definitions and addressing the length of time but did not change standards.

Ms. Kearny stated that if she complained enough, then maybe the city would fix it.

Ms. Feighny asked Ms. Kearny what exactly is she against in the amendment.

Ms. Kearny stated she believes there should be some regulation but she does not see a reason to regulate feather flags or why it is an issue.

Mr. Lackey asked how downtown would look if all business had a ten foot feather flag in front of it.

Ms. Kearny said it would look great as it shows businesses are active. Ms. Kearny compared the feather flags to the balloon man on the corner.

Mr. Klausman explained there was an ordinance in place and it did not address the feather flags. Mr. Klausman stated it was time to fix that issue to ensure there was clear enforcement.

Ms. Kearny asked if there was way to make them permanent.

Mr. Fiander explained that flags on a pole are not temporary signs and would not meet the definitions in the proposed amendment.

Ms. Kearny responded that a person could put them in concrete and that would make them permanent.

Mr. Fiander stated that would not be permissible in the right of way.

Ms. Cuevas-Stubblefield stated there is a need to address pedestrian issue.

Mr. Beck stated that if it was not addressed, businesses can be impacted in negative way.

Ms. Feighny asked for clarification of whether it was the construction signs.

Mr. Beck clarified it would be signs in the downtown area and businesses without a setback.

Mr. Fiander stated the goal of the amendment was to address feather flags and not those issues. However, Mr. Fiander added, it can be done.

Mr. Haugh asked if there could be exceptions provided in the amendment.

Mr. Fiander stated it could be done but not in the right of way.

Ms. Feighny stated it would have to allow signs in the right way where the property does not have the spacing to allow the setback.

Nicholas Jefferson asked if a minimum spacing, for example a number of feet from the wall, be added.

Ms. Feighny stated that was one way to address it.

Mr. Klausman asked if sandwich boards be excluded.

Mr. Fiander stated those are considered transitory message and does meet definition but the problem is that it is in the right of way. The code does not allow signs in the right of way and it would have to be done through exception. Mr. Fiander stated it would be difficult to carve out exceptions.

Mr. Beck asked if Ms. Feighny could do it.

Ms. Feighny stated this could be a big policy issue. Ms. Feighny said it could be addressed but would present a challenge.

Ms. Cuevas-Stubblefield stated there is a big difference between sandwich boards that have to be stood next to in order to read the menu and those that are placed for visibility of driving traffic.

Mr. Klausman stated it would be good to address strip malls.

Mr. Fiander stated signs that are not read from the street are not what are being addressed but those that are in the right of way.

Mr. Lackey stated he doesn't understand why there is a need to have something put in the code amendment. Mr. Lackey added it should be left alone. Mr. Lackey asked if Code Enforcement had been downtown enforcing signs in the pedestrian right of way.

Ms. Cuevas-Stubblefield asked if would be exclusive of pedestrian traffic.

Mr. Lackey stated that if the Planning Commission keeps going from other angles, it will cause more issues.

Mr. Lackey moved for approval with staff recommendations, seconded by Dennis Haugh. **DISAPPROVAL. (3-3-0).**

Mr. Klausman stated the sandwich board signs need to be defined and clearly understood.

Mr. Fiander stated there is a standard on height and the Planning Department will need to create a definition of sandwich boards in pedestrian ways. Mr. Fiander stated they are currently addressed out of

the pedestrian ways.

Mr. Klausman suggested looking into the City of Lawrence, as they may have addressed this.

Mr. Fiander stated the Planning Commission could pass amendment or direct staff with new language at next meeting.

Ms. Feighny asked if the Planning Commission would want to see language first.

Mr. Lackey confirmed.

Ms. Feighny stated there is no need for a motion to continue public hearing unless the Planning Commission wants public comments.

Mr. Fiander stated it will be continued to May 20th, Zoning and Platting meeting.

Kevin Beck moved to continue ACZR 12/2, Temporary Signs until May 20, 2013, seconded by Brett Klausman. **APPROVAL. (6-0-3)**

**Minutes of the
Topeka Planning Commission
Monday, March 25, 2013**

Work Session – Temporary and EMC Sign Ordinance

Bill Fiander provided a briefing regarding the work on the sign code. Mr. Fiander explained that the work on the temporary sign ordinance and the work on the EMC ordinance began to merge. With that, the Planning Staff began working the ordinances together. The goal was to address feather flags, clarify the special event duration, and provide a user-friendly tool while not changing the current ordinance.

Brett Klausman asked if the Planning Department worked with sign companies on temporary sign ordinance. Mr. Fiander explained the work and research has been internal and the work completed on the EMC ordinance has been with many sign companies. During the Question & Answer meetings held by the Planning Department, the temporary sign information was briefed but no one from the public addressed the information.

Michelle Cuevas-Stubblefield asked if the ordinance allows for two (2) special events for 30 days consecutively. Mr. Fiander stated yes, as long as it is a special event.

Mike Lackey asked what the difference is between placing a banner on the window and placing a poster on every window. Mr. Fiander stated it is not addressed. Gaylene Epke added that signs in side windows are not regulated. Mr. Fiander explained the signs are outside the building, not inside that are being addressed in the code.

Richard Beardmore asked if a feather flag is a sign if it has no words on it. Mary Feighny stated that no words on it means it is not a sign. If it is not advertising something, with words, pictures, logos or symbols, it is not a sign.

Scott Gales asked if flags from flag poles, such as those from automobile dealers, with no logo or text, were permissible. Mr. Fiander confirmed and stated it would not be considered a temporary sign.

Mr. Lackey asked if banners with political statements were legal if posted on the side of a house. Ms. Feighny stated this is not addressed in the ordinance.

Mr. Fiander stated the public comments received were about putting advertisement in right of way for a fee. Mr. Fiander explained this was not being done. Bill Hoover stated there were comments about portable signs

such as Boyle signs. Mr. Fiander explained this is addressed in a separate ordinance. Mr. Fiander explained some people do not like the Boyles style signs yet many businesses use them as a tool. While it is a type of temporary sign, it is already addressed and quite different than what is being addressed in the proposed sign code ordinance. Mr. Fiander offered to do so, however, if the Planning Commission requested it to be done.

Mr. Beardmore stated that separating feather flags, blank or not blank, is not addressing the issue. Mr. Beardmore asked for the definition. Ms. Feighny provided the definition. Mr. Beardmore stated a colored flag draws attention, regardless of content, is providing a loophole that allows users to continue with many feather flags.

The Planning Commission requested the Planning Staff to clarify the definition to address the attention getting devices.

Mr. Beardmore added that measuring the foot candles for EMC should state that it is done facing the sign. Additionally, Mr. Beardmore asked if the property line limitation was addressed. Mr. Fiander confirmed. Mr. Beardmore asked if measurement was done at night. Mr. Fiander stated it is. Currently, Ms. Epke is measuring it in foot-candles.

Mr. Fiander explained how auto-dimming is addressed. Mr. Fiander explained much research was accomplished by comparing other cities. Mr. Fiander introduced Kip Slattery, Illuminous Neon and Virginia Baumgardner, Custom Neon, and Ron Sellers (not present) and explained their involvement in shaping the code.

Kevin Beck asked if the velocity of the scrolling was addressed. Mr. Fiander stated it isn't. Mr. Hoover stated that the brightness was most-addressed. Virginia Baumgardner stated that companies do not recommend scrolling because the viewers are driving and not sitting to watch. The Commissioners discussed the difference between flashing, framing and animation on EMCs.

Mr. Beardmore asked what the proposed schedule is with the ordinance. Mr. Hoover explained once clarifications are made, issues are addressed; the draft ordinance would be presented to the Planning Commission.

Mr. Fiander provided a video demonstrating the different EMC sign effects, such as strobing, spinning and framing.

Mr. Beardmore asked if the ordinance will have a date of compliance. Ms. Feighny explained there will be some dates but the cost of compliance was considered. Issues such as size and placement will be grandfathered.

Mr. Fiander stated the ordinances would be modified by Staff and presented

to the Topeka Planning Commission. Mr. Fiander added the draft ordinances will be sent to the Planning Commissioners soon.

MINUTES
TOPEKA PLANNING COMMISSION - POLICY
Monday, January 28, 2013

Electronic Messaging Centers Update – Bill Fiander briefed the Planning Commission on the status of the Electronic Messaging Centers. Mr. Fiander explained there have been two productive meetings in January. Mr. Fiander stated the initial meeting had four individuals participate. However, Mr. Fiander explained the second meeting had approximately twenty people present. Representatives of the State of Kansas, KDOT, numerous sign companies and manufacturers, the president of the Kansas State Sign Association and a reporter from the Topeka Capital Journal. Mr. Fiander stated the meetings afford the drafting of the ordinance while including the stakeholders. Mr. Fiander explained that the work done will assist in preparing for a public hearing.

Mr. Fiander stated the illumination, animation, also known as movement of message, and the placement (including size, where the sign sits, the spacing between signs, zoning districts) are the main topics of the discussions. Mr. Fiander stated the next meeting is scheduled for February 7, 2013 at 11 am. Mr. Fiander stated the guests have volunteered to prepare a draft and present at the next meeting.

Mr. Fiander stated that it will be important to better define the animation or flashing of the messages. Mr. Fiander added that comments received included concern with the brightness of the signs. Bill Hoover added that representatives present at the meeting were supportive of adjusting the brightness based on the technology available to do so. Mr. Hoover suggested 60-90 days to make the adjustments. Mr. Hoover added the businesses are responding based on their interest of their livelihood.

Mr. Fiander stated outreach has been difficult but changing the notification processes and utilizing the communication staff of the City may help. Mr. Fiander stated there is a need to get involved of the residents and neighborhoods.

Mike Lackey stated it is important to discuss the placement. Mr. Lackey explained that zoning districts might want to be addressed times of turning them off if near a residential area.

Mr. Fiander confirmed that the technology is there to turn the illumination down. Additionally, Wichita requires a certificate from the manufacturer of the Electronic Messaging Centers that verifies the brightness of the sign when applying for a sign permit. Mr. Hoover stated the maximum illumination was 500 nits. Mr. Hoover stated that enforcement would require a \$3,000 meter.

Additionally, the sign companies were going to look at the conversion between nits and foot candles.

