



City of Topeka City Council Agenda

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

September 13, 2016
6:00 PM

Mayor: Larry E. Wolgast Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Elaine Schwartz	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Richard Harmon	District No. 9
Michelle De La Isla	District No. 5		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk at (785)368-3940 by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

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

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

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

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

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"Hispanic Heritage Month"

2. PRESENTATIONS:

"5th Annual Hunger Games and Harvesters Food Drive"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Denial of Tort Claim - Lisa Johnson

DENIAL of a Tort Claim submitted by Lisa Johnson in the amount of \$10,000,000 for damages she allegedly suffered during the course of her arrest.

B. Board Appointment - Topeka Planning Commission

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Planning Commission for a term ending September 30, 2019. *(Council District No. 1)*

C. Board Appointment - Topeka Public Building Commission

BOARD APPOINTMENT recommending the reappointment of Larry Robbins to the Topeka Public Building Commission for a term ending August 1, 2020. *(Topeka Public School Representative)*

D. Resolution - NOTO Halloween Street Fair - Special Event

A RESOLUTION introduced by Councilmember Sandra Clear, approving a special event known as the Halloween Street Fair in NOTO. *(Council District No. 2)*

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of the 800 and 900 blocks of N. Kansas Avenue and NE Lauren between the alleys to the east and west of N. Kansas Avenue for the event held on October 22, 2016, between the hours of 5:00 pm. and 12:00 a.m. October 23, 2016.)

E. Resolution - Forge Fest - Special Event

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as Forge Fest. *(Council District No. 1)*

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of SW Jackson Street between 8th Avenue and 10th Avenue and 8th Avenue and 9th Street between Jackson Street and Kansas Avenue for the event held on October 21, 2016, between the hours of 4:30 pm. and 11:00 p.m.)

F. Resolution - Fast Forward - Noise Exception

RESOLUTION introduced by Councilmember Karen Hiller granting Fast Forward 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 City Council to grant noise exceptions. Approval would allow for an outdoor concert during the hours of 5:00 p.m. and 11:00 p.m. on October 21, 2016 on 8th to 10th Street, Kansas Ave to Jackson Street.)

G. Resolution - Capital City Jazz and Food Truck Festival - Special Event

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as the Capital City Jazz and Food Truck Festival. (Council District No. 1)

(Approval would allow the sale, possession and consumption of alcoholic liquor within the designated barricaded portion of SW 9th Street between Quincy and Jackson Streets and Kansas Avenue between 8th and 10th Avenues on October 8, 2016, from 4:00 p.m. to 11:00 p.m.)

H. Resolution - DTI, Inc. - Noise Exception

A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown Topeka, Inc., 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 City Council to grant noise exceptions. Approval would allow for live bands and amplified music during the hours of 4:00 p.m. and 11:00 p.m. on October 8, 2016, in the 900 block of Kansas Avenue.)

I. Resolution - S.U.C.C.E.S.S.- Noise Exception

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting S.U.C.C.E.S.S. an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (Council District No. 3)

(City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for live bands and amplified music and sound during the hours of 11:00 a.m. and 9:00 p.m. on September 24, 2016 and 11:00 a.m. and 6:00 p.m. on September 25, 2016, at 1800 SE 21st Street.)

J. MINUTES of the regular meeting of September 6, 2016

K. APPLICATIONS:

5. ACTION ITEMS:

A. Ordinance - 2016 Utility Bill Real Estate Liens

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay.

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of \$113,142.91.)

B. Quit Claim Deed - Helping Hands Humane Society (HHHS)

APPROVAL of a Quit Claim Deed for the Helping Hands Humane Society (HHHS) property located at 2625 NW Rochester.

(Approval would authorize the City Manager to execute a quit claim deed to HHHS, which would divest the City of its reversionary interest in three acres of property located at 2625 NW Rochester Road for purposes of allowing HHHS to sell the property.)

C. Development Agreement - Friends of the Free State Capitol Inc. - Constitution Hall

APPROVAL of a Transient Guest Tax Development Agreement with Friends of the Free State Capitol, Inc., a not-for-profit corporation, in relation to the Constitution Hall project.

(Approval of the development agreement would grant transient guest tax (TGT) funding over the course of the next twelve (12) years in the total amount of \$355,000.)

D. Resolution - Management and Executive Market Comparability Study and Management and Executive Classification and Pay Plan

A RESOLUTION introduced by City Manager Jim Colson, approving management and executive compensation plans.

(Approval of the Management and Executive Classification and Pay Plan which provides a compensation structure for a salary range model based on market comparability and employee performance for management and executive employees. The financial impact of any compensation plan is addressed as part of the annual budget process.)

6. NON-ACTION ITEMS:

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

DISCUSSION of a memorial designation for the segment of SE Lime Street, lying between SE 6th and SE 7th Streets as Reverend Dr. W.L Templeton Memorial Drive. (SNC16/1) (Council District No. 2)

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

B. Discussion - Expungement Ordinance Changes

DISCUSSION of changes to expungement ordinance.

7. ANNOUNCEMENTS:

PRELIMINARY AGENDA

(The City Clerk will provide a brief summary of items on the next scheduled Council meeting agenda. Also during this time, the City Manager and Governing Body Members may offer comments regarding City business and announce upcoming events.)

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

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

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

10. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Nick Jefferson **DOCUMENT #:**
SECOND PARTY/SUBJECT: Lisa Johnson/Denial of Tort Claim **PROJECT #:**
CATEGORY/SUBCATEGORY 011 Lawsuits / 001 State Court
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DENIAL of a Tort Claim submitted by Lisa Johnson in the amount of \$10,000,000 for damages she allegedly suffered during the course of her arrest.

POLICY ISSUE:

The recommendation to deny the claim is based upon the determination that the officers acted reasonably given the circumstances, and that there is no evidence that Ms. Johnson's alleged injuries were caused by the officers.

STAFF RECOMMENDATION:

Staff recommends denial of the claim.

BACKGROUND:

Topeka Police Officers were called to Ms. Johnson's residence after she was in a physical altercation with two individuals at a liquor store. During the officers' interview with Ms. Johnson she was issued a citation for battery regarding the altercation. At this point she hit the officer's ticket book, striking the officer as well. Ms. Johnson was then arrested. She claims the officers used excessive force during the course of the arrest.

BUDGETARY IMPACT:

If the claim is approved in the full amount, it would result in a charge of \$10,000,000.

SOURCE OF FUNDING:

Special Liability Fund

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.



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September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Mayor Wolgast DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Public Building Commission PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Larry Robbins to the Topeka Public Building Commission for a term ending August 1, 2020. *(Topeka Public School Representative)*

POLICY ISSUE:

Mayor Wolgast is recommending the reappointment of Larry Robbins for a term that would end August 1, 2020. Mr. Robbins is a nominee from Topeka Public Schools.

STAFF RECOMMENDATION:

Not Applicable.

BACKGROUND:

KSA 12-1757. This is a statutory board wherein the Mayor nominates/recommends and the Council has final approval. The Topeka Public Building Commission was created pursuant to KSA 12-1757 et seq., and shall have the powers granted according to the provisions of the statute, not inconsistent with the provisions contained within the Topeka City Code. The Commission is to be comprised of members nominated from USD 501, the Kansas Secretary of Administration and the Shawnee County Commissioners, as well as four members nominated by the Mayor; only the nominees from the Mayor require city residency.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.



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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Councilmember Sandra Clear **DOCUMENT #:**
SECOND PARTY/SUBJECT: Jenny Torrence **PROJECT #:**
CATEGORY/SUBCATEGORY: 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sandra Clear, approving a special event known as the Halloween Street Fair in NOTO. (Council District No. 2)

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of the 800 and 900 blocks of N. Kansas Avenue and NE Lauren between the alleys to the east and west of N. Kansas Avenue for the event held on October 22, 2016, between the hours of 5:00 pm. and 12:00 a.m. October 23, 2016.)

POLICY ISSUE:

Approval allows the barricaded portion of 800 and 900 blocks of N. Kansas Avenue and NE Lauren between the alleys to the east and west of N. Kansas Avenue to be closed to motor vehicle traffic for a special event, allowing special event attendees to buy, possess and consume alcoholic beverages in the specific area designated by the State of Kansas Division of Alcohol Beverage Control.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The NOTO Halloween Street Fair event is scheduled for October 22, 2016, from 5:00 p.m. to 12:00 a.m. October 23, 2016.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmember Sandra Clear, approving a special
4 event known as the Halloween Street Fair in NOTO.

5
6 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,
7 KANSAS, that:

8 Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special
9 event to be held on designated public streets, alleys, and sidewalks when a temporary
10 permit has been issued by the Kansas Division of Alcohol Beverage Control (ABC) and the
11 governing body has approved the event as required by K.S.A. 41-719 and 41-2645 and
12 amendments thereto.

13 Section 2. Having considered the request of the sponsor of the Halloween Street
14 Fair in NOTO to allow the possession and consumption of alcoholic liquor, the governing
15 body hereby approves the event to be held between the hours of 5:00 p.m. on October 22,
16 2016, to 12:00 a.m. on October 23, provided the sponsor secures a temporary permit from
17 ABC and complies with all state laws and ordinances regulating alcoholic liquor.

18 Section 3. A portion or all of the following streets/alleys shall be closed to motor
19 vehicle traffic during the dates and times identified in Section 2: the 800 and 900 blocks of
20 N. Kansas Avenue and NE Lauren between the alleys to the east and west of N. Kansas
21 Avenue. Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall ensure that the area in
22 which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map
23 or other means ("Designated Barricaded Area").

24 Section 4. Event attendees may purchase, possess and consume alcoholic
25 beverages within the Designated Barricaded Area. Pursuant to K.S.A. 41-719, no alcoholic

26 liquor may be removed from Designated Barricaded Area or consumed inside vehicles
27 while on public streets or alleys at the event.