Dennis Haugh questioned how the code is currently written and if the changes will be retro-active. Mr. Fiander explained that the ordinance will include time for compliance. However, business owners have control of how bright the EMC is and have the technology to turn them down. Mr. Hoover addressed the size of the ECM. Mr. Hoover stated our current code is lenient in comparison to other cities.

Mr. Fiander explained that currently, billboards are 300 square feet, and does not require a stay time. Most companies are self-regulating and use an eight second rule. Mr. Fiander compared other cities and provided suggestions on placement. Mr. Fiander asked for suggestions from the Planning Commission.

Richard Beardmore asked if off-premise signs will be addressed. Mr. Fiander stated it was not the initial intent, however, in working with the Legal department, the issue becomes apparent that it needs addressed. Mr. Fiander explained that the Planning department may re-accomplish the entire sign code in the future. Mr. Fiander stated the goal is to address the EMC and temporary signs and then potentially the entire sign code.

Mr. Beardmore asked if there was a size restriction currently. Mr. Hoover explained the size was measured by a formula and it depended on the zoning.

Mr. Fiander shared a recently approved sign permit that provided the department an opportunity to look for holes in current code. This incident illustrated that height restrictions were not clearly addressed.

Kevin Beck asked if the ordinance had to be content had to be regulated. Mr. Fiander confirmed it must be content neutral.

Mr. Lackey explained that it would be advantageous to keep the size and location regulated, given that most cities are restrictive. Lawrence, Overland Park and Lenexa do not allow the ECMs, Mr. Hoover stated.

Dustin asked how are the Planning Department is currently enforcing brightness. Mr. Fiander stated that most often enforcement is began through a complaint, verified by zoning inspector, and the resolution process begins. Mr. Fiander added that many issues are found during the night so the complaints come from citizens.

Michelle Cuevas-Stubblefield asked how many meetings are remaining. Mr. Fiander stated there may be a couple more meetings. The next meeting is February 7, 2013. Mr. Fiander stated the outcome of the next meeting will indicate if there is a need for additional meetings.

MINUTES

TOPEKA PLANNING COMMISSION - POLICY

Monday, December 17, 2012

1. **ACZR 12/2 Temporary Signs-** amending sign standards in Chapter 18.25 contained in the Comprehensive Zoning Regulations of the Topeka Municipal Code. These changes would update the definition, placing and time limitation of temporary signs, including feather flag signs.

Discussion by members: Bill Fiander explained the amendment will update the regulations and define feather flags. Mr. Fiander explained through enforcement of temporary sign regulations, feather flags were being classified as a particular type of temporary sign. However, the City Attorney's office clarified that the current code did not address feather flags. The definition was left for interpretation. Mr. Fiander explained the Planning Department's goal was to draft an update that specifically defines feather flags.

Mr. Fiander gave a presentation explaining the different types of temporary signs. Mr. Fiander explained and illustrated feather flags to be vertical flags that are partially framed. Mr. Fiander added they have increased in popularity in the city. The feather flags are a type of advertisement for business. One conflict with the definition was the word "frame".

Mr. Fiander summarized the changes in the proposed amendment are removing the word "frame" from definitions and instead used whether the sign is "attached to building" or not permanently affixed to the ground. Additionally, the amendment would add feather flags as a freestanding sign and maintain a limit of 6 feet in height and 32 square feet. Mr. Fiander added there were no additional limitations with the proposed change.

Richard Beardmore asked what the limitations were for a feather flag. Mr. Fiander clarified that under this proposal, one freestanding flag, with 6 feet in height and 32 square feet limitations, in commercial area, for a special event. Mr. Beardmore questioned how long a special event can last. Gaylene Epke, Zoning Inspector, explained special events usually last 60-90 days, with the exception of real estate signs. Real estate signs are not time limited due to being unable to determine how long a house will remain for sale. Mr. Beardmore asked if the 60-90 days was in the proposed amendment. Ms. Epke explained the 60-90 days are defined by the word "temporary" by city standards. Mr. Beardmore clarified the sign is limited to one sign at a time per property owner. Mr. Fiander explained it is one per property which is how it is being enforced currently.

Brett Klausman asked if the proposed restrictions are eliminating the use of feather flags. Mr. Fiander explained there are flags that meet the proposed restrictions but there are not many. The proposed amendment only allows the use of short, feather flags.

Scott Gales asked how citizens could identify if a flag has been permitted properly. Mr. Fiander explained there are no permits required for temporary signs. If a business is not in compliance, they receive a letter from the zoning inspector. Mr. Fiander explained there is a process in place to issue a fine for violations by code; however, the zoning inspector has been giving warns only for the first notification prior to issuing a fine. This provides the owner the opportunity to become compliant.

Mr. Klausman asked if most of the complaints are received by citizens. Ms. Epke confirmed they are received by telephone or email. This prompts Ms. Epke to go check the situation. Mr. Klausman asked if photographs were sent to her. Ms. Epke stated it is rare.

Michelle Cuevas-Stubblefield asked if the 60-90 days were consecutive or collective. Ms. Epke confirmed it is consecutive.

Nicholas Jefferson asked if the proposal would go into effect immediately or would business owners be given a grace period to adjust. Mr. Fiander stated this has not been addressed in the ordinance but stated the Planning Staff would be open to the idea.

Public Testimony:

Virginia Baumgardner, of Custom Neon Signs, spoke in regard to the proposal. Ms. Baumgardner requested clarification. "The Temporary Freestanding sign definition meets the following requirements. Number three state, "...is displayed only for special events." Ms. Baumgardner asked how the definition applies to sandwich board signs or a-frame signs that display menu or drink specials. Ms. Baumgardner stated it conflicts with the exemption of permits. Additionally, Ms. Baumgardner asked how this applies to a banner such as "Best of Topeka" or a banner for an award recipient. Ms. Baumgardner questioned the temporary balloon sign definition conflicts with no off-premise signs allowed.

Mr. Fiander responded to Ms. Baumgardner. Mr. Fiander acknowledged the absence of the legal department and asked to address that. Mr. Fiander explained the sandwich board in the example illustration was advertising a store opening.

Ms. Epke explained store openings are classified as a special event permissible for 60-90 days. Ms. Epke added there have not been any issues with special recognition yet, but her opinion is that it should be classified as a temporary non-freestanding. Ms. Epke acknowledged this issue could use additional discussion. Mr. Fiander added he would like to consult with the legal department regarding this.

Scott Gales stated that his business encourages clients to advertise new

constructions. Due to the length of project, the signs are displayed for as long as 9-12 months, exceeding the proposed restrictions. Mr. Gales asked for clarity on those issues. Mr. Fiander explained that in cases such as that, it may be considered a permanent sign which would not be restricted by this amendment. Ms. Epke explained signs, such as Mr. Gales described, are considered permanent and permissible as long as the project. Mr. Gales added multiple signs on a project such as project managers and financing signs for clarification. Mr. Fiander stated the proposal does not deviate from what the current restrictions are. Property owners are only allowed one. If multiple signs are happening and the Planning Department does not know, it will continue to happen. However, when a complaint is received, after speaking to the owner, enforcement can be done.

Pat Barnes, Lawyer of Scott, Quinlan, Willard and Barnes, LLC, representing Boyles Incorporated, commented the proposal may unintentionally affect portable signs. Mr. Barnes suggested lines 18 and 19 of the proposed should read "Ground signs are not included with temporary signs regulated in Article VII. Mr. Barnes stated that the change would address their concern.

Mr. Barnes asked that the Commission consider that this is one of the most cost effective methods of advertising. Mr. Barnes added that Topeka has many small businesses and that it is important for them to get their message out affordably. Mr. Barnes stated that the proposal limits the opportunities to use temporary signs. Mr. Barnes added the language outlined is concerning regarding the definition of special event. Mr. Barnes stated it may be too restrictive, especially for venues such as Kansas Expocentre or menu specials at local businesses.

Bill Hoover responded that the intent with the proposed was not to include the portable signs Mr. Barnes is addressing.

Mr. Fiander added that signs are intended to attract the public from the street. If it is interior to the site, it is not enforceable by definition.

Kip Slattery, of Luminous Neon, Inc, asked for clarification of the proposal. Mr. Slattery explained a recently approved PUD addressed specific sizes of a temporary sign. Mr. Slattery asked if there will be or should there be any conflict in the size of the sign in a PUD and the proposed amendment?

Mr. Fiander responded the PUD could be more restrictive but could not confirm regarding the case Mr. Slattery is addressing.

Mr. Gales commended the Planning Staff for the work on the proposed amendment. Mr. Gales stated he could be supportive but thought there is still additional refining to be done.

Kevin Beck agreed with Mr. Gales and added that the fact that Mr. Fiander

wanted to visit with the legal department on a couple of items. Mr. Fiander agreed and stated the clarification for Mr. Barnes, grace period and balloon signs all needed addressed. Mr. Klausman asked for addition of a photograph of a balloon sign. Mr. Beardmore added an example of allowed and not allowed would be a good additional also.

Richard Beardmore moved to allow the public hearing to remain open until the January 23, 2013 meeting to further refine the proposed amendment, seconded by Michelle Cuevas-Stubblefield.

APPROVAL. (7-0-2).

MINUTES
TOPEKA PLANNING COMMISSION - POLICY
Monday, November 26, 2012

ACZR 12/2 Temporary Signs – Bill Fiander briefed the Planning Commission on the draft ordinance regarding temporary signs and the definition of feather flags. Bill Hoover provided additional information regarding the different definitions of temporary signs and what other cities have in their code regarding temporary signs. Mr. Fiander explained that there has been an increase of complaints and questions regarding feather flags. Due to the ordinance not clearly addressing the feather flags, a better definition is required.

The Planning Commission discussed many options regarding feather flags and whether they are permissible. It was the direction of the commission to classify feather flags as temporary freestanding signs and maintain the existing six foot height limitation for that type of sign. Mr. Fiander will present an ordinance to the Planning Commission at the December public hearing. Mr. Fiander expressed the ability to delay this issue if necessary. Staff intends to invite temporary sign companies to the December 17th public hearing.

MINUTES

TOPEKA PLANNING COMMISSION - POLICY

Monday, October 22, 2012

Temporary Sign code update – Bill Fiander led a discussion regarding the different classification of signs being used in Topeka. Mr. Fiander referred to the handout with visual aids explaining what Feather Flags are. The Feather Flags are not defined within the current Municipal Code. The Legal Department has advised the Planning Department to better define the classification of flags prior to enforcement. Additionally, Mr. Fiander added that time restrictions should be addressed.