28 Section 5. This Resolution shall take effect and be in force after its approval by
29 the Governing Body.

30 ADOPTED and APPROVED by the Governing Body on _____.

31 CITY OF TOPEKA, KANSAS
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37 Larry E. Wolgast, Mayor
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37 ATTEST:

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42 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Councilmember Karen Hiller
DOCUMENT #:
SECOND PARTY/SUBJECT: Fast Forward, Greater Topeka Chamber of Commerce
PROJECT #:
CATEGORY/SUBCATEGORY: 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event known as Forge Fest. (Council District No. 1)

(Approval would allow the sale, consumption and possession of alcoholic liquor between the barricaded portions of SW Jackson Street between 8th Avenue and 10th Avenue and 8th Avenue and 9th Street between Jackson Street and Kansas Avenue for the event held on October 21, 2016, between the hours of 4:30 pm. and 11:00 p.m.)

POLICY ISSUE:

Approval allows the barricaded portion of SW Jackson Street between 8th Avenue and 10th Avenue and 8th Avenue and 9th Street between Jackson Street and Kansas Avenue to be closed to motor vehicle traffic for a special event, allowing special event attendees to buy, possess and consume alcoholic beverages in the specific area designated by the State of Kansas Division of Alcohol Beverage Control.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Forge Fest event is scheduled for October 21, 2016, from 4:30 p.m. to 11:00 p.m.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmember Karen Hiller, approving a special event
4 known as Forge Fest.
5

6 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,
7 KANSAS, that:

8 Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special
9 event to be held on designated public streets, alleys, and sidewalks when a temporary
10 permit has been issued by the Kansas Division of Alcohol Beverage Control (ABC) and the
11 governing body has approved the event as required by K.S.A. 41-719 and 41-2645 and
12 amendments thereto.

13 Section 2. Having considered the request of the sponsor of Forge Fest to allow
14 the possession and consumption of alcoholic liquor, the governing body hereby approves
15 the event to be held on October 21, 2016, between the hours of 4:30 p.m. to 11:00 p.m.
16 provided the sponsor secures a temporary permit from ABC and complies with all state
17 laws and ordinances regulating alcoholic liquor.

18 Section 3. A portion or all of the following streets/alleys shall be closed to motor
19 vehicle traffic during the dates and times identified in Section 2: SW Jackson Street
20 between 8th Avenue and 10th Avenue and 8th Avenue and 9th Street between Jackson
21 Street and Kansas Avenue. Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall
22 ensure that the area in which alcoholic liquor is possessed or consumed is clearly marked
23 by signs, a posted map or other means ("Designated Barricaded Area").

24 Section 4. Event attendees may purchase, possess and consume alcoholic
25 beverages within the Designated Barricaded Area. Pursuant to K.S.A. 41-719, no alcoholic

26 liquor may be removed from Designated Barricaded Area or consumed inside vehicles
27 while on public streets or alleys at the event.

28 Section 5. This Resolution shall take effect and be in force after its approval by
29 the Governing Body.

30 ADOPTED and APPROVED by the Governing Body on _____.

31 CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

37 ATTEST:

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Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Karen Hiller **DOCUMENT #:**
SECOND PARTY/SUBJECT: Gabriel O'Shea **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Councilmember Karen Hiller granting Fast Forward 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 City Council to grant noise exceptions. Approval would allow for an outdoor concert during the hours of 5:00 p.m. and 11:00 p.m. on October 21, 2016 on 8th to 10th Street, Kansas Ave to Jackson Street.*)

POLICY ISSUE:

Fast Forward has requested a noise exception be granted for the Forge Fest event to take place during specified date and times.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to approve the resolution.

BACKGROUND:

Fast Forward requests the noise exception due to an outdoor concert.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____
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3 A RESOLUTION introduced by Councilmember Karen Hiller granting Fast
4 Forward an exception to the provisions of City of Topeka Code
5 Section 9.45.150 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 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, Fast Forward, Inc. has requested that they be granted an
17 exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for
18 the purposes, dates and times described herein, and

19 WHEREAS, upon review of the application of Fast Forward, 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 Fast Forward is hereby granted an exception from the provisions of
24 City of Topeka Code Section 9.45.150, et seq. during the Forge Fest event
25 located in the designated area of SW 8th to 10th Street, Kansas Ave to Jackson
26 Street from 5:00 p.m. to 11:00 p.m. on October 21, 2016.

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28 ADOPTED and APPROVED by the Governing Body _____.

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Larry E. Wolgast, Mayor

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35 ATTEST:

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Brenda Younger, City Clerk

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Resolution

1 RESOLUTION NO. _____
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3 A RESOLUTION introduced by Councilmember Sandra Clear, approving a special
4 event known as the 2016 Capital City Jazz and Food Truck Festival.
5

6 BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS,
7 that:

8 Section 1. Pursuant to state law, alcoholic liquor may be consumed at a special
9 event to be held on designated public streets, alleys, and sidewalks when a temporary
10 permit has been issued by the Kansas Division of Alcohol Beverage Control (ABC) and the
11 governing body has approved the event as required by K.S.A. 41-719 and 41-2645 and
12 amendments thereto.

13 Section 2. Having considered the request of the sponsor of the Capital City Jazz
14 and Food Truck Festival to allow the possession and consumption of alcoholic liquor, the
15 governing body hereby approves the event to be held on October 8, 2016, between the
16 hours of 4:00 p.m. and 11:00 p.m. provided the sponsor secures a temporary permit from
17 ABC and complies with all state laws and ordinances regulating alcoholic liquor.

18 Section 3. A portion or all of the following streets/alleys shall be closed to motor
19 vehicle traffic during the dates and times identified in Section 2: SW 9th Street between
20 Quincy Street and Jackson Street and Kansas Avenue between 8th Avenue and 10th
21 Avenue. Pursuant to K.S.A. 41-719 and 41-2645, the sponsor shall ensure that the area in
22 which alcoholic liquor is possessed or consumed is clearly marked by signs, a posted map
23 or other means ("Designated Barricaded Area").

24 Section 4. Event attendees may purchase, possess and consume alcoholic
25 beverages within the Designated Barricaded Area. Pursuant to K.S.A. 41-719, no alcoholic

26 liquor may be removed from Designated Barricaded Area or consumed inside vehicles
27 while on public streets or alleys at the event.

28 Section 5. This Resolution shall take effect and be in force after its approval by
29 the Governing Body.

30 ADOPTED and APPROVED by the Governing Body on _____.

31 CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

37 ATTEST:

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Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Karen Hiller DOCUMENT #:
SECOND PARTY/SUBJECT: Edie Smith PROJECT #:
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown Topeka, Inc., 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 City Council to grant noise exceptions. Approval would allow for live bands and amplified music during the hours of 4:00 p.m. and 11:00 p.m. on October 8, 2016, in the 900 block of Kansas Avenue.*)

POLICY ISSUE:

DTI, Inc., has requested a noise exception be granted for the Capital City Jazz & Food Truck Festival to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to approve the resolution.

BACKGROUND:

DTI, Inc., is requesting the noise exception due to live bands and amplified music.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____
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3 A RESOLUTION introduced by Councilmember Karen Hiller granting Downtown
4 Topeka, Inc. an exception to the provisions of City of Topeka
5 Code Section 9.45.150 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 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, Downtown Topeka, Inc. has requested that they be granted
17 an exception to the provisions of City of Topeka Code Section 9.45.150, et seq.
18 for the purposes, dates and times described herein, and

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

23 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
24 Topeka that Downtown Topeka, Inc. is hereby granted an exception from the
25 provisions of City of Topeka Code Section 9.45.150, et seq. during the Capital

26 City Jazz & Food Truck Festival event located in the permitted area of 9th &
27 Kansas Avenue from 4:00 p.m. to 11:00 p.m. on October 8, 2016.

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29 ADOPTED and APPROVED by the Governing Body _____.

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Larry E. Wolgast, Mayor

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35 ATTEST:

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Brenda Younger, City Clerk

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Sylvia Ortiz **DOCUMENT #:**
SECOND PARTY/SUBJECT: Randy Wheat **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting S.U.C.C.E.S.S. an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No. 3*)

(*City of Topeka Code Section 9.45.170, et seq., authorizes the Council to grant noise exceptions. Approval would allow for live bands and amplified music and sound during the hours of 11:00 a.m. and 9:00 p.m. on September 24, 2016 and 11:00 a.m. and 6:00 p.m. on September 25, 2016, at 1800 SE 21st Street.*)

POLICY ISSUE:

S.U.C.C.E.S.S. has requested a noise exception be granted for a Fun Day in the Park event to take place during the specified dates and times.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the resolution.

BACKGROUND:

S.U.C.C.E.S.S. is requesting the noise exception due to live bands and amplified music and sound at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Resolution
Flyer

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting
4 S.U.C.C.E.S.S. an exception to the provisions of City of Topeka
5 Code Section 9.45.150, et seq. concerning noise prohibitions.
6

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

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

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

19 WHEREAS, upon review of the application of S.U.C.C.E.S.S., the Council
20 of 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 S.U.C.C.E.S.S. is hereby granted an exception from the provisions
24 of City of Topeka Code Section 9.45.150, et seq. for live bands and amplified
25 music and sound at a Family Fun Day in the Park event located at 1800 SE 21st
26 Street during the hours of 11:00 a.m. and 9:00 p.m. on September 24, 2016 and

27 11:00 a.m. and 6:00 p.m. on September 25, 2016. The event will be held in the
28 park at Hillcrest Community Center.

29

30 ADOPTED and APPROVED by the Governing Body_____.
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32 CITY OF TOPEKA, KANSAS

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Larry E. Wolgast, Mayor

37 ATTEST:

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39

40

41 _____
Brenda Younger, City Clerk

42

S.U.C.C.E.S.S.

Stressing. Unity. Challenging. Community. Embracing. Sound. Solutions

Presents

The Ric Barron



Band

FAMILY FUN DAY *In the Park*

DARK



Complexion

Hillcrest Park 1800 SE 21st

Sat, Sept 24th - Community Fun 11am-9pm
Food, Air Rides, Live Music, Games, Friends



Vendors Contact

(785) 409-5377 Or (785) 213-0836



Sun, Sept 25th - 11:00am Service with EL Shaddai Ministries

SUCCESS



Praise in the park 3PM

Shawnee County
parks+
recreation
Meet you there!

Collection of delinquent utility accounts in the amount of \$113,142.91.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance

Fact Sheet

Map

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay.

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

Section 1. That there be and is hereby instituted a real estate lien upon the following described lots and pieces of ground in Shawnee County, Kansas, pursuant to K.S.A. 12-808c:

Property ID Number	Property Owner of Record	Address	Amount
136 14 0 30 10 014 00 0	STILES, THOMAS C	3406 SE SKYLARK DR	\$382.80
136 14 0 30 06 002 00 0	NEVELS, JANET S	3501 SE WINSTON DR	\$212.91
131 11 0 30 10 014 00 0	WILLIAMS SR, THURMAN G	3600 SE 27TH TER	\$583.16
135 15 0 40 02 011 00 0	RAMIREZ, DEBRA L	3510 SE 35TH ST	\$397.93
091 02 0 40 06 008 00 0	HUBBLE, ANTONETTE T	4210 NW UNION CT	\$546.52
131 11 0 30 02 007 00 0	HILDERMAN, AARON D	2546 SE PECK RD	\$1,057.55
136 14 0 30 03 006 00 0	KENNARD, ERIC W	3314 SE MEADOWVIEW DR	\$770.03
027 36 0 40 01 052 00 0	CHINN, SARA JEAN	1644 NW 49TH CT	\$998.26
091 02 0 40 07 011 00 0	WISCHROPP, DAVID J & KATHY A	4206 NW WALNUT RD	\$401.07
091 02 0 40 05 013 00 0	MALLOY, MICHAEL J	4115 NW UNION DR	\$378.03
091 02 0 40 05 010 00 0	WATSON, DELORA K	4101 NW DONDEE LN	\$346.77
091 02 0 20 05 009 00 0	EASTWOOD, LLOYD T & SONDR A J	3816 NW 44TH TER	\$411.97
091 02 0 20 07 014 00 0	MATTHEWS, ROBERT G & SANDRA	3922 NW MORLEY ST	\$174.22
131 12 0 30 01 052 00 0	VANDEVELDE, JACKIE R	2514 SE FAIRFIELD CT	\$359.11
136 14 0 30 07 007 00 0	ROOT, MICHELLE	3530 SE WALNUT DR	\$1,273.19
028 34 0 20 02 019 05 0	SLIMMER, MATTHEW L & TRISHA R	5145 NW ARROYO DR	\$289.37
028 34 0 10 08 003 00 0	KAHRE, BRUCE A & OLGA M	5216 NW 52ND ST	\$995.92
028 34 0 20 03 009 00 0	DAPKIEWICZ, BRIAN E	4500 NW 50TH CT	\$667.16
028 34 0 20 03 012 00 0	HUTFLES, LEWIS	4519 NW 50TH CT	\$902.18
027 36 0 10 06 003 00 0	JOHNSTON, RICHARD & PATRICIA	5236 NW GREEN HILLS RD	\$748.01
027 36 0 40 02 005 00 0	MULQUEEN, JENNIFER D	2037 NW 48TH ST	\$244.07
136 14 0 30 01 007 00 4	LOY, EVAN	3310 SE BUCKEYE ST	\$355.96
135 15 0 40 02 028 00 0	OWEN, WENDY L	3447 SE 36TH ST	\$416.97
091 02 0 20 06 001 00 0	SNELL, LOREN	4543 NW GERONIMO TRL	\$381.74
028 34 0 10 08 005 00 0	FRANCIS, TRACY	5200 NW 52ND ST	\$483.14

136 14 0 30 14 001 03 0	ALLEN, LORI B	3636 SE PECK RD	\$671.80
027 36 0 10 06 008 00 0	HINTON, TAMARA L	5207 NW COURTLAND DR	\$663.38
131 11 0 10 03 011 11 0	HOYTAL JR, JOSEPH J	4333 SE 24TH PL	\$723.83
136 14 0 20 12 023 00 0	ELLER, EDWIN	3813 SE 32ND PL	\$317.90
136 14 0 20 07 016 00 0	ELBERT, ANGELA	3918 SE 31ST ST	\$1,019.90
028 34 0 20 02 014 00 0	KEE, AMY L	5033 NW PUEBLO CT	\$648.89
136 14 0 10 02 010 00 0	RAMOS JR, HUMBERTO MARIO	2907 SE ARBOR DR	\$1,184.17
135 15 0 40 01 003 00 0	VAZQUEZ, AEVA	3525 SE 35TH ST	\$221.72
136 14 0 40 01 002 00 0	HEIL, MICHAEL	4110 SE 34TH ST	\$621.27
131 11 0 30 05 005 00 0	DUNCAN, RICHARD	2512 SE CROCO RD	\$149.81
131 11 0 10 07 004 00 0	STOVALL, BONNIE	2416 SE BENNETT DR	\$603.23
136 14 0 30 05 018 01 0	EKLUND, JEANNINE	3412 SE WALNUT DR	\$913.17
131 11 0 40 07 007 00 0	ALI, JAN L	2620 SE BENNETT DR	\$585.70
131 11 0 40 13 005 00 0	ROBERTS, GLEN C	4310 SE 29TH ST	\$1,360.12
131 11 0 40 10 006 00 0	KMIEC, STANLEY J	4320 SE 28TH ST	\$603.99
131 11 0 40 10 002 00 0	CRUZ, ARMANDO	2720 SE SHAWNEE DR	\$909.56
131 11 0 40 08 006 00 0	HOOK, BILL & PAM	4320 SE 26TH TER	\$438.08
131 11 0 30 04 010 00 0	TRIMBLE, BRENDA M	2527 SE ALEXANDER DR	\$347.23
131 11 0 20 06 011 00 0	CRAWFORD, JASON C	2330 SE ALAMAR RD	\$177.74
131 12 0 30 04 008 00 0	GAY, GLENN M	4450 SE 26TH TER	\$213.04
131 11 0 10 02 010 00 0	TINDALL, SUSAN	2248 SE STINSON DR	\$383.69
131 12 0 30 01 034 00 0	RUTKOWSKI, ROBERT E	2527 SE FAXON CT	\$232.76
091 11 0 10 04 009 00 0	TURNER, ART R	3719 NW CHERRY CREEK DR	\$723.26
028 34 0 10 03 003 01 0	SANNER, DEE	4429 NW 53RD TER	\$517.64
091 11 0 10 02 003 00 0	PIPPIN, DUSTIN T	3832 NW CHERRY CREEK DR	\$280.57
136 14 0 40 07 004 00 0	WILLEY, JENNIFER	3419 SE BURTON ST	\$324.60
136 14 0 10 02 017 00 0	THARP, JEFFREY A	2913 SE STARLITE DR	\$369.16
131 11 0 40 08 009 00 0	HERNANDEZ JR, VALENTINE	4350 SE 26TH TER	\$377.34
092 03 0 10 07 003 00 0	TODA, PATRICIA L	4440 NW MISSION RD	\$417.47
027 35 0 20 04 030 00 0	TARMAN-PETERSON, STEPHANIE A	3438 NW 49TH TER	\$114.96
092 03 0 10 03 005 00 0	MIKKELSEN, MELISSA A	4520 NW WESTGATE RD	\$497.59
092 03 0 10 04 016 00 0	BILDERBACK, RANDALL D	4321 NW WESTGATE RD	\$215.78
136 14 0 30 14 001 04 0	SLAVENS, KRISTI M	3648 SE PECK RD	\$929.29
136 14 0 20 01 010 00 0	CLARK, TERRI	2912 SE SKYLARK DR	\$270.32
027 35 0 20 10 040 00 0	SALTS, TERESA A	5213 NW STERLING CHASE DR	\$405.27
091 02 0 40 05 018 00 0	MCCRACKEN, MELISSA	3914 NW CHERRY CREEK DR	\$505.59
131 11 0 10 09 031 00 0	REYNOLDS, RYAN	2252 SE MOOREFIELD CT	\$579.45
131 11 0 30 02 016 00 0	PRITCHETT, SALLY	2537 SE CONNIE DR	\$827.89
091 02 0 40 05 002 00 0	TODACK, JEFFREY	3411 NW 42ND TER	\$911.19
091 11 0 10 03 013 00 0	LONG, AMBER F	3708 NW CHERRY CREEK DR	\$698.48
027 35 0 20 07 003 00 0	WEIBEL, SCOTT	5035 NW STERLING CHASE DR	\$580.13
091 02 0 40 07 004 00 0	BAXTER, JOSHUA L & CARRIE	4122 NW WALNUT RD	\$845.84
135 15 0 40 01 017 00 0	COWNER, HARLAN K	3512 SE 36TH ST	\$262.07
136 14 0 30 09 012 00 0	CRUME, MAURA E	3431 SE SKYLARK DR	\$439.89