Issues such as attaching the flags to a pole on the building, car dealerships using vehicle logos, and non-freestanding flags were discussed. Gaylene Epke described the different examples of “attention-getting” devices, such non-logo, bearing flags or human beings wearing signs.

Mr. Fiander explained that the definitions need to be clear and thorough. Mr. Fiander explained that Bill Hoover had researched other cities regarding Feather Flags. Mr. Hoover explained the placement of flags and how other communities are handling permit requests.

Ms. Epke explained that she had also received information while attending the Kansas Association of Code Enforcement conference. Ms. Epke stated she had discussions with Kansas Code Enforcement counterparts about what is being allowed and what limitations are placed on the signage.

Scott Gales asked if the owners would be required to come to the Development Services are declare use of their signs and apply for a limit. Ms. Epke stated this is something the Planning Commission should consider to assist with enforcement. Mr. Hoover added that many communities require the permit process to ensure the city is aware of the duration of the signs.

Portable and Inflated signs would not be included in updating the Temporary Sign Code. Mr. Fiander posed the request to the Planning Commission to provide feedback and assistance in the update. Mr. Fiander added that visual aids, such as graphics should be included. Mr. Fiander suggested having Ms. Epke do a presentation on City Channel 4.

Mary Feighny explained that the Planning Commission needs to decide if Feather Flags need regulated and to what extent.

Mr. Gales asked how many Feather Flags are being used in Topeka. Ms. Epke stated that there are hundreds currently up around the city. Brett Klausman added that he has seen the Feather Flags for apartments. The Feather Flags are used to advertise specials for the apartments or new businesses.

Mr. Klausman asked if there many complaints. Dean Diediker stated we get a lot calls with inquiries. Ms. Epke added the Planning Department receives complaints that banners are not allowed, yet the Feather Flags are. The complaints indicate there is no difference between the two types of flags. Mr. Fiander added that there is no standardization or consistency currently and it is needed to enforce and allow.

Ms. Epke suggested the Planning Commission define "Temporary" in regards to the signs. Mr. Fiander asked for input at the next Planning Commission Policy Meeting.

Sign Ordinance - Suggested revisions 7/16/13

Section 1: Reinstate here, in subsection b (3) of this section that talks about what the ordinance does not apply to, former 9 (a)

9 (a) Official flags of government jurisdictions and flags which are emblems of onsite business firms and enterprises, religious, charitable, public and nonprofit organizations.

Reason? Unless there was a problem, why change....

Section 5: Insert a reference to where in the Sign Code the definitions for the five categories from Section 4 other than Ground Signs can be found.

Reason? Clarity, completeness, consumer-friendly

Section 9 (b): Add a new subsection (6) "Duration; construction/contractor. Contractor signs may be displayed on a residential or non-residential construction site during the period of time that contractor is actively working. If more than one contractor is working, more than one sign, but only one per contractor, may be displayed."

Reason? This issue was raised during Planning Commission discussion, is valid, and was not addressed.

Section 9 (b)(7): Add a new subsection (f) "The sign does not obstruct safety sight lines, per TMC _____"

Reason? Clarity, consumer-friendly. It is important that people who want to put up signs know that there are sight-line issues when setting signs out in the right-of-way.

Feather Flags: Add in three places to allow for feather flags, both long-term and temporary in Non-Residential and temporary, at a reduced size, in Residential.

Section 5: Include Feather Flags in the definition of Ground Signs. "Narrow fabric, attached on one side only to a pole that is anchored into the ground" is possible language. Clarify different heights and frequencies per various commercial/industrial zoning classifications. What car dealers do now should be OK, for instance. Pay for a permit, permission to have flags up all the time. 25' heights? 30' on center? For Downtown, 12' heights and either one per storefront or 50', whichever is less, should be OK. If the Downtown permission should be Temporary only, that's OK with me. Allow size of feather flag to be 60 square feet on a 25' pole (3'x20'), 20 square feet on a 12' pole (2'x10')?

Section 7: Add Feather Flags to definitions of Temporary Signs, in its own class. See above for some language. Residential should be included, though, with the small size and the small flag. Can be limited time-wise the same as other temporary signs

If language regarding displaying them only if they are in good condition – lettering clear, no tears or stains, “fluttering” as intended in design – is important to some, I am OK with adding.

Reason? Is reasonable. People like feather flags. They are inexpensive and fun. No good reason to ban them.

Construction Signage: This ordinance includes an exemption, with deferral to the Public Works Director, for signs during construction. We do not yet have policy in this arena. It is critical to have commitment from the City Manager and the Public Works Director that the exception for construction signage will allow names of businesses, with signs and lettering big enough to be seen by a passing car or from across the street. This commitment, at this time, would be helpful.

Council Minutes – July 16, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 16, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Everhart -1.

AFTER THE MEETING was called to order, Councilmember Manspeaker gave the invocation.

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

A PRESENTATION on the 2012 City of Topeka Financial Audit was provided by Jeff White, Interim Budget Director, Columbia Capital Management, L.L.C. He reported the City's external auditors delivered a "clean" opinion and for the first time in a number of years, the City completed the Comprehensive Annual Financial Report (CAFR), including audited financial statements, for the fiscal year ending December 31, 2012, in a timely fashion. He stated the transmittal letter and the Management Discussion and Analysis (MD&A) outlines a key change in the 2012 FY CAPR which is the transfer of the City's former parks program to Shawnee County. He reported the external auditor's management letter provided the City guidance in areas needed for change and improvement, most of which have or will be resolved with relatively simple procedural changes. He expressed his confidence in the responsible management of public resources based on the quality of the City's accounting and financial reporting and commended Finance Department staff members for their hard work in completing the audit. He provided brief comments on audit preference, process improvement, entry errors and changing accounting standards.

Mayor Wolgast commended staff for providing a clear snapshot of the City's financial reporting processes and providing a mechanism for the Governing Body to reference in moving ahead with budgetary recommendations. He commended Tina Loyd, Finance Department, and Pam Simecka, City Controller, for their hard work in helping complete the audit.

Councilmember Hiller commended staff for providing the report. She stated the report will be a great reference tool in making financial decisions.

Mayor Wolgast requested to pull items 4A, 4B and 4C, Board Appointments for the Community Corrections Advisory Council from the consent agenda for further review of the appointment process. He stated he seeks to work cooperatively with the Council and believes the Governing Body is a team that works together. He asked the City Attorney's office to review the process to see if it meets all state statutes and City ordinances and when the review is complete, the process will be presented to the Council for participation in nominating and appointing individuals who apply to serve in the community on various boards and commissions. He stated a list of appointments to be filled in the next 60 to 90 days will be posted on the City's website with a link to the form for self-nomination to those interested in serving their community.

Councilmember Ortiz thanked Mayor Wolgast for being sensitive to the Councilmembers needs; however, due to the many vacant appointments at this time, certain boards cannot vote on their annual budget until the vacancies are filled. She expressed concern with the Juvenile Corrections Advisory Board funding cuts and noted any delay in the appointment process could have a negative effect on the organization.

Councilmember Ortiz moved to withdraw items 4A, 4B and 4C, Board Appointments to the Community Corrections Advisory Council from the consent agenda for further discussion. The motion seconded by Councilmember Manspeaker carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of July 9, 2013, were presented.

An Open After Midnight License application for Quinton's Bar and Deli located at 4121 SW Huntoon Street, was presented.

Councilmember De La Isla moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Manspeaker carried unanimously. (8-0-0)

ORDINANCE NO. 19830 introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.10.020, 18.10.050, 18.20.020, 18.25.010, 18.25.070, 18.25.080, 18.25.095, 18.55.190 and specifically repealing said original sections, as well as, creating new Section 18.25.135, all concerning electronic message center sign regulations placed on first reading July 9, 2013, was again presented. (ACZR12/4)

Bill Fiander, Planning Department Director, reported the proposed ordinance would fill a void in the City's sign regulations as electronic message center signs are currently not regulated in non-residential zoning districts. He stated Planning Department staff researched 23 other community sign regulations to see how they monitored electronic message center signs in commercial areas and four Question & Answer Sessions were held at public hearing meetings to discuss the issue. He noted the Topeka Planning Commission and City of Topeka Planning Department support the ordinance and recommend approval.

Councilmember Schwartz asked if the Greater Topeka Chamber of Commerce has commented on the issue.

Bill Fiander reported the Topeka Chamber of Commerce supports the proposed ordinance.

Councilmember Manspeaker questioned why the proposed ordinance was being presented and noted he has not received any complaints from the community.

Bill Fiander stated the two main reasons the ordinance has been presented is to improve the aesthetics and safety of the community. He noted staff has received a handful of complaints regarding the issue.

Mayor Wolgast reported he has received some complaints from constituents.

Councilmember Ortiz stated businesses have made great investment in advertising signs and asked if a grand-father clause would be included in the ordinance for signs that are currently too big or do not comply with the new regulations.

Bill Fiander stated he is not aware of any signs that would be out of compliance if the ordinance is approved; however, a grand-father clause is included in the ordinance for larger-size signs. He noted the brightness and movement of the electronic message center signs would have to be reprogrammed to comply with the ordinance.

Mayor Wolgast spoke in support of the ordinance and stated it is important to the community. He listed several communities comparable in size to the City of Topeka and reported most of the cities do not allow the type of signage used in the Topeka area. He also noted several public meetings have been held to provide opportunities for the industry to voice their concerns and work towards a resolution.

Councilmember Ortiz asked if there was anyone opposed to the new sign regulations.

Bill Fiander stated there were some businesses that believe the City should not restrict electronic sign movement; however, a compromise was reached and the proposed ordinance was drafted.

Kip Slattery, Luminous Neon, Inc., thanked City staff for drafting the regulations and expressed appreciation for reaching out to the industry to find a compromise to satisfy both parties. He spoke in support of the ordinance.