027 36 0 40 01 044 00 0	STUBBLEFIELD, CHRIS	4811 NW REDWOOD DR	\$743.31
027 36 0 10 02 016 00 0	ECKHOFF, JOHN & SONYA	5328 NW GREEN HILLS RD	\$663.90
091 02 0 30 05 014 00 0	HANRAHAN, SHAWNA	4014 NW KRYSTEN ST	\$504.22
028 34 0 20 01 014 00 0	WOOD, TRINA M	5130 NW ARROYO DR	\$819.72
091 02 0 40 06 002 00 0	SMITH, TROY A	3301 NW 42ND TER	\$298.93
131 12 0 30 06 013 00 0	NEWMAN, JANELLE	4550 SE 26TH TER	\$1,385.12
028 34 0 20 02 012 00 0	BURKEEN, JENNIFER	5019 NW PUEBLO CT	\$404.03
028 34 0 20 01 016 00 0	MARLOW, BRANNON	5101 NW PUEBLO CT	\$540.28
136 14 0 20 03 010 00 0	HUGHES, TAMMY	3816 SE 30TH PK	\$815.22
028 34 0 10 02 023 00 0	SHOFF, LESLIE	5249 NW BRICKYARD RD	\$574.10
136 14 0 30 14 001 01 0	HAWS, AMANDA M	3612 SE PECK RD	\$291.21
131 12 0 30 09 001 00 0	HOOK, JESSICA R	4657 SE 26TH TER	\$404.46
091 11 0 10 03 008 00 0	STADLER, ADAM R	3738 NW CHERRY CREEK DR	\$615.17
091 02 0 40 05 007 05 0	LOGUE, TIFFANY M	4145 NW UNION DR	\$293.79
091 11 0 10 09 002 00 0	HEYDENREICH, MARIA	3417 NW 39TH CT	\$847.49
028 34 0 10 06 011 00 0	CANNON, CORY L	5119 NW PUEBLO CT	\$208.53
136 14 0 20 02 001 00 0	SANCHEZ, PATRICIA A	3806 SE FAIR MEADOWS PL	\$905.65
131 12 0 30 01 014 00 0	WATKINS, MICHAEL	4713 SE 25TH ST	\$1,498.93
134 18 0 30 07 002 00 0	WHITE LAKES CENTER KDL INC	3650 SW TOPEKA BLVD (3600 SW Topeka Blvd)	\$812.20
134 18 0 30 07 002 00 0	WHITE LAKES CENTER KDL INC	3660 SW TOPEKA BLVD (3600 SW Topeka Blvd)	\$812.20
142 04 0 30 08 006 00 0	GUNNING INVESTMENTS LLC	1930 SW WANAMAKER RD	\$209.28
142 04 0 30 08 006 00 0	GUNNING INVESTMENTS LLC	2040 SW WANAMAKER RD (1930 SW Wanamaker Rd)	\$445.03
142 04 0 30 08 006 00 0	GUNNING INVESTMENTS LLC	1930 SW WANAMAKER RD	\$61.81
109 31 0 10 07 001 00 0	KDL INC	213 SW JACKSON ST	\$381.94
109 31 0 10 07 001 00 0	KDL INC	201 SW JACKSON ST (213 SW Jackson St)	\$381.94
109 31 0 10 08 002 00 0	KDL INC	202 SW JACKSON ST (200 SW Jackson St)	\$381.94
109 31 0 10 08 002 00 0	KDL INC	202 SW JACKSON ST (200 SW Jackson St)	\$381.94
109 31 0 10 07 001 00 0	KDL INC	275 SW 2ND ST (213 SW Jackson St)	\$131.74
134 18 0 30 07 002 00 0	KDL INC	3600 SW TOPEKA BLVD	\$812.20
134 18 0 30 07 002 00 0	KDL INC	3600 SW TOPEKA BLVD	\$812.20
095 15 0 30 02 004 00 0	5111 TOPEKA INVESTMENT LLC	5111 NW US 24 HWY	\$1,314.88
104 20 0 30 22 005 00 0	LINDEMUTH INC	1409 NW TOPEKA BLVD	\$566.16
134 18 0 20 04 017 00 0	LINDEMUTH INC	3230 SW TOPEKA BLVD	\$2,608.32
109 31 0 20 32 004 00 0	REDMOND, MARSEL S	704 SW TYLER ST	\$127.08
133 05 0 20 12 010 00 0	STARDUSTERS CRIME PREVENTION	1135 SE WASHINGTON ST	\$227.52
097 36 0 20 29 014 00 0	LINDEMUTH INC	943 SW MULVANE ST	\$505.44
097 36 0 20 30 004 00 0	LINDEMUTH INC	1710 SW 10TH AVE	\$663.00

133 08 0 20 20 009 00 0	LIVINGSTON, JOHNNIE L	2340 SE ADAMS ST	\$65.45
133 05 0 30 29 011 00 0	SCHROEDER, LOYD D	1000 SE 21ST ST	\$215.33
109 32 0 30 13 003 00 0	SHEDRICK, MICHAEL G	1000 SE 6TH AVE	\$296.77
133 07 0 40 17 006 00 0	DRINKWATER, MICHAEL B	2814 SE MADISON ST	\$172.44
142 10 0 10 02 007 00 0	LINDEMUTH, KENT & VIKKI	2114 SW SEABROOK AVE	\$79.80
098 33 0 10 04 001 00 0	LINDEMUTH, KENT & VIKKI	701 SW FAIRLAWN RD	\$444.98
097 36 0 40 15 017 01 4	BROXTERMAN REMODELING	1121 SW BUCHANAN ST	\$303.29
133 05 0 20 04 004 00 0	P & Q ENTERPRISES INC	603 SE 10TH AVE	\$254.52
133 07 0 40 08 009 00 0	KDL INC	240 SE 29TH ST	\$6,725.88
133 05 0 30 27 008 00 0	MENNINGER ARMY RESERVE LLC	0 SE WASHINGTN&21ST ST	\$3,560.08
108 33 0 30 33 002 01 0	FICKEL, HOMER D	608 SE SWYGART ST	\$297.36
142 04 0 30 08 006 00 0	GUNNING INVESTMENTS LLC	1930 SW WANAMAKER RD	\$4,767.37
109 31 0 10 07 001 00 0	KDL INC	213 SW JACKSON ST	\$2,937.61
109 31 0 10 07 003 00 0	KDL INC	225 SW JACKSON ST	\$640.08
109 31 0 10 08 002 00 0	KDL INC	200 SW JACKSON ST	\$1,705.92
109 31 0 30 06 012 00 0	LINDEMUTH INC	823 SW TOPEKA BLVD	\$122.53
134 18 0 30 07 002 00 0	KDL INC	3600 SW TOPEKA BLVD	\$23,381.28
		1724 SW TOPEKA BLVD	
133 06 0 30 03 002 00 0	DILLON REAL ESTATE CO INC	(1700 SW Topeka Blvd)	\$843.20
133 06 0 30 03 002 00 0	DILLON REAL ESTATE CO INC	1700 SW TOPEKA BLVD	\$379.67
105 16 0 40 05 001 00 0	RANKER, MARTIN K	2311 NE KAW VALLEY RD	\$61.56
097 26 0 30 01 003 00 0	AL & SL LLC	230 SW GAGE BLVD	\$552.50
134 18 0 30 03 006 00 0	AL & SL LLC	400 SW CROIX ST	\$396.53
105 16 0 40 06 002 00 0	DURHAM, TANNER E	2304 NE KAW VALLEY RD	\$81.07
109 30 0 40 09 007 01 0	JTJ VENTURES INC	115 N KANSAS AVE	\$129.20
133 08 0 40 14 013 01 0	CORMIER, JANICE E	2623 SE CALIFORNIA AVE	\$119.00
133 07 0 40 08 007 00 0	SHENOUDA VICTOR TRUST	200 SE 29TH ST	\$510.00
142 03 0 40 13 020 00 0	SHENOUDA VICTOR TRUST	4006 SW 21ST ST	\$153.00
134 18 0 30 05 005 00 0	SHENOUDA VICTOR TRUST	3400 SW VAN BUREN ST	\$1,048.27
141 12 0 10 03 001 00 0	HOBBS, CARLA	1103 SW 21ST ST	\$302.60
141 12 0 10 01 001 00 0	HOBBS, CARLA	801 SW 21ST ST	\$355.02
097 36 0 10 06 010 00 0	SABERS LLC	1500 SW 6TH AVE	\$257.55
134 18 0 20 04 010 00 0	SABERS LLC	3110 SW TOPEKA BLVD	\$517.79
108 33 0 40 11 015 00 0	TCM AUTOMOTIVE LLC	3044 SE 6TH AVE	\$151.58

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Section 2. That the City Clerk shall certify a copy of this Ordinance and deliver

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the same to the County Clerk of Shawnee County, Kansas, who shall place the several

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amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to

19 be collected as one tax in the same manner as other taxes and assessments are
20 collected.

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

23 PASSED AND APPROVED by the Governing Body _____.

24 CITY OF TOPEKA, KANSAS
25
26
27
28

29 _____
Larry E. Wolgast, Mayor

30 ATTEST:

31
32
33
34 _____
35 Brenda Younger, City Clerk



CITY OF TOPEKA

Utilities Division
620 SE Madison St.
Topeka, KS 66607
www.topeka.org

Doug Gerber, Deputy City Manager
Email: dgerber@topeka.org
Tel: (785) 368-3947

The City of Topeka Utilities provide utility services for water, wastewater, stormwater and fire line services to a variety of customers located both inside and outside the city limits. When customer utility bills become delinquent, our normal delinquency controls are to turn off the water service to the customer until the customer makes full payment on the delinquent amounts.

However, some customers receive fire line service, wastewater service and/or stormwater service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City.

When a customer does not have a water service to turn off, the utilities have only two options for collection of past due amounts, turn the amounts over to the City's collection agency or assess a real estate lien. The assessment of real estate liens have proven to be a much more effective means of collecting unpaid utility bills than turning them over to the City's collection agency. The utilities have traditionally only collected about 28% of the amount turned over to the collection agency compared to approximately 98% collected from real estate liens.