Councilmember Hiller stated she has received many complaints about the electronic message center signs and expressed appreciation to City staff for engaging the industry in the process.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Schmidt carried. Mayor Wolgast voted “yes.” Councilmember Manspeaker voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, De La Isla, Schwartz, Schmidt, Harmon and Mayor Wolgast -8. Noes: Manspeaker -1. Absent: Everhart -1.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.10.010, 18.10.020, 18.15.030, 18.15.060, 18.25.060, 18.25.220, 18.25.230 and 18.25.260, specifically repealing said original sections, as well as, creating Section 18.25.215, all concerning the regulation of temporary signs placed on first reading July 9, 2013, was again presented. (ACZR12/2)

Bill Fiander, Planning Department Director, reported the current temporary sign regulations make it difficult for businesses to determine what signs are permitted and enforce some types of temporary signs such as feather flags. He noted Planning Department staff researched 19 other community sign regulations to see how temporary signs are monitored and requested input from local sign companies on the proposed sign changes. He also noted the Planning Department held two Questions & Answer sessions that were open to the public. He

stated the ordinance would add graphics to the Code, as well as, clarifies banners, free-standing signs and feather flags; however, the size standards did not change.

Councilmember Schwartz asked if the Greater Topeka Chamber of Commerce supports the ordinance. She also asked if there was discussion regarding a \$40 permit fee that would cover the costs of the permit process.

Bill Fiander reported the stakeholder group did not have a discussion regarding feather flags and most of the Question & Answer sessions were regarding the notification process. He stated staff did not do a cost analysis; however, there is a permit fee and process even if there are exceptions allowed. He noted he would most likely recommend a permit process for any exceptions made for every type of sign.

Councilmember Manspeaker asked how many businesses have feather flag signs and to describe what is a special event sign.

Bill Fiander reported there were approximately 30 businesses that displayed feather flag signs at the time staff took inventory in the winter season; and most temporary type signs could be used to display a special event for two, 30-day periods; however, a special event is not clearly defined in current City Code making it tough to enforce.

Councilmember Schmidt asked for clarification regarding feather flag signs and how long they could be displayed.

Bill Fiander stated any free-standing signs can be displayed for two, 30-day periods that fit the size restrictions; however, most of the current feather flags being displayed would be too tall.

Councilmember Hiller expressed appreciation for the information that has been presented; however, in her opinion, the proposed ordinance effectively bans flags, contractor

signs and feather flags, and the timeline seems to be unnecessary. She stated many people have expressed their support of feather flag signs. She distributed proposed amendments to the ordinance and suggested the ordinance be remanded back to the Planning Commission to consider adding language to allow flags, contractor signs and feather flags, as well as, allow language for long-term and short-term display.

Councilmember Hiller moved to refer the ordinance back to the Planning Commission for further study in flags, contractor signs and feather flags and to make other minor corrections. The motion was seconded by Councilmember Schmidt.

Garry Kahre, Downtown Merchants Advertising Association, expressed concern with signage for downtown merchants and noted there are no setbacks for them to display signs. He stated merchants want to create an area of activity, creativity and festivity and view feather flags as a way to enhance businesses. He provided an example of artistic flags and stated they did not object to the idea of flags being generic in nature. He requested the Council consider setting aside the downtown district area to allow use of feather flags for permanent or ongoing advertising, especially during construction phases.

Councilmember Schmidt stated there are times when feather flags become weathered and frayed. He asked if a permit fee would be agreeable by association members to ensure a professional looking sign would always be displayed.

Garry Kahre stated he would have to get a consensus from the association on their thoughts regarding an additional permit fee.

The motion to refer the ordinance back to the Planning Commission for further study in flags, contractor signs and feather flags and to make other minor corrections carried. Mayor Wolgast voted "yes." Councilmembers De La Isla and Manspeaker voted "no." (7-2-0)

NO Retail Cereal Malt Beverage License applications were presented.

RESOLUTION NO. 8531 introduced by City Manager Jim Colson, authorizing the serving of complimentary alcoholic liquor and cereal malt beverages for the First Friday Art Walk event sponsored by ArtsConnect, Inc., was presented.

Mary Feighny, Assistant City Attorney, reported House Bill 2199 was passed by the Kansas Legislature which allows premises that are not licensed to sell alcohol and cereal malt beverages to provide complimentary alcohol and/or cereal malt beverages at events sponsored by a non-profit organization promoting the arts if the governing body approves the event.

Mayor Wolgast asked if Governing Body approval of an event would add an additional step to the special event process.

Mary Feighny stated approval of the resolution would be indefinite; however, the event has to be sponsored by ArtsConnect, Inc.

Sarah Fizell, ArtsConnect, Inc., spoke in support of the resolution and appeared to answer questions.

Councilmember Campos II expressed concern with how underage drinking laws would be regulated if the resolution is approved.

Sarah Fizell stated ArtsConnect would be required to notify the Kansas Alcohol Beverage Control Division of any events taking place and the businesses participating in the events would still be required to abide by all underage drinking laws.

Councilmember Hiller thanked ArtsConnect, Inc., for all their work in moving forward with the new law.

Councilmember Ortiz expressed concern with not having a time duration outlined in the resolution.

Mary Feighny stated the Council has the option to amend the duration of time outlined in the resolution.

Councilmember Ortiz moved to amend Section 1 of the resolution to limit the serving of complimentary alcoholic liquor and/or cereal malt beverage on the unlicensed premises of businesses by the business owner or agent at the First Friday Art Walk event sponsored by ArtsConnect, Inc., a nonprofit organization promoting the arts, to be held on the first Friday of each month, commencing on August 2, 2013, through August 8, 2014, between the hours of 5:30 p.m. and 8:30 p.m. The motion seconded by Councilmember Schwartz carried unanimously. (8-0-0)

Councilmember Ortiz stated she fully supports ArtsConnect; however, the proposed amendment was made to stipulate a date certain in the event other organizations make a similar request.

Councilmember Ortiz moved to approve the resolution as amended. The motion seconded by Councilmember Campos II carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

BOARD APPOINTMENT recommending the appointment of Charlene Nards to the Community Corrections Advisory Board for a term ending June 30, 2015, was presented.

Councilmember Campos II moved to approve the board appointment. The motion was seconded by Councilmember Manspeaker.

Councilmember Harmon questioned if the state statute regarding mayoral appointments would apply to the board appointment.

Mary Feighny, Assistant City Attorney, stated the appointment was a statutory appointment to be made by the Governing Body; therefore, the state statute Councilmember Harmon was referring to would not apply.

Councilmember Hiller stated she had been working with the previous mayor to get a systematic process in place so that all Councilmembers could contribute and nominate good quality people to serve.

Mayor Wolgast reminded the Council that they are considering the appointment of Charlene Nards.

Councilmember Hiller expressed concern with the appointment process and noted the entire process takes approximately 90 days to complete.

Councilmember Manspeaker raised a point of order and stated the Council is considering an appointment at this time, not the appointment process. He stated he understands the process can be confusing at first; however, over time it becomes easier to understand and appears to be working.

Councilmember Hiller made a substitute motion to delay the board appointment 90 days, to allow time for the Council to further discuss the board appointment process. The motion was seconded by Councilmember Harmon.

Councilmember Manspeaker stated that he believes further discussion is not necessary because the appointment process is transparent and allows any Councilmember to nominate anyone whether they live in that Council person's district or not. He stated the responsibility of the Council is to nominate someone who can bring good qualities to the board or commission and the Mayor does a fine job of screening the candidates accordingly.

The substitute motion to delay the board appointment 90 days to further discuss the board appointment process failed. Councilmembers Campos II, Ortiz, De La Isla, Manspeaker and Schmidt voted “no.” (3-5-0)

The motion to approve the board appointment carried unanimously. (8-0-0)

BOARD APPOINTMENT recommending the re-appointment of Lazone Grays to the Community Corrections Advisory Board for a term ending June 30, 2015, was presented.

Councilmember Manspeaker moved to approve the board appointment. The motion was seconded by Councilmember De La Isla.

Councilmember Schwartz expressed concern with the appointment of Mr. Grays and asked if background checks are conducted on appointees.

Mayor Wolgast stated background checks are conducted on all applicants.

Councilmember Ortiz asked what purpose the Community Corrections Advisory Council serves.

Mary Feighny, Assistant City Attorney, stated the Community Corrections Advisory Council is composed of a variety of people throughout Shawnee County that advise others on correctional system activities and process.

Mayor Wolgast stated many different entities throughout the County support the Community Corrections Advisory Council corrections process and programs.

Councilmember Hiller spoke in support of the appointment and stated Mr. Grays provides good contributions to the Council.

The motion to approve the board appointment carried. Councilmembers Campos II and Ortiz voted “no.” (6-2-0)

BOARD APPOINTMENT recommending the appointment of Ed Collazo to the Community Corrections Advisory Board for a term ending June 30, 2015, was presented.

Councilmember Campos II moved to approve the board appointment. The motion seconded by Councilmember De La Isla carried. Councilmember Campos II voted “no.” (7-1-0)

Jim Colson, City Manager, requested to pull Council agenda item 7I, under First Readings, an ordinance apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Lauren’s Bay Estates for Street Improvement Project No. 60632-01.

Upon hearing no objections, Mayor Wolgast announced the ordinance would be withdrawn from the Council agenda.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 9.15.020 and specifically repealing said original section, concerning possession and consumption of alcoholic liquor and cereal malt beverages was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Waterline Improvement Project No. T-281036.00, located in Horseshoe Bend Subdivision Nos. 2 and 3, as defined and described in Resolution No. 8449, adopted and approved on July 24, 2012, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Sanitary Sewer Improvement Project No. T-401026.00 located in Horseshoe Bend Subdivision Nos. 2 and 3, as defined and described in Resolution No. 8447, adopted and approved on July 24, 2012, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, 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. T-601024.00, located in Horseshoe Bend Subdivision Nos. 2 and 3, as defined and described in Resolution No. 8448, adopted and approved on July 24, 2012, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, apportioning and levying a special assessment on certain lots and pieces of ground in Shawnee County, Kansas, for Sanitary Sewer Project No. T-401025.00, located at NW Halfday Lane, as defined and described in Resolution No. 8338, adopted and approved on May 24, 2011, was presented for first reading.