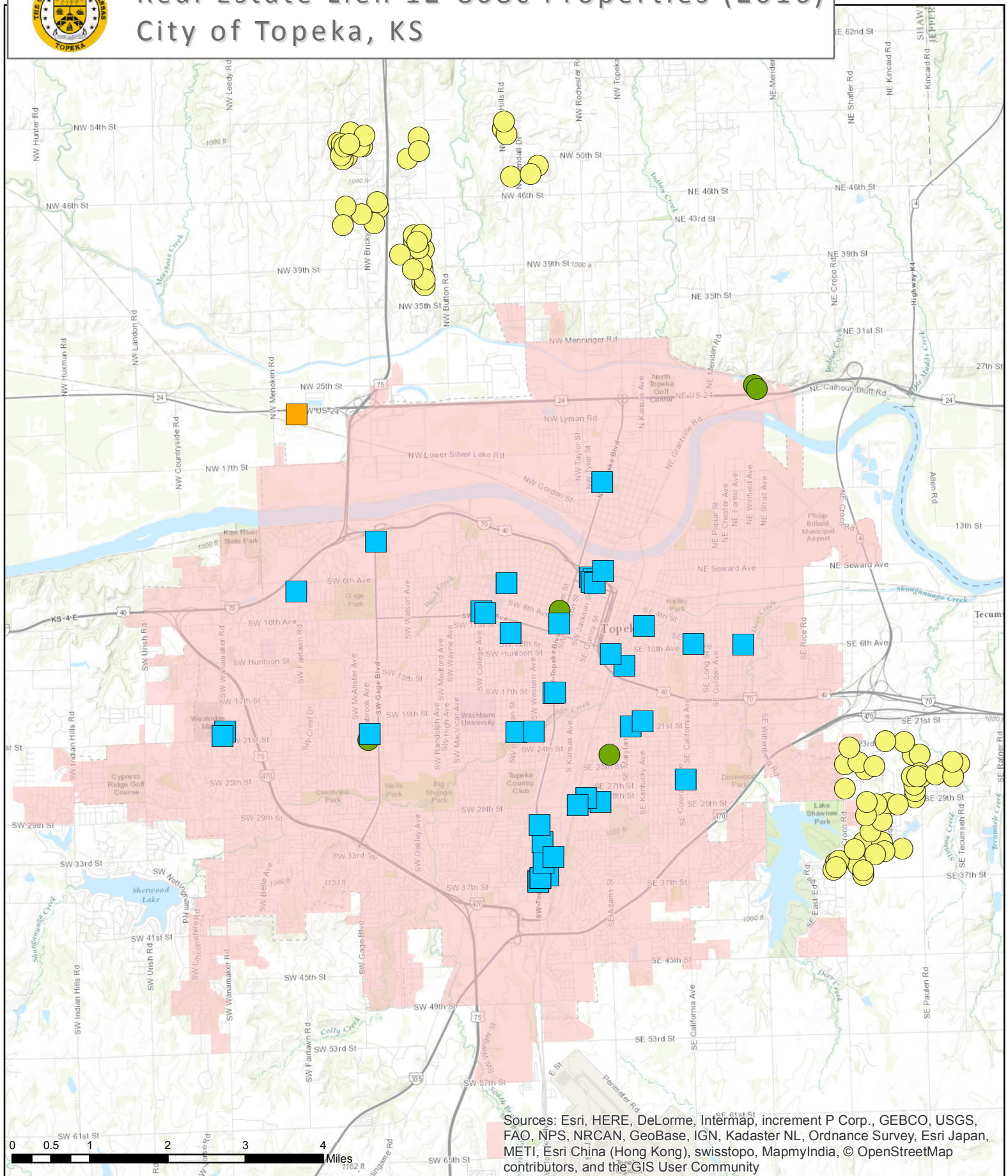
The customers identified in the Utility Bill Real Estate Lien are delinquent in payment for Fire Line, Stormwater or Wastewater services provided by the City. There are 139 customers listed in the ordinance, 51 are inside the city limits and 88 are outside the city limits. Of the 51 customers being assessed inside the city limits: 12 are fire line customers, all of which are commercial, and 39 are stormwater customers, 5 of which are residential with the remaining 34 being commercial. Of the 88 customers being assessed outside of the city limits one is a commercial fire line and all others are residential wastewater customers. All customers are at least 90 days, and up to 720 days, past due in the payment of their utility bills. 59% of the customers on the list are having a lien assessed for at least the second year in a row.

State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered.

** As is common in years past, payments continue to filter in after the agenda deadline. An updated listing/ordinance will be provided to the council on the evening of 9/13 to ensure that we account for any and all payments received after posting of the notice.



Real Estate Lien 12-808c Properties (2016) City of Topeka, KS



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Legend

- Residential Inside City
- Commercial Outside City
- City Boundary
- Residential Outside City
- Commercial Inside City

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.

City of Topeka, Kansas :: Public Works :: Technical Support Group
8/18/2016 AREynolds

between \$15,000 and \$20,000).

Just as the parties were coming to the realization that demolition might be the only feasible course of action under the circumstances, HHHS received an offer to purchase the property from an individual desirous of operating a retail tire and automotive shop at that location. The purchase involves seven acres, total: HHHS owns four acres in fee simple and the remaining three acres are subject to the City's reversionary interest as referenced more specifically above. HHHS has agreed to split the purchase proceeds accordingly by retaining only 4/7 of the total purchase price and remitting the remaining 3/7 to the City. There are several benefits to this proposal. First and foremost, the prospective buyer has stated that he plans are to remodel the dilapidated structure *at his own cost*. Therefore, the City would have no obligation to fund either demolition or remediation of the structure. In addition, the property, which is currently exempt from property taxes, would be placed back on the tax rolls and immediately begin generating property tax.

BUDGETARY IMPACT:

Revenue of \$3440, minus closing costs (Costs would be split between the City and HHHS).

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Quit Claim Deed

BE IT REMEMBERED, that on this ____ day of _____, 2016 before me, the

undersigned, a Notary Public, came Jim Colson, City Manager, who acknowledged himself to be an authorized agent of the City of Topeka, Kansas, and that he, as such agent executed the foregoing instrument for the purposes therein contained by signing the same on behalf of the City of Topeka, Kansas, and hereby acknowledges this instrument.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above mentioned

Notary Public

My Appointment Expires:_____



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Lisa Robertson **DOCUMENT #:**
SECOND PARTY/SUBJECT: Constitution Hall Project **PROJECT #:**
-TGT Development
Agreement
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

APPROVAL of a Transient Guest Tax Development Agreement with Friends of the Free State Capitol, Inc., a not-for-profit corporation, in relation to the Constitution Hall project.

(Approval of the development agreement would grant transient guest tax (TGT) funding over the course of the next twelve (12) years in the total amount of \$355,000.)

POLICY ISSUE:

This Development Agreement is required by Resolution No. 8729 and provides the outline pursuant to which the Transient Guest Tax (TGT) funds allocated to the Constitution Hall project by the TGT Committee in August 2015 (in the amount of \$355,000) will be utilized in order for the project to move forward.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the development agreement.

BACKGROUND:

On October 20, 2015, the Governing Body approved resolutions granting transient guest tax (TGT) funding to Constitution Hall, the Downtown Plaza, the Evel Knievel Museum and the Historic Jayhawk Theatre. This funding was contingent upon submission of a development agreement to the Governing Body by April 20, 2016. On April 12, 2016, Constitution Hall requested that the Governing Body grant it an extension of time (in accordance with the terms of Resolution No. 8729). The Governing Body granted an extension of 180 days, which expires October 14, 2016. This Development Agreement is being proposed within the 180-day extension period approved by the Governing Body.

BUDGETARY IMPACT:

If this Development Agreement with Friends of the Free State Capitol is approved, transient guest tax (TGT) funding in the total amount of \$355,000 would become available in 2016, and be distributed in accordance with the terms of the Development Agreement over the course of the next twelve (12) years.

SOURCE OF FUNDING:

Transient Guest Tax funds

ATTACHMENTS:

Description

Resolution Awarding TGT Funds: Friends of the Free State
Development Agreement

RESOLUTION NO. 8729

A RESOLUTION introduced by Councilmembers Elaine Schwartz, Brendan Jensen and Jeffery Coen sitting as the Transient Guest Tax Committee, allocating transient guest tax funding for a period of 12 years for Constitution Hall.

WHEREAS, transient guest taxes (TGT) may be imposed on individuals who occupy hotel and motel rooms for short durations; and

WHEREAS, the funds generated by such taxes may be used for convention and tourism activities and to promote the general welfare of the city, including the attraction of industry; and

WHEREAS, the City currently imposes a 7% TGT; and

WHEREAS, on August 20, 2002, the governing body, in Resolution No. 7253, allocated 1% of the TGT for a period of 13 years to the development of the Great Overland Station, including Riverfront Park, and the historic preservation fund; and

WHEREAS, that funding will expire on December 31, 2015; and

WHEREAS, the TGT Committee is desirous of extending the 1% for an additional 12 years to provide a funding source for certain projects that the Committee believes will enhance tourism by putting more 'heads on beds' and delivering a quantifiable return on the City's investment; and

WHEREAS, the TGT Committee developed a process to consider applications for funding which were reviewed by a review board comprised of staff and tourism industry representatives; and

WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's recommendations to allocate approximately \$4.7 million dollars over a period of 12 consecutive years to fund certain projects, including Constitution Hall.

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

Section 1. The City shall allocate \$355,000.00 over a period of 12 years to
provide funding for Constitution Hall subject to the terms and conditions contained in
this Resolution and a subsequently executed development agreement.

Such funds will be allocated annually in an amount determined by the City's chief
financial officer or designee. The commitments will begin in fiscal year 2016 and
continue until December 31, 2027 or until the maximum expenditure amount of
\$355,000.00 is met, whichever event is earlier.

Section 2. The City's funding commitment will be conditioned upon the
occurrence of the following:

(a) Enactment of a charter ordinance extending the current 1% TGT (which
expires on December 31, 2015) for an additional 12 years commencing in fiscal year
2016 and ending on December 31, 2027.

(b) Approval of a development agreement between the governing body and
the appropriate legal entity responsible for the project. Such agreement will contain
provisions addressing the use of TGT funds, including but not necessarily limited to:

(1) A project development budget identifying all funding sources and
the manner in which TGT funds will be spent.

(2) An operating plan for the project identifying various performance
metrics.

(3) A project timeline identifying established deadlines for various
milestones.

(4) A project design document.

53 (5) The anticipated economic impact of the project.

54 (6) An outline of the various responsibilities related to reporting,
55 inspections, audits, indemnification, insurance, and fund repayment in certain
56 specified circumstances.

57 The development agreement will also acknowledge that grant funding may be
58 reduced to correspond to lower than expected TGT revenues.

59 (c) The development agreement will be submitted to the governing body for
60 its consideration and approval within 180 days from the date of this Resolution; unless
61 an extension is granted by the governing body.