AN ORDINANCE introduced by Jim Colson, City Manager, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Horseshoe Bend Subdivision Nos. 2 and 3 for Sanitary Sewer Improvement Project No. T-401026.00, as defined and described in Resolution No. 8447, adopted and approved July 24, 2012, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Sanitary Sewer Improvement Project No. T-401027.00, located at 1148 SW Jewell as defined and described in Resolution No. 8329, adopted and approved on May 3, 2011, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for Sanitary Sewer Improvement Project No. T-401029.00, located in North Park

Addition as defined and described in Resolution No. 8374, adopted and approved on August 23, 2011, was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, 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. T-601001.00, located on SW Frazier Avenue between 3rd and 4th Streets as defined and described in Resolution No. 8258, adopted and approved on May 25, 2010, was presented for first reading.

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

Jim Colson, City Manager, announced the Kansas Attorney General's Office, Kansas Sunshine Coalition for Open Government, Kansas Press Association and Kansas Newspaper Foundation is sponsoring a free training session on the Kansas Open Meetings Act (KOMA) and the Kansas Open Records Act (KORA) on July 24, 2013, at 1:30 p.m. at the Memorial Hall Auditorium located at 120 SW 10th Avenue, 2nd Floor.

Councilmember Manspeaker stated he has received many complaints from constituents regarding the sound quality of City Council meetings. He expressed concern with the lack of transparency in regards to citizens not being able to hear what is being discussed and requested the problem be fixed as soon as possible. He also expressed concern with potential serial communication violations in the form of emails being sent between Councilmembers. He reported the Kansas Open Meetings Act has three elements to consider, (1) interactive discussion; (2) by and between at least a majority of the body; and (3) matters relating to the functions of the body. He asked that the Governing Body not include him when replying to all members of the Governing Body in email communications.

Councilmember Schwartz encouraged the Governing Body to attend the Kansas Attorney General's KOMA and KORA training on July 24, 2013. She noted that she believes the regulations were not intended to stifle communication between elected officials. She referenced a Topeka Capital Journal newspaper article regarding board nominations and appointments and stated her intent was not to suppress discussion between the Governing Body or project negative media.

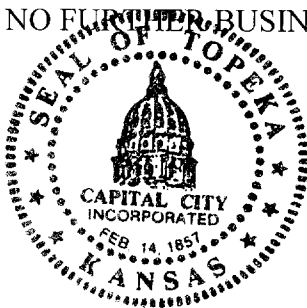
Councilmember Hiller stated she plans to attend the KOMA and KORA training being offered on July 24, 2013, and encouraged the Council to research and find ways to communicate with each other instead of ways not to communicate with each other. She also requested to schedule a future Work Session discussion on Council Rules and Procedures.

Councilmember Ortiz stated she believes everyone should use common sense regarding KORA and KOMA regulations at any given time. She thanked Police Chief Ron Miller for his assistance in a missing person case last week which had a great outcome. She invited the community to participate in Taco Casa's 50th Anniversary celebration at 1423 SW 6th Avenue on July 17, 2013.

Councilmember De La Isla commended City staff for a successful 2012 Financial Audit. She noted her personal experience with financial audits and stated the report shows that the City is moving in the right direction.

Mayor Wolgast commended the Governing Body for respectfully moving forward with City business even though there may be differences in opinions.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:33 p.m.



Brenda Younger
Brenda Younger
City Clerk

Downtown merchants have expressed their concerns regarding the purposed restrictions and limitations placed on the use of feather banners as delineated in the Signage Ordinance currently purposed by the Planning Department. Our objective is not to be confrontational but rather play an active role in making our downtown area and exciting destination to shop and a tourist attractive place to visit.

As professional business persons we agree with the concept of keeping Topeka esthetic pleasing. But, we view the purposed restrictions of this relative inexpensive form of advertisement not as an "eye sore", rather an attractive method to attain our marketing goal. This is especially true for the next two years as dramatic improvements are made on Kansas Avenue, not only effecting Kansas Avenue merchants but the surrounding merchants as well.

We feel the use of feather banners lining a street, whether to direct traffic to a business or promoting special events, create the ambiance of vitality and excitement by providing consumers and visitors a festive and colorful atmosphere.

The small downtown businesses face unique circumstances in regards to signage. We are limited, in most cases, to twenty-five foot frontage with the majority of that frontage being window area. We feel this window area should be used for visual merchandising of our products, not signage. Many of our business lack a solid space for visual signage. Our merchants have no set back space to erect signs nor do we feel that such signage would be conducive to the desired image of our businesses or the ambiance of the buildings that house our businesses. Curbside parking often restricts the visibility of our products from vehicular traffic.

Our proposal is that an exception to the purpose signage ordinance be made for the downtown business district. Feather banners be allowed every 18' or one per business. Banners shall be kept in optimum condition at all times. Size should not exceed 12' in height above the sidewalk level and no more than 24" in width. Banners shall be place perpendicular to the store front and not interfere with pedestrian traffic patterns.

RECEIVED
CITY CLERK
2013 SEP 24 A 8:04
TOPEKA, KANSAS

We the undersigned represent either a business owner (or designated representative) or an employee of a business within the designated boundaries established by Downtown Topeka, Inc. (DTI).

The purpose of this petition is to encourage the representative of the City of Topeka to adopt an exception to the proposed sign ordinance in regard to the use of "feather banners" for advertisement of businesses within the aforementioned boundaries.

It is proposed that said banners be allowed every 18' or one per business. Banner receptacles shall be installed at owner's expense. These banners shall be kept in optimum condition and the design of these banners shall be approved by a representative of DTI. The size allowed should not exceed 12' in height and 20" in width.

Signature	Business Name	Date
<u>Randy Clayton</u>	<u>CLAYTON FINANCIAL</u>	<u>8/13/13</u>
<u>Tammy's Antiques</u>	<u>Tammy's Antiques</u>	<u>8/13/13</u>
<u>Dr. Jeff Cranner Optometrist</u>	<u>Dr. Jeff Cranner Optometrist</u>	<u>8/13/13</u>
<u>Jessica Dohy</u>	<u>Jessica Dohy</u>	<u>8/13/13</u>
<u>Stephen Smith IMAGES</u>	<u>Stephen Smith IMAGES</u>	<u>8/13/13</u>
<u>Barker Printing</u>	<u>Barker Printing</u>	<u>8/13/13</u>
<u>NEW CITY DANCE</u>	<u>NEW CITY DANCE</u>	<u>8/14/13</u>
<u>Crown Beauty Salon</u>	<u>Crown Beauty Salon</u>	<u>8/14/13</u>
<u>Supersonic Music</u>	<u>Supersonic Music</u>	<u>8/15/13</u>
<u>CERTIC FOX</u>	<u>CERTIC FOX</u>	<u>8/15/13</u>
<u>Laser Art Creations</u>	<u>Laser Art Creations</u>	<u>8/15/13</u>
<u>Wrap City Grill</u>	<u>Wrap City Grill</u>	<u>8-15-13</u>
<u>Boho Mojo Reliant Apparel</u>	<u>Boho Mojo Reliant Apparel</u>	<u>8/15/13</u>
<u>New Century Cn</u>	<u>New Century Cn</u>	<u>8/15/13</u>
<u>Cumulus Broadcasting</u>	<u>Cumulus Broadcasting</u>	<u>8/15/13</u>
<u>SNOW FISH</u>	<u>SNOW FISH</u>	<u>8-16-13</u>
<u>Debonaire's</u>	<u>Debonaire's</u>	<u>8-16-13</u>

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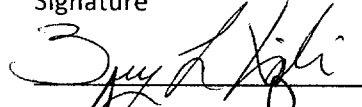
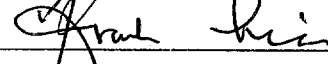
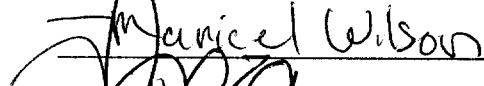
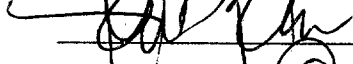
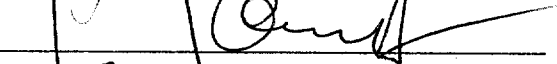
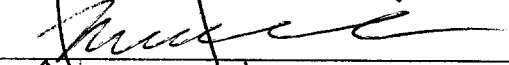
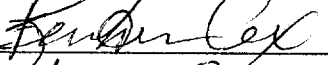
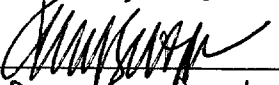
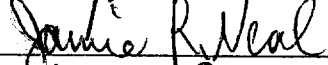
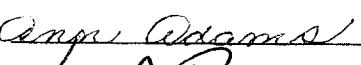
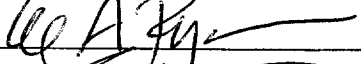
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Signature	Business Name	Date
<u>Ethel May</u>	<u>HHB BBO</u>	<u>8-9-13</u>
<u>Melene Jett</u>	<u>Blended for Better Health</u>	<u>8-9-13</u>
<u>Justin</u>	<u>BLENDED FOR BETTER HEALTH</u>	<u>8-9-13</u>
<u>Brenda Price</u>	<u>Absolute Design by Brenda</u>	<u>8-10-13</u>
<u>Mark Bocae</u>	<u>David's Jewelers</u>	<u>8/10-13</u>
<u>Jo Ann</u>	<u>3 Flowers</u>	<u>8/10/13</u>
<u>Lisa Boyd</u>	<u>The Merchant</u>	<u>8-10-13</u>
<u>Chris Schultz</u>	<u>Field of Greens/The Breck Room</u>	<u>8-10-13</u>
<u>Rhonda Theel</u>	<u>Quinzos GM</u>	<u>8-10-13</u>
<u>Sharon Redman</u>	<u>Avenue Hair Styling</u>	<u>8-10-13</u>
<u>Lisa F. Myers, Jr.</u>	<u>Lupitas Lupita's</u>	<u>8-10-13</u>
<u>Edith B.</u>	<u>Edman's Jewelers</u>	<u>8-10-13</u>
<u>John</u>	<u>Oddfellow's Fire Bar</u>	<u>8-10-13</u>
<u>Carol T. Haff</u>	<u>Topeka Blueprint Co.</u>	<u>8/12/13</u>
<u>Kelly Conradt</u>	<u>American Family</u>	<u>8/13/13</u>
<u>Rita</u>	<u>Best Alternative</u>	<u>Aug/13/2013</u>
<u>Wojciech</u>	<u>Classic Bear</u>	<u>8/13/13</u>

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Signature	Business Name	Date
 Terry Xidis	Hazel Hill Chocolate	8/17/13
	Amerique	8/17/13
 Maricel Wilson	MARICEL'S closet	8/19/13
	TPAC	8/20/13
	Golden Rule	8/20/13
	Wolfer Camera	8/20/13
	Razor's Edge	8/20/13
	Edward Jones	8/20/13
	Security National Properties	8/20/13
	DESIGNER BUSINESS INTERIORS	8/20/13
	Burning Up Fitness	8/20/13
	Skivics Bar & Grill	8-20-2013
	ARTSconnect, Inc.	8-21-13
	Shofner State Games	8/21/13
	Premier Real Estate	8/21/13
	NexLynx	8/21/13
	Drs. Kohake, Deutscher, Heller	8-22-13

Business Name	Date
Prarie Glass Studio	8/16/13
Stephan Hair Salon & Boutique	8-16-
Globe Indian Cuisine	
Arturo's Mexican Restaurant	
Kansas Avenue Market	8/16/13
Bottega 235 ART GALLERY	8-16-13
Bank Barber Stylist	8/22/13
Bank BARBER STYLIST	8/22/13



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 16, 2013

☐ Back ☐ Print

DATE: October 22, 2013
CONTACT PERSON: Jeff Hunt **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Bikeways Improvement Project - City-wide **PROJECT #:** T-861005.00
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A PROJECT BUDGET in the amount of \$1,622,400 and **A RESOLUTION** introduced by City Manager Jim Colson, authorizing Improvement Project No. T-861005.00 which provides for implementation of the first phase of the Topeka Bikeways Improvement Master Plan, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. *(All Council Districts)*

(Approval would authorize the construction of bikeways throughout the city. The project will be funded by \$420,000 from combined 2013 and 2014 Complete Streets and City-wide Infrastructure funds with a total debt service of \$577,743 spread over 20 years and \$1,202,400 from the Kansas Department of Transportation (Enhancement Grant) for a total project budget of \$1,622,400.)

POLICY ISSUE:

Approval would allow continued development of the bikeways network across the city.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the project budget and resolution.

BACKGROUND:

This is the first phase of the implementation of the Topeka Bikeways Master Plan. The project will construct bikeways throughout the city of Topeka covering nine different routes identified in the master plan. The project would include street signs, overhead signal signs, bike symbols on the pavement, edge lines, trail/link improvements for interconnecting of the bike routes, design and construction inspection of the project and any other related appurtenances required to complete the project.

Item #11

The City has received a Transportation Enhancement Grant from Kansas Department of Transportation for

this project to cover 80% of the construction and inspection costs.

BUDGETARY IMPACT:

The total project budget cost is \$1,622,400.

SOURCE OF FUNDING:

Kansas Department of Transportation (Enhancement Grant)	\$1,202,400
2013 and 2014 Complete Streets	\$ 200,000
2013 and 2014 Citywide Infrastructure	\$ 220,000

ATTACHMENTS:

[Project Budget](#)

[Fact Sheet](#)

[Debt Service](#)

[Map](#)

[Resolution](#)

PROJECT BUDGET

Project No. T-861005.00

Topeka Bikeways Improvements

LOCATION:

This project will be at various locations throughout the City of Topeka.

DESCRIPTION OF PROJECT:

This is the first phase of the implementation of the Topeka Bikeways Master Plan. This project will construct bikeways throughout the City of Topeka covering nine different routes identified in the Master Plan. The project will include street signs, overhead signal signs, bike symbols on the pavement, edge lines, trail/link improvements for interconnectivity of the bike routes, design and construction inspection of the project and any other related appurtenances required for the project.

SOURCE OF FUNDS:

Kansas Department of Transportation - Transportation Enhancement Grant
General Obligation Bonds and any other legally available funds.

2013 & 2014 - Complete Streets - \$200,000

2013 & 2014 - Citywide Infrastructure - \$220,000

<u>COST ESTIMATE:</u>	<u>City of Topeka</u>	<u>Kansas Department of Transportation</u>	<u>Total</u>
Construction:	\$280,000.00	\$1,120,000.00	\$1,400,000.00
Design	\$95,000.00	\$0.00	\$95,000.00
Geotech	\$0.00	\$0.00	\$0.00
Utility Adjustments	\$0.00	\$0.00	\$0.00
Project Service Fees:			\$0.00
<i>Construction Admin & Inspection</i>	\$20,600.00	\$82,400.00	\$103,000.00
<i>Construction Staking</i>	\$0.00	\$0.00	\$0.00
Administrative Fees:			\$0.00
<i>Legal Dept. Admin.</i>	\$0.00	\$0.00	\$0.00
<i>Engineering Admin.</i>	\$0.00	\$0.00	\$0.00
Right-of Way Acquisition:	\$0.00	\$0.00	\$0.00
Contingency Amount	\$11,179.00	\$0.00	\$11,179.00
Temporary Note Interest	\$5,085.00	\$0.00	\$5,085.00
Cost of Issuance	\$8,136.00	\$0.00	\$8,136.00
Total:	\$420,000.00	\$1,202,400.00	\$1,622,400.00

PUBLIC HEARING:

PROJECT AUTHORITY:

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

Date: _____

PROJECT ENGINEER: Jeff Hunt

FACT SHEET
Topeka Bikeways Improvement Project
Project No. T-861005.00

General Nature of Improvements:

This is the first phase of the implementation of the Topeka Bikeways Master Plan. This project will construct bikeways throughout the City of Topeka covering nine different routes identified in the Master Plan. The project will include street signs, overhead signal signs, bike symbols on the pavement, edge lines, trail/link improvements for interconnectivity of the bike routes, design and construction inspection of the project and any other related appurtenances required for a complete project.

The project map, which corresponds to the routes in the master plan, identifies the different routes to be improved. They are routes 1, 2, 3, 4, 8, 14, 17, 21 and 23.

City Project Administration: City of Topeka, Jeff Hunt, P.E. (368-3842)

Construction Inspection: To be determined.

Construction Staking: To be determined.

Design Engineer: To be determined.

Cost: Project Budget - \$1,622,400.00

Financing: City of Topeka – General Obligation Bonds
 Kansas Department of Transportation Grant

CIP Year: This project is shown in the CIP – 2013 & 2014 – Complete Streets
 2013 & 2014 – Citywide Infrastructure

Estimated Project Budget Cost: The total estimated cost for this project is \$1,622,400.00. The estimated construction cost is \$1,400,000 with the remaining funds for design, inspection, administration, financing costs and contingencies.

Council District: The project is located throughout the City of Topeka.

Project Schedule: Construction: Summer 2014

Comments:

GO Bond Cost of Project

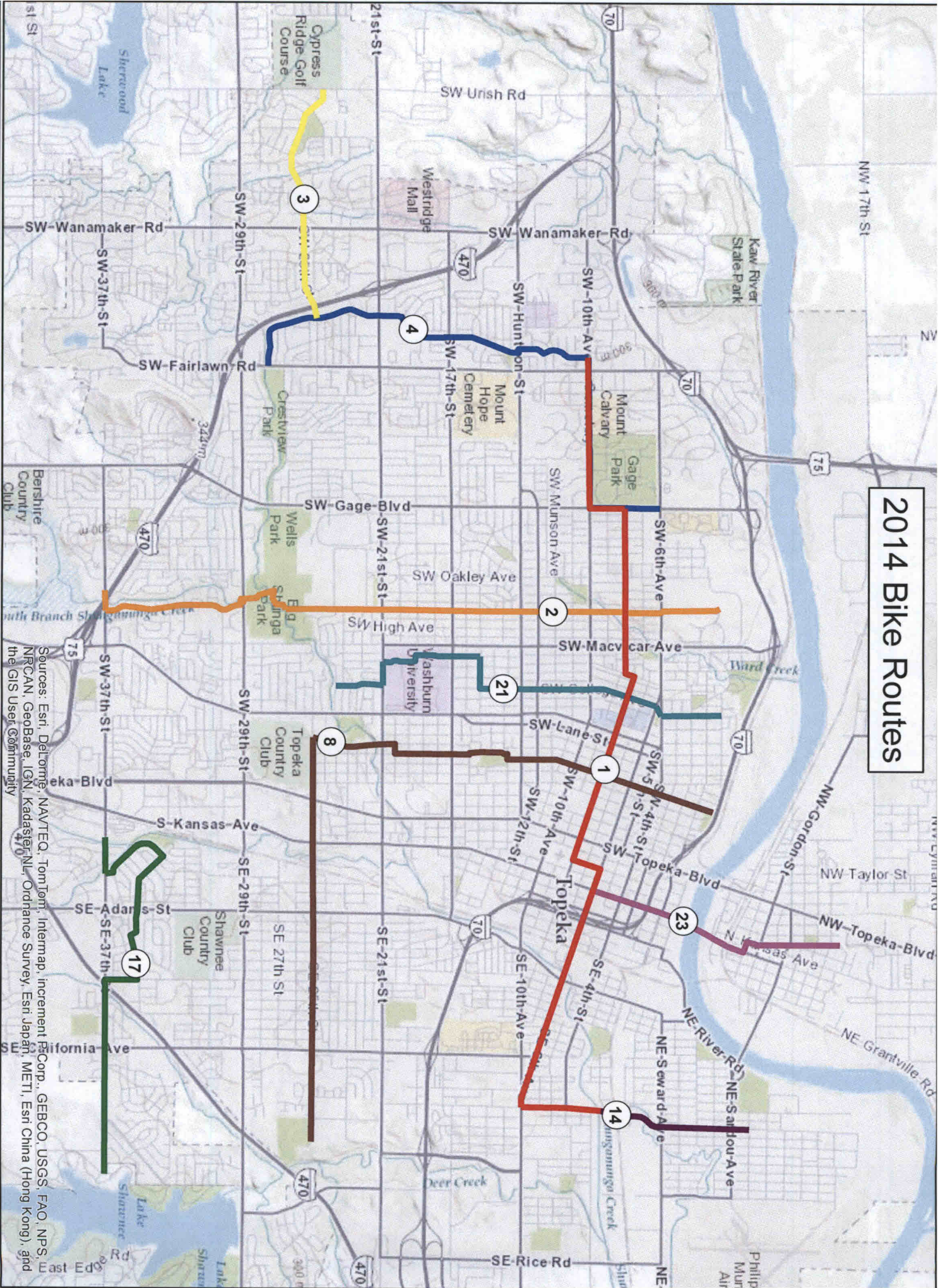
PROJECT NO. T-861005.00

Interest rate	3.25%
Number of Years	20
Cost of Issuance	2.00%
Temp Note interest	1.250%
Principal	\$406,780
Plus Temp Note Interest	\$5,085
Plus Cost of Issuance	\$8,136
Total Project Budget	\$420,000
Annual Debt Service	\$28,887
Annual Debt Service as Percent of Total	6.9%
Total Debt Service (principal and interest)	\$577,743
Difference Project Cost and Total Debt Service	\$157,743
GO Bonded Indebtedness as of May 2012	\$161,130,000
Heartland Park STAR Bonds	\$9,855,000
College Hill TIF	\$5,605,000
2011 Temporary Notes that Finance Future GO Bond projects	\$15,230,000
Approved, not Included in GO Bond Issue or Temporary Notes--City Projects	\$13,773,365
Approved, not Included in GO Bond Issue or Temporary Notes--Special Assessment Projects	<u>\$9,882,523</u>
Total Indebtedness	<u><u>\$215,475,888</u></u>
Plus Project	\$215,895,888

3/13/2013

7/16/2013

2014 Bike Routes



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

Date: 7/23/2013
Created by: dsh

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

Map created for the bike route locations.