62 (d) If the entity contracting on behalf of Constitution Hall is a not-for-profit
63 entity, it will comply with the requirements of K.S.A. 45-240 and amendments thereto
64 regarding recordkeeping requirements for not-for-profit entities that receive public funds.

65 (e) The entity contracting on behalf of Constitution Hall shall not owe any debt
66 due to the City, including, but not limited to property taxes and special assessments and
67 shall be in good standing with the Kansas Secretary of State.

68 Section 3. All financial commitments referenced in this Resolution shall be
69 subject to the Budget and Cash Basis laws and any other applicable ordinances or
70 statutes.

71 ADOPTED and APPROVED by the Governing Body on October 20, 2015.

72 CITY OF TOPEKA, KANSAS
73
74

75
76 _____
Larry E. Wolgast, Mayor

77 ATTEST:
78
79

80 _____
81 Brenda Younger, City Clerk

CITY OF TOPEKA CONTRACT NO. _____

DEVELOPMENT AGREEMENT

1 THIS DEVELOPMENT AGREEMENT (hereinafter the "Agreement") is hereby
2 made and entered into this ____ day of _____, 2016, by and between the City
3 of Topeka, a duly organized municipal corporation (hereinafter referred to as the "City")
4 and the Friends of the Free State Capitol, Inc., a not for profit corporation (hereinafter
5 referred to as the "Grantee").

6 WHEREAS, transient guest taxes (hereinafter referred to as "TGT") may be
7 imposed on individuals who occupy hotel and motel rooms for short durations; and

8 WHEREAS, the funds generated by the TGT may be used for convention and
9 tourism activities and to promote the general welfare of the City, including the attraction
10 of industry; and

11 WHEREAS, the City currently imposes a Seven Percent (7%) TGT; and

12 WHEREAS, on August 30, 2003, the governing body of the City of Topeka
13 (hereinafter "Governing Body"), via Resolution No. 7253, allocated One Percent (1%) of
14 the TGT for a period of Thirteen (13) years for projects that enhance the rich historical
15 heritage of the City and the development of the Great Overland Station, including
16 Riverfront Park; and

17 WHEREAS, the Governing Body desires to extend this allocation of One Percent
18 (1%) for an additional Twelve (12) years to serve as a funding source for projects that
19 will enhance tourism by putting more heads on beds and delivering a quantifiable return
20 on the City's investment; and

21 WHEREAS, the City's Transient Guest Tax Committee (hereinafter "TGT
22 Committee"), consisting of Council Members Coen, Jensen and Schwartz, appointed a
23 review board for the purpose of conducting a review of the various applications
24 submitted and recommending which projects should receive TGT funds; and

25 WHEREAS, the review board, comprised of City staff and representatives from
26 the convention and tourism industry, met on several occasions and presented its
27 recommendations to the TGT Committee; and

28 WHEREAS, on August 19, 2015, the TGT Committee adopted the review board's
29 recommendation to allocate the anticipated funding – *approximately* Four Million Seven
30 Hundred Thousand Dollars (\$4,700,000.00) from January 1, 2016 through December
31 31, 2027 – for four projects; and

32 WHEREAS, the Constitution Hall was one of the projects selected by the review
33 board to receive TGT funds; and

34 WHEREAS, on October 20, 2015, the Governing Body allocated Three Hundred
35 Fifty-Five Thousand Dollars (\$355,000.00) over a period of twelve years to provide
36 funding subject to the terms and conditions contained in Resolution No. 8729 and a
37 development agreement approved by the Governing Body; and

38 WHEREAS, the parties desire to enter into this Agreement for the purpose of
39 specifying the rights and responsibilities relating to the project and the corresponding
40 disbursement of TGT funds; in accordance with the specific requirements set forth
41 herein, Resolution No. 8729 and any applicable provisions of the Topeka Municipal
42 Code.

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

1. Funding Allocation; Distribution and Use. Subject to the terms and conditions contained in this Agreement and in Resolution No. 8729, the City will allocate the total amount of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00), (hereinafter "Allocated Funds") for the project known as "Constitution Hall," an integral part in the national "Prelude to Civil War," (hereinafter "Project"). Said Project is more fully described in the supporting documentation submitted by the Grantee, (hereinafter "Project Documents"), which are attached hereto as **Exhibit A** and incorporated herein by reference. Upon approval of the annual budget by the Governing Body, the City's chief financial officer (or his/her designee) will determine the appropriate amount based upon estimated revenues.

(a) Use. The Allocated Funds will be categorized as either a Preliminary Development Component of Allocated Funds or as a Physical Component of Allocated Funds, and can only be used as more specifically set out below:

(i) Preliminary Development Component. The Grantee may utilize no more than fifteen percent (15%) of the Allocated Funds, Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00), for the Preliminary Development Component of the Project, as more specifically described in **Exhibit A**, (which is attached hereto and incorporated herein by reference). The Preliminary Development Component of the Project consists, generally, of the following:

- Ten Thousand Dollars (\$10,000.00) to cover the costs associated with ensuring that the Project is appropriately referenced through the National Park Service in the National Historic Landmark program for the purpose of significantly increasing the opportunities for the Project to qualify for, and receive, national grants that can be used to complete the building restoration; and to retain the services of a professional advisor for the purpose of making recommendations for, and assisting with, board development;
- Eighteen Thousand Two Hundred Fifty Dollars (\$18,250.00) to retain the services of a design professional for the purpose of preparing/providing various architectural plans; and
- Twenty-Five Thousand Dollars (\$25,000.00) to retain the services of an employee or independent contractor/consultant for the purpose of assisting the Grantee with obtaining grants, donations and other sources of income to complete the Project at the point in time the Grantee: (a) has increased its board membership to at least nine members; and (b) has received a set of architectural plans from its design professional (as referred to in the second bullet point above) for presentation to donors, as well as to organizations that provide grants.

It is likely that the entire amount of Allocated Funds to be used for the Preliminary Development Component of the Project (Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00)), as more

specifically described above, will be withdrawn before the Grantee is in a position to proceed with the next phase (Physical Component) of the Project.

(ii) Physical Component. The Grantee shall utilize the remaining eighty-five percent (85%) of the Allocated Funds, Three Hundred One Thousand Seven Hundred Fifty Dollars (\$301,750.00), for the bricks and mortar part of the Project; (hereinafter referred to as the “Physical Component” and more specifically described in ***Exhibit A***, which is attached hereto and incorporated herein by reference). The Physical Component of the Project for preservation of Constitution Hall must apply *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*. While these standards assist with ensuring quality heritage tourism experiences and the integrity of the National Register of Historic Places, associated costs are (in general) greater than for most new construction. The Physical Component of the Allocated Funds shall consist of the following:

- One Hundred Seventy-Five Thousand Dollars (\$175,000.00) will be used to replace the original façade with a replicate. This portion of the Physical Component of the Project will require work and materials consisting of Twentieth Century brick removal, stone masonry, seven large front-facing windows, two front doors and integration with historic fabric of the foundation, floors and roof, as well as architectural services necessary to obtain the required

permits and comply with The Secretary of the Interior's Standards for the Treatment of Historic Properties. It is anticipated that this portion of the Physical Component of the Project will come at a total cost of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00): One Hundred Seventy-Five Thousand Dollars (\$175,000.00) from the Allocated Funds and the balance of One Hundred Eighty Thousand (\$180,000.00) from grants and private fund-raising efforts.

- One Hundred Twenty-Six Thousand Seven Hundred Fifty Dollars (\$126,750.00) will be used to construct the improvements needed in order to comply with the Americans with Disabilities Act (ADA), as well as related tourism amenities. This portion of the Physical Component of the Project will require the construction of an elevator and stairway permitting visitors access to the second floor meeting hall, as well as the basement (storehouse for the Lane Freedom Trail Underground Railroad). These two spaces are prime tourist attractions once ADA access and fire and safety considerations are met. It is anticipated that this portion of the Physical Component of the Project will come to a total cost of Two Hundred Forty Thousand Dollars (\$240,000.00): One Hundred Twenty-Six Thousand Seven Hundred Fifty Dollars (\$126,750.00) from the Allocated Funds and the balance of One Hundred Thirteen Thousand Two Hundred Fifty Dollars (\$113,250.00) from grants

and private fund-raising efforts.

The Grantee shall use the Physical Component of the Allocated Funds only for the Project. Any changes to the scope of the Project pertaining to the use of the Physical Component of the Allocated Funds, (including work and materials related to any yet uncertain work on the first floor of the building to make it street-level-ready for use and occupancy by visitors during regular, established hours of operation), shall be approved by the City Manager, or his/her designee.

(iii) Reporting. In order to ensure that any Allocated Funds distributed are used only for the Project, and as specified in this Agreement, the Grantee shall provide quarterly progress reports to the Director of Finance and Administrative Services in a form acceptable to the City, identifying the manner in which the Allocated Funds (both the Preliminary Development Component, as well as the Physical Component) are being expended toward completion of the Project. Said reports must be submitted quarterly (prior to each quarterly distribution), until either the Project has been completed or the Allocated Funds have been depleted, whichever occurs first. The City reserves the right to audit financial documents relative to the Project at any time during this Agreement and to request reimbursement for expenditures determined to be improper, unauthorized or unsubstantiated. The City shall have sole authority in this regard and shall base its decision upon reports submitted or, in the alternative, the absence of documents to substantiate

expenditures.

(b) Distribution. The Allocated Funds will be distributed over a twelve (12) year period, beginning in fiscal year 2016 and continuing through fiscal year 2027, or until the maximum expenditure amount of Three Hundred Fifty-Five Thousand Dollars (\$355,000.00) has been met; whichever is earlier. The Allocated Funds will be distributed quarterly based upon the *approximate* percentage of allocation approved by the TGT Committee; around Seven and One-Half Percent (7½%): the Preliminary Development Component will be distributed beginning in April 2016, and the Physical Component will be distributed upon the “Grantee’s Qualification for Funding.”

(i) Distribution of the Preliminary Development Component of the Allocated Funds will be made quarterly (if/as funds are available) upon Grantee’s submittal of its quarterly progress report, more specifically referenced in section 1(a)(iii) above; up to a maximum distribution of Fifty-Three Thousand Two Hundred Fifty Dollars (\$53,250.00).

(ii) Initial distribution of the Physical Component of the Allocated Funds will be *wholly contingent* upon documentation confirming that a sufficient portion of the Grantee’s private funding, as more specifically referenced in the Project Budget, (see **Exhibit A**, Project Documents), has been/will be received; that the Grantee has provided a Project Design and Construction Timeline in accordance with Section 2 below; and that the Grantee has provided an acceptable Operating Plan in accordance with Section 3 below. *The Director of Finance and Administrative Services*

181 *shall have sole discretion in determining whether or not said*
182 *documentation is acceptable.*

183 When the City has determined that the Grantee is entitled to begin
184 receiving the Allocated Funds needed to fund the Physical Component of
185 the Project, it shall notify the Grantee in writing and the same shall be
186 considered “Grantee’s Qualification for Funding;” provided, however, that
187 the City will be entitled to issue a separate “Qualification for Funding”
188 document for each phase of the Physical Component of the Project: the
189 façade replacement phase and the ADA/tourism amenities phase.

190 **2. Project Design and Construction; Timeline.** Continuing distribution of
191 the Physical Component of the Allocated Funds will be *wholly contingent* upon the
192 Grantee’s *ongoing compliance* with the Project Budget, as well as the construction
193 phases established in the Project design and construction documents, including
194 documentation demonstrating that the Project is on schedule and/or proceeding in a
195 timely manner considering all of the facts and circumstances involved (see ***Exhibit A***,
196 Project Documents). The Grantee will provide design and construction documents for
197 the Project to the Director of Finance and Administrative Services *prior to* the Grantee’s
198 Qualification for Funding as described in Section 1(b)(ii) above.

199 **3. Project Operating Plan; Economic Benefits, Impact.** Continuing
200 distribution of the Physical Component of the Allocated Funds will be *wholly contingent*
201 upon the Grantee’s submission of, and subsequent compliance with, an operating plan
202 for the Project, identifying the Project’s tourism support strategy, budget and the
203 anticipated economic impact of the Project, as well as documentation demonstrating

that the Project is being operated in a manner geared toward generating an economic benefit to the community considering all of the facts and circumstances involved (see **Exhibit A**, Project Documents). The Grantee will provide the operating plan to the City Manager, or his/her designee, *prior to* the Grantee's Qualification for Funding as described in Section 1(b)(ii) above.

4. Independent Auditor's Report. Upon request by the Governing Body, the Grantee shall provide to the City an independent auditor's report covering the period of this Agreement. The cost of such an audit shall be borne by the Project.

5. Inspection and Audit of Grantee's Records. The City, through its authorized agents, shall be entitled to inspect and review the books and records of the Grantee related to the Project for compliance with the terms of this Agreement. The Grantee shall cooperate fully with all such inspection and audit requests.

6. Project Completion. The Grantee shall complete the Project within no later than twelve years following the date of execution of this Agreement. Any request for an extension of time shall be submitted to the City Manager, who shall submit the request to the TGT Committee. The TGT Committee, after providing the Grantee with the opportunity to be heard, will make a recommendation to the Governing Body as to whether or not to grant or deny the request for extension with or without conditions; although requests shall not be denied unless for good cause.

7. Termination; Repayment of Allocated Funds.

(a) Subject to any extension granted pursuant to Section 6 above, this Agreement shall terminate upon the earliest of: the Grantee's completion of the Project and submission of all reports required by the City; or effective January 1,

2028; or if the Grantee fails to comply with any terms contained in Resolution 8729, or any of the terms of this Agreement.

(b) The City may require the Grantee to repay all or any portion of the Allocated Funds if any of the following occurs: (i) Expenditures are determined to be improper, unauthorized or unsubstantiated; (ii) the Grantee fails to allow inspection and audit of Project records in accordance with the terms of this Agreement; (iii) the Project is not completed within time period provided in this Agreement and no extensions of time are granted; (iv) the Grantee fails to provide City staff with access for purposes of inspecting the work being done on the Project that is the subject of this Agreement; (v) the Grantee fails to comply with applicable building codes, including the securing of any permits required by ordinance; and/or (vi) the Grantee fails to comply with the terms of this Agreement.

8. Open to Public; City Participation Noted. Upon completion of the Project funded pursuant to this Agreement, the Grantee shall ensure that the Project is open to the public on a regularly scheduled basis. This requirement shall survive the termination of the Agreement. Any reports, brochures, advertisements, news releases shall recognize the participation of the City in providing funding.

9. Compliance with State and Local Laws. The Grantee shall comply with all applicable City ordinances and state laws and shall secure all appropriate permits. The Grantee shall allow access to City staff to inspect the work that is the subject of this Agreement.

249 **10. Indemnification.** The City and its officers, agents and employees, shall
250 have no responsibility or liability of any failure or inadequacy of performance or
251 defective workmanship or materials in regard to the Project. The Grantee agrees to
252 fully and completely indemnify, release, defend and hold the City, its officers, agents
253 and employees, harmless from all claims, losses, liabilities, damages, suits, actions or
254 proceedings, including attorney fees, by any person, including Grantee, its agents and
255 employees, arising from personal injury, death or real or personal property damage,
256 from any cause whatsoever, in whole or in part, arising out of this Agreement or the
257 activities completed hereunder. The Grantee agrees to indemnify, hold the City
258 harmless and defend City from any and all claims, causes of action and damages of
259 every kind arising from the operations and activities of the Grantee, its officers, agents
260 and employees, carried out in furtherance of this Agreement. This indemnification and
261 hold harmless shall not include the sole negligence or willful misconduct of the City, its
262 officers, agents and employees.

263 **11. Insurance.**

264 (a) The Grantee shall carry commercial general liability in the amount
265 of one million dollars (\$1,000,000.00) commencing no later than the date on
266 which the Grantee begins any work to be completed as part of the Physical
267 Component of the Project, (as more specifically set forth in Section 2 above).
268 The insurance company/broker providing said insurance policy must have an
269 A.M. BEST rating of A or better; and “claims made” policies will not be
270 acceptable. The cost of said insurance policy shall be an expense of the
271 Grantee and the City shall be named as an additional insured. The Grantee

must ensure that all insurance certificates specify the name and address of the issuing insurance company/broker and are filed with the Contracts and Procurement Division.

(b) The Grantee shall also furnish, at its own expense, evidence of a satisfactory workers' compensation insurance policy covering all of the Grantee's employees to the statutory limit commencing no later than the date on which the Grantee begins any work to be completed as part of the Physical Component of the Project, (as more specifically set forth in Section 2 above). If the Grantee is not required to maintain workers' compensation insurance, the Grantee shall sign an agreement indemnifying the City from any and all liability which may arise as a result of the Grantee's failure to secure workers' compensation coverage.

(c) Should any insurance policy be cancelled, the Grantee shall ensure that the City receives written notice within thirty (30) days prior to the effective date of such cancellation. A certificate of liability insurance demonstrating compliance with this section shall be provided prior to execution of this Agreement by the City.

12. Debts to City; Secretary of State Certification. The Grantee shall not owe any debt due to the City, including, but not limited to, property taxes and special assessments. The Grantee shall be in good standing with the Kansas Secretary of State and shall submit a certificate from the Secretary of State as evidence of this status.

13. No Joint Venture; Independent Grantee. Nothing herein contained shall be construed or held to make the City a partner, a member of a joint venture or

associate of the Grantee in the conduct of the Project, nor shall either party be deemed the agent of the other. It is expressly understood and agreed that the relationship between the parties hereto is, and shall at all times remain, contractual as provided by the terms and conditions of this Agreement.

14. Discrimination. The Grantee shall not unlawfully discriminate against any employee, applicant for employment, recipient of service or applicant to receive services because of race, color, religion, sex, age, disability or national origin. The Grantee shall take affirmative action to ensure that applicants for employment, employees, applicants for service and recipients of service are treated equally and fairly without regard to their race, color, religion, sex, age, disability or national origin, as provided for by law. The Grantee shall, in all solicitations or advertisements for employees, or of services, placed by or on behalf of Grantee, state that all applicants shall receive consideration for employment or services without regard to race, color, religion, sex, age, disability or national origin, as provided for by law.

15. ADA Compliance. The Grantee shall comply with Title II of the Americans with Disabilities Act (ADA) and the implementing regulations of 28 C.F.R. Part 35 as to all of its facilities and programs. If at any time during the term of this Agreement, the City determines that the Grantee is not in compliance, the City shall issue a notice of non-compliance and the Grantee shall have ninety (90) days to cure the non-compliance. If the Grantee remains in non-compliance after the cure period, the City may terminate this Agreement and require reimbursement of all Allocated Funds.

317 **16. Assignment; Transfer.** The Grantee shall not assign any interest in this
318 Agreement and shall not transfer any interest in the same, whether by assignment or
319 novation; provided, however, that claims for money due or that become due to the
320 Grantee under this Agreement may be assigned to a bank, trust company or other
321 financial institution upon written consent of the City thereto.

322 **17. Entire Agreement.** This Agreement constitutes the entire agreement of
323 the parties, supersedes any and all prior agreements between the parties and neither
324 party shall rely upon any verbal representations, either express or implied, not
325 specifically stated herein. This Agreement shall not be amended or modified except by
326 written agreement of both parties.

327 **18. Availability of Funds.** The parties to this Agreement understand that
328 Allocated Funds are subject to the Budget and Cash Basis laws and that the amount of
329 Allocated Funds may be reduced to correspond to lower-than-expected Transient Guest
330 Tax revenues and require annual appropriation.

331 **19. Good Standing.** The Grantee is a 501(c)(3) nonprofit entity. The
332 Grantee represents that it is and will remain in good standing with the Kansas Secretary
333 of State and that it has all requisite power and authority to enter into and perform this
334 Agreement.