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Jim Colson, authorizing Improvement Project No. T-861005.00, which provides for implementation of the first phase of the Topeka Bikeways Master Plan, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that it finds the following described public improvement to be necessary and in the public interest and does hereby authorize, pursuant to Section A12-1 of the Code of the City of Topeka, Improvement Project No. T-861005.00 with a project budget summarized herein and fully set forth on the attachment hereto:

A. GENERAL NATURE OF IMPROVEMENT:

This is the first phase of the implementation of the Topeka Bikeways Master Plan. This project will construct bikeways throughout the City of Topeka covering nine different routes identified in the Master plan. The project will include street signs, overhead signal signs, bike symbols on the pavement, edge lines, trail/link improvements for interconnectivity of the bike routes, design and construction inspection of the project and any other related appurtenances required for the project.

B. ESTIMATED OR PROBABLE COST:

\$1,622,400.00

C. APPORTIONMENT OF COSTS:

General Obligation Bonds or any other lawfully available funds	\$420,000.00
KDOT Transportation Enhancement Grant	<u>\$1,202,400.00</u>
TOTAL:	\$1,622,400.00

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

October 1, 2013

☐ Back ☐ Print

DATE:	October 22, 2013	
CONTACT PERSON:	Dan Warner, Bill Fiander	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of an annexation exemption waiver from the annexation requirement of Topeka Municipal Code Section 13.10.120(c) for connection to the City water system outside the city limits for a tract of land generally located in the 100 block of NE 43rd Street within unincorporated Shawnee County, Kansas.

(Approval would allow a 11.39-acre tract outside the city limits to be developed for a single-family dwelling on City water without prior annexation.)

POLICY ISSUE:

While the proposal is not consistent with the Land Use and Growth Management Plan of the City's Comprehensive Plan which recommends a 20-acre minimum lot size, limiting the development of a single house on this property is an acceptable outcome as the density will be one dwelling unit per 11 acres, which is greater than many of the properties in the area. By comparison, there are two residences receiving City water immediately west of subject property that are developed on lots from 1.7 to 5.8 acres.

The request does appear to fall within a "hardship" as contemplated by the ordinance since the applicant purchased the property five years before the annexation requirement was established by code and the property has been under the same ownership and configuration since then.

STAFF RECOMMENDATION:

Based upon the findings and analysis, staff recommends the annexation exemption request be approved with the following conditions:

1. The owner records an annexation consent for the entire property.

Item #12

2. The property is platted for one lot.

BACKGROUND:

The applicant desires to receive city water service for a proposed house in the 100 block of NE 43rd Street outside of the city limits and also outside the City's planned growth area and Municipal Services Area (MSA). Topeka Municipal Code requires any property outside the city limits and MSA be annexed prior to receiving city water service. Code Section 13.10.120(c)(3) allows an exemption from this annexation requirement if the City Council determines that providing water service is necessary "to avoid unnecessary hardship in a situation not created by the actions of the applicant."

BUDGETARY IMPACT:

The applicant would pay all costs associated with any connection fees, charges, and construction at no expense to the City. Water rates for properties located outside city limits are 75% higher than the water rates for properties located inside city limits.

SOURCE OF FUNDING:

Not applicable

ATTACHMENTS:

[Resolution](#)

[Summary](#)

[Applicant Letter](#)

[Aerial](#)

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by City Manager Jim Colson granting an exemption from the
4 annexation requirement of City of Topeka Code § 13.10.120(a)(2) for
5 connection to the city water system to a tract of land generally located
6 on the south side of NE 43rd Street, approximately 740 feet east of
7 Kansas Avenue, which is outside the city limits but within Shawnee
8 County, Kansas.
9

10 WHEREAS, City of Topeka Code § 13.10.120(a)(2) provides that water service
11 cannot be provided to an owner of real property located outside the city limits and the
12 Municipal Services Area unless the property is annexed into the city; and

13 WHEREAS, City of Topeka Code § 13.10.120(c)(3) allows an exemption from the
14 annexation requirement if the City Council determines that extension of water service is
15 necessary to avoid unnecessary hardship in a situation not created by the actions of the
16 applicant; and

17 WHEREAS, Bradley D. and Alicia Faith Gifford have provided sufficient evidence to
18 support a finding of hardship.

19 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka,
20 Kansas, that:

21 1. Pursuant to City of Topeka Code § 13.10.120(c)(3), the Council of the City of
22 Topeka, Kansas, finds that the applicant has established that providing water service to
23 property located generally on the south side of the 100-block of NE 43rd Street, would avoid
24 an unnecessary hardship in a situation not created by the actions of the applicant.

25 2. The annexation requirement of City of Topeka Code § 13.10.120(a)(2) is
26 hereby waived for the above-referenced property provided that the property is platted for
27 no more than 1 lot to be served by city water and the owner executes a consent for
28 annexation of the entire property.

- 29 3. All other appropriate building codes, fees, and charges related to the provision
30 of water service are not specifically waived.

PASSED and APPROVED by City Council on _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: Annexation Exemption for City Water Service Outside City Limits

AE13/5 by Bradley D. and Alicia Faith Gifford

The applicant desires to construct a house on the subject property located on the south side of the 100 block of NE 43rd Street, outside of the city limits and also outside the City's planned growth area and Municipal Services Area which requires annexation prior to receiving water service. City of Topeka Code § 13.10.120(c)(3) allows an exemption from the annexation requirement if City Council determines that the extension of water service is necessary "to avoid unnecessary hardship in situations not created by the actions of the applicant."

City of Topeka Code § 13.10.120(a)(2) states: "New or redeveloped parcels established by preliminary or final plat, lot, split or otherwise, after February 15, 2007, and for which the structure has not been connected to the city's water system outside of the city's corporate boundaries that are not contained within the MSA shall require annexation prior to service being provided". The applicant acquired the property in 2002 and the property has been under the same ownership and configuration since then. The property lies outside the city and also outside the MSA and is approximately 11.39 acres.

The property's 11.39 acres is contrary to the Comprehensive Plan policy for a minimum of 20-acre lots. However, limiting the development of a single house on this property that was created prior to 2007 is an acceptable outcome as the density will be one dwelling unit per 11 acres, which is greater than many of the properties in the area. By comparison, there are two residences west of the subject property along NE 43rd Street developed on lots from 1.7 to 5.8 acres. Further, the general pattern of development in this area is residences on lots that are less than 20 acres, with limited availability of property that can be split into 20 acre lots.

There is an existing 10" water line present along the property's frontage. A number of properties in the area currently receive City water service. The City's ability to serve the area will not be impacted by this application.

Based upon the above findings and analysis, the request does appear to fall within a "hardship" as contemplated by the ordinance since the applicant purchased the property five years before the annexation requirement was established by code.

The resolution as proposed contains conditions for platting and future annexation that would be consistent with these policies of the Comprehensive Plan.

The owner has attached their consent to annexation as required for the entire 11.39 acre tract.

Pursuant to City of Topeka Code § 13.10.120(c)(3), if City Council finds the applicant has established that providing water service to property located on the south side of the 100 block of NE 43rd Street, would avoid an unnecessary hardship in a situation not created by the actions of the applicant, then staff recommends APPROVAL under the following conditions:

- The entire 11.39-acre property is platted in a manner so that no more than 1 lot is served by city water; and
- The owner executes a consent for annexation on the entire property.

Staff requests the Governing Body move to adopt the resolution with the above conditions.



DEPARTMENT OF THE AIR FORCE
22D AIR REFUELING WING (AMC)
MCCONNELL AIR FORCE BASE KANSAS

15 May 2013

MEMORANDUM FOR WHOM IT MAY CONCERN

FROM: Master Sergeant Bradley D. Gifford
9113 E. Carson
Wichita, Kansas 67210

SUBJECT: Background for Water Service Request

1. I am an Airman in the United States Air Force and have been serving for over 22 years. My wife and I were born and raised in north Topeka and graduated from Seaman High School in 1992. Our parents and numerous family members still reside in north Topeka. We have three children ages 6, 9 and 12. We own 12 acres of land on 43rd street directly south of the Shawnee North Community Center where we plan on building a home as soon as possible. Once the house is complete I will retire from the service and my family and I will reside at that residence.
2. We purchased the property in 2002 and at that time the annexation requirement did not exist. The intent of purchasing the property was to build a house and reside in that community.
3. I really appreciate any assistance offered. Please contact me via e-mail at Bradley.Gifford@US.AF.MIL or 4Giffords@cox.net if you have any questions or if any additional information is required. You may also call me any time. Office – (316) 759-4130, Home – (316) 689-0685 or Cell – (316) 655-0685

A handwritten signature in blue ink, reading "Bradley D. Gifford", is positioned above the typed name.

BRADLEY D. GIFFORD, MSgt, USAF

**APPLICATION
EXEMPTION TO ANNEXATION REQUIREMENT
FOR CITY WATER/SEWER SERVICE
OUTSIDE CITY LIMITS**

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

Type of Service Requested: Water ☒ Sanitary Sewer ☒ Inside MSA? ☐

- 1.) Common Address/Location: 0 SE 43rd 103-05-0-40-01-003-00-0
- 2.) Legal Description:
Lot(s) _____ Block _____ Subdivision See attached deed
If not platted, attach legal description. see attached
- 3.) What year was the lot created and recorded? deed Size of lot (acres)? 11.40
- 4.) Existing Land Use: vacant
- 5.) Proposed Land Use: residential
- 6.) Proposed/Existing Water Provider: _____
- 7.) Proposed/Existing Sewage Disposal Source: _____
- 8.) For water service, circle which annexation exemption you qualify for under Section 13.10.120(c) of the Topeka Municipal Code:
- i. To eliminate an imminent threat to public health and safety as determined and/or ordered by the Kansas Department of Health and Environment or a similar regulatory agency, or a court of law.
 - ii. To promote an economic development project as determined by the city council.
 - ☒ iii. To avoid unnecessary hardship in situations not created by the actions of the applicant as determined by the city council.
 - iv. The city is obligated to provide water service to the property owner by contract or other legally enforceable document.
 - v. The planning commission has, prior to February 15, 2007, approved a preliminary or final plat which includes city water service.
 - vi. The city has previously provided water service to the same parcel of real estate for which service has been requested. The reconnection of service shall be limited to the same size of service line as the previous service. Further, the reconnection shall be limited to the same number of lines or connections which previously existed.
 - vii. To allow the city to provide water service to a facility owned and operated by a political and taxing subdivision with approval of the city council.

In addition, the applicant/owner must attach a written explanation and any documentation to support their exemption claims AND consent to annexation in recordable form AND a plat of subdivision application as required by Section 13.10.120(b).

Exemptions ii and iii require approval by City Council. All other exemptions may be approved administratively.

9.) For sanitary sewer service within the Municipal Service Area (MSA), circle which annexation exemption you qualify for under Section 13.20.220(c)(6) of the Topeka Municipal Code:

- i. To eliminate an imminent threat to public health and safety as determined and/or ordered by the Kansas Department of Health and Environment or a similar regulatory agency, or a court of law.
- ii. To promote an economic development project as determined by the city council.
- iii. To avoid unnecessary hardship in situations not created by the actions of the applicant as determined by the city council.
- iv. The city is obligated to provide sanitary sewer service to the property owner by contract or other legally enforceable document.

In addition, the applicant/owner must attach written explanation and any documentation to support their exemption claims AND consent to annexation in recordable form.

Exemptions ii and iii require approval by City Council. All other exemptions may be approved administratively.

Applicant Information and Authorization

Owner(s) of Record: Bradley D. and Alicia F. Gifford
 Address: 9113 E. Carson St
Wichita, KS 67210 Phone: HOME: (316) 689-0685
 CELL: (316) 655-0685
 WORK: (316) 759-4130
 (if different than owner)

Owner Representative: _____
 Address: _____
 Phone: _____ Fax: _____ e-mail: _____

I certify I am the above owner of record or have been authorized to submit this application on behalf of the owner who has been provided a copy of this completed application including the attached policy background and guidelines for evaluating exemption requests. The information provided on this application is true to the best of my knowledge. I have read and understand the policies and guidelines for evaluating the annexation exemption request.

Brad Gifford
 Signature

15 MAY 13
 Date

03163

213880A

Kansas Secured Title
785-232-9349

01.37718

#2501.13900

JOINT TENANCY WARRANTY DEED*Cynthia A Beck*

FEB 01 2002

FEB 01 2002

THE GRANTOR, The Roman Catholic Archdiocese of Kansas City in Kansas, a non-profit corporation, conveys and warrants to Bradley D. Gifford and Alicia Faith Gifford, as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of Shawnee, and the State of Kansas, to-wit:

Part of the Southeast Quarter of Section 5, Township 11 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, described as follows:

Commencing at the Northwest corner of said Southeast Quarter;
Thence North 90 degrees 00 minutes 00 seconds East (assumed bearing) along the North line of said Southeast Quarter, 711.27 feet to the Point of Beginning;
Thence continuing North 90 degrees 00 minutes 00 seconds East along the North line of said Southeast Quarter, 614.54 feet to the Northeast corner of the Northwest Quarter of said Southeast Quarter;
Thence South 0 degrees 17 minutes 17 seconds West along the East line of the Northwest Quarter of said Southeast Quarter, 848.45 feet;
Thence North 89 degrees 56 minutes 34 seconds West, 614.54 feet;
Thence North 0 degrees 17 minutes 17 seconds East, 847.83 feet to the point of beginning.

*app
Shawnee*

For the sum of One Dollar (\$1.00) and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 28 day of January, A.D. 2002.

The Roman Catholic Archdiocese of Kansas City
in Kansas, a non-profit corporation

By

James P. Keleher
James P. Keleher
Archbishop and President

STATE OF KANSAS
SHAWNEE COUNTY } SS
RECEIVED FOR RECORD

FEB 1 12 57 PM '02

REGISTER OF DEEDS
MARILYN L. NICHOLS

K0098242.WPD; 1

VOL 3601 PAGE 835

43-2501-13900-28

100-2501-13900-28
Wichita KS 67207

STATE OF KANSAS)

COUNTY OF WYANDOTTE)

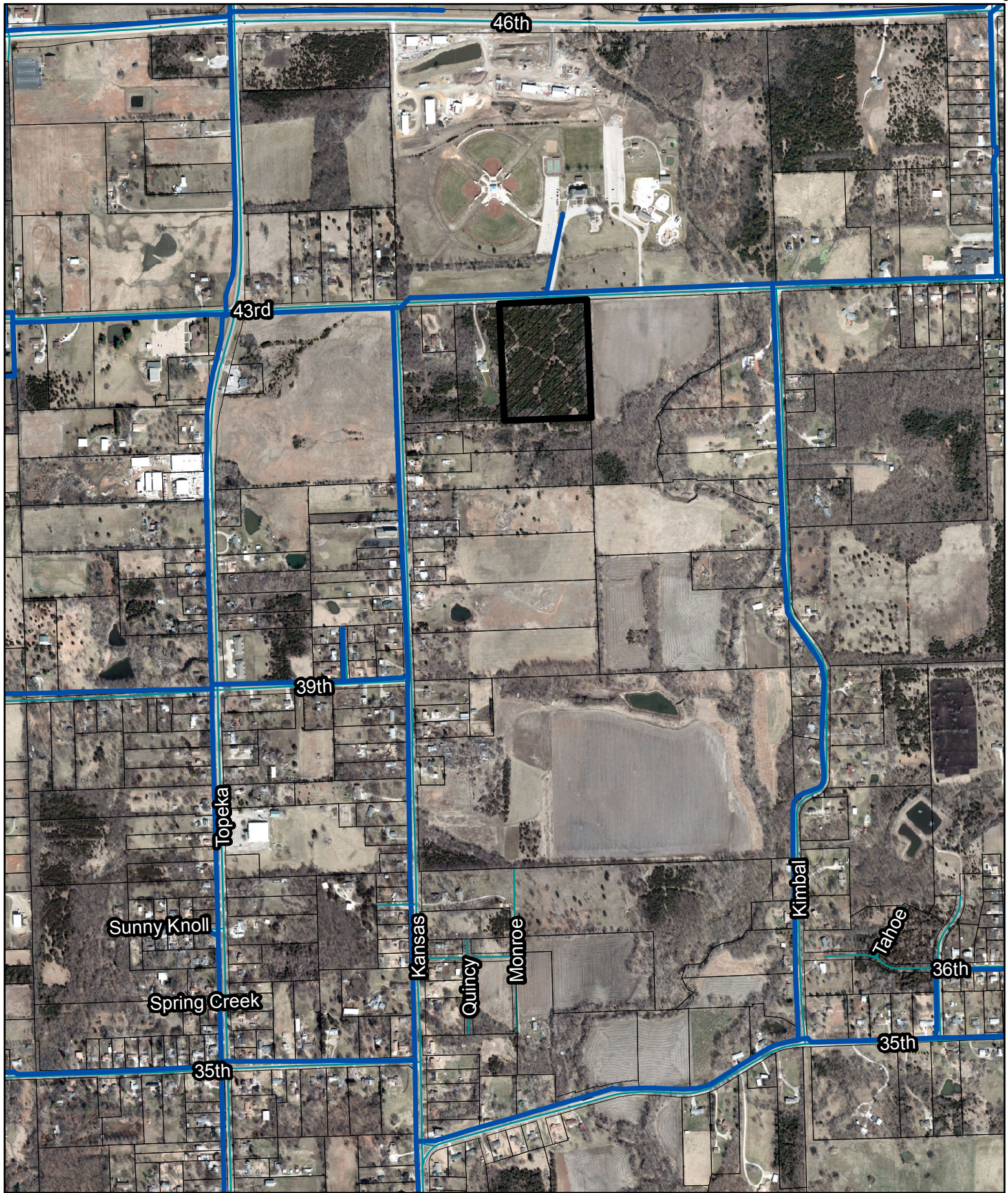
ss:

The foregoing instrument executed by James P. Keleher, Archbishop and President of The Roman Catholic Archdiocese of Kansas City in Kansas, a non-profit corporation, was acknowledged before me this 28 day of January, 2002.

Susan M. Carroll
NOTARY PUBLIC

My Appointment Expires:

March 25, 2003



AE13/5 - Annexation exemption request by Bradley D. and Alicia Faith Gifford



N

Topeka Planning Department

09/25/13



Proposed annexation exemption



City Water Main



A Capital City Government Working For You...

www.topeka.org

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 30, 2013

☐ Back ☐ Print

DATE: October 22, 2013
CONTACT PERSON: Brenda Younger **DOCUMENT #:**
SECOND PARTY/SUBJECT: Applications **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

Pursuant to TMC 5.170.040 and L.2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.

BUDGETARY IMPACT:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #13



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Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 30, 2013

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DATE:	October 22, 2013	
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CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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STAFF RECOMMENDATION:

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BUDGETARY IMPACT:

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ATTACHMENTS:

No Attachments Available



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No Attachments Available



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BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available