335 **20. Representations and Authority.** By signing this Agreement, The
336 members, officers, managers, agents and representatives of the Grantee who have
337 executed and delivered this Agreement and who may execute and deliver any other
338 documents, instruments and agreements or perform any acts or deeds in connection
339 with the transactions contemplated by this Agreement, represent that they have been

340 and will remain duly authorized and empowered to do so on behalf of the Grantee, and
341 the Grantee will be bound thereby. This Agreement will not be considered accepted,
342 approved or otherwise effective until the legally required signatures and approvals have
343 been given.

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

CITY OF TOPEKA, KANSAS

Jim Colson, City Manager

ATTEST:

Brenda Younger, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE _____ BY _____

FRIENDS OF THE FREE STATE CAPITOL,
INC.

(Name and Title)

Exhibit A

I. Topeka's First Permanent Building, a Landmark of the American West

The construction of Constitution Hall was begun by Topeka pioneers in March 1855, and completed under the direction of town association president Cyrus K. Holliday, for the purpose of hosting the Topeka Free State Constitutional Convention that fall. The next summer, on July 4, 1856, the Kansas Territorial Free State Legislature was dispersed by federal forces. Because of these climactic events – part of the nation's "Prelude to the Civil War" – the building is a landmark of the American West and was listed on the National Register of Historic Places in 2008. The building is among ten percent (10%) of National Register properties having received this distinction due to its National importance.

II. Project Summary/ Development Plan

The goal of the Project is to restore Constitution Hall, the Old Kansas Capitol, as an attractive, informative and important tourist destination, while at the same time developing a means for Project sustainability. The historic site can best meet these goals when organized as four distinct areas:

- Street Level
- Great Hall on the Second Floor
- Basement
- Rotary Park and surrounding Green Space

A very promising option is to legally separate the building's Street Level for placement on the tax rolls as income producing, such as for a restaurant or other public retail use. These places could have interpretive signage to celebrate the building's role in Topeka's history and development, have regular operating hours for public viewing, and provide regular income to meet historic site needs such as maintenance.

The Great Hall on the second floor—the "Constitution Hall"—when restored will be a distinguished community meeting and banquet hall. Historical exhibits and historic period artifacts will animate the space. Some space rental income would be produced. Most of the time when not specifically reserved, the hall will be open for tour groups. This great space cannot be fully utilized until accessibility requirements are met. However, visitors this fall will have year round access, via the new staircase on the south side, to view the second floor through a new secure window.

The Basement was the storehouse for the Lane Trail to Freedom's Underground Railroad operation. It is also where Jayhawkers stored Free State survival goods stolen from area proslavery towns in the days of Bleeding Kansas. With its dirt floors and low ceilings it captures the visitor's imagination, evoking what it was like to live and work in Topeka before the Civil War. It is a most popular part of current tours of the building. This will continue to be featured touring space for visitors.

The Topeka Rotary's pocket park "Topeka's Intersection to Freedom" was completed in 2016 with an excellent interpretive exhibit about two of Topeka's most nationally important heritage tourism locations, Constitution Hall and the Brown v. Board National Historic site. This pocket park, open year-round, is a tourist destination in its own right. Additional green space adjoining the park will be used to enhance visitor experiences. Local organizations such as Topeka Rotary will be encouraged to help develop the additional park area with amenities such as sunshade and a performance stage, picnic tables and landscaping as well as public art.

The annualized funds granted by the City will be used to complete two major improvements through the mechanism of matching funds. A major priority is construction in replication of the historic period façade so that the building will again appear as it was widely portrayed in 1856. This is essential to encourage people to visit the site, for building interpretation and ultimate restoration, as well as for sustainable historic site development. In tandem with the façade phase or as soon as matching funds are available, the City funds will also be used to build an elevator and stairway tower essential for full community access to the second floor and basement.

To complete both of the above two phases of construction, the applicant organization has requested up to 15% of the funds for critical architectural plans while it expands the membership and capacity of its board of directors. The applicant will then hire a part-time fund raiser employee or contractor to help gain matching funds to complete the Project. Should these "soft costs" be reduced along the way, resulting funds will be used to complete the historic site's physical improvements. If additional multiples for this match are obtained, in either grants or donations, the organization would be in a position to come back to the Governing Body, if appropriate, to request an amendment to undertake additional improvements to the site.

III. Allocated (Transient Guest Tax) Funds

The Allocated Funds are to be distributed in two parts: (1) the Preliminary Development Component; and (2) the Physical Component.

A. Preliminary Development Component Budget: \$53,250

Phase 1 -- ARCHITECTURAL PLANS	\$17,750
---------------------------------------	-----------------

This phase includes retaining a design professional to prepare schematic and design development documents.

Phase 2 -- EXECUTIVE/DEVELOPMENT DIRECTOR FEES	\$25,500
---	-----------------

Upon completion of architectural plans for replication of the building's original façade, which plans will demonstrate visible progress to public and private donors, the second phase will include retaining a project Development Director to conduct a capital campaign with the goal of raising \$120,000 in private funds. These private funds will be

applied as a nearly fifty percent (50%) match of the Allocated Funds – the amount needed to install ADA accessibility components and install a wide variety of tourism amenities.

**Phase 3 -- NEW PRIVATE AND PUBLIC FUNDING QUALIFICATION
\$10,000**

Also valuable to fundraising is listing the building in the National Park Service, National Historic Landmark program. This will enhance the opportunities for significant grant funding nationwide. Any funds realized as a result would be used to develop the project beyond the scope of the subject Agreement. The National Historic Landmark (NHL) Program seriously considers applications for buildings that possess their original appearance.

B. Physical Component Budget: \$595,000

Phase 1 -- FAÇADE CONSTRUCTION \$355,000

Façade replication will be funded using \$175,000 in Allocated Funds and approximately \$180,000 in state and federal grant funds and/or donations.

Construction Budget

Architectural and Engineering Services, Phase 2	\$20,000
Building Permit Application and Admin.	4,000
Demolition and other site preparation	26,000
Structural integration	40,000
Stone masonry	160,000
Windows, doors and carpentry	45,000
General conditions	<u>60,000</u>
Subtotal	\$355,000

Phase 2 -- TOURISM AMENITIES & RELATED ADA ACCESS: \$246,750

A secondary stairway, elevator and west entrance to the historic second floor meeting hall is desirable using private funds in the amount of \$126,750 in Allocated Funds and approximately \$120,000 in privately donated funds.

Construction Budget

Architectural and Engineering Services	\$18,000
Building Permit Application and Admin.	2,500
Construction	192,750
General conditions	<u>33,500</u>
Subtotal	\$246,750

IV. Design and Construction Timeline; Operating Plan

Once finalized, a Design and Construction Timeline and Operating Plan will be added to this Exhibit A *prior* to the Grantee's Qualification for Funding, which is required prior to Grantee being able to receive any portion of the funding associated with the Physical Component of the Project. [See Section 1(b)(ii) above.] However, preliminary information is provided below:

During the restoration Project, Constitution Hall will continue to be open for tours by appointment and during special events. An objective in expanding the board of directors is to conduct regular tours by trained volunteers during the higher traffic tourist season. Ultimately, on completion of construction, open hours will increase to accommodate additional tourism in partnership with local agencies and regional and national partners.

Tour groups today view an interpretive exhibit inside on the street level. This explains historical importance and gives a feel for the era of use by the Free State Legislature and shortly after, the Kansas state legislature. Visitors are intrigued by the basement, which with dirt floors and other original conditions offers visitors an authentic feel for its use as a storehouse on the Lane Trail's Underground Railroad. This year, for the first time in more than 130 years, visitors can view the Great Hall on the second floor where the early legislatures, churches, town government and civic and social groups met. This space had long been divided by half-demolished partitions; it now takes little imagination to see and know that important historic events of the nation, state and city occurred here.

Constitution Hall is a leading participant in the "From Brown to Brown" Topeka heritage tour project, including a brochure published in partnership by the Topeka Freedoms Frontier Heritage Alliance and Brown v. Board of Education National Historic Site. It has also developed active and beneficial tourism partnerships with the Brown v. Board National Historic site, Freedom's Frontier National Heritage Area; Topeka's Freedoms Frontier Heritage Alliance, the National Underground Railroad Network to Freedom; Visit Topeka; Downtown Topeka, Inc. and Topeka's Downtown Rotary Club.

While in transition from a physical stabilization project, the adjacent supporting pocket park, created with private donations by Topeka Rotarians and others, is open year-round for tourists. The park contains an excellent exhibit about Constitution Hall and the Brown v. Board court case, as well as Topeka's founding and progress as the capital city. This will be a valuable springboard to encourage visitors to see other Topeka heritage sites.

By this fall, 2016, the second floor of the building may be viewed year-round from the outside through a window at the top of the new stairs on the south side of the building. The downstairs and basement will continue to be open by appointment. Takeaway project brochures, and brochures encouraging tourism at the Brown v. Board historical site and other Topeka historic sites, will be placed in weatherproof containers in the park area. The National Park Service sponsored "wayside" historic site marker was installed this summer (2016.)

513 In planning now is the potential for food truck events on a regular weekly basis for dining in the park
514 area (during which time the building could be toured). Board members also understand that student
515 groups look for picnic sites when they tour Topeka sites. Efforts are underway to add picnic benches
516 in the park that will encourage and accommodate more tour groups in 2017 and beyond.

517 Constitution Hall was the central point of gathering for Rotary's new annual Freedom Festival held
518 this July (2016). The goal of Festival promoters is to increase its attendance by encouraging visitors
519 to come to Topeka and celebrate the area's wealth of heritage tourism sites. Also in planning are
520 significant additional attractions for future festivals.

521 As construction phases conclude and the organization grows as a non-profit corporation, so will
522 opportunities for tourism of the historic site increase. Constitution Hall is already an attraction in the
523 eyes of Visit Topeka Inc. and the Freedoms' Frontier National Heritage Area. It is a goal to
524 coordinate with the Kansas Statehouse tour office and other area historic sites for connected
525 operations.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Jacque Russell, Human Resources Director **DOCUMENT #:**
SECOND PARTY/SUBJECT: Management and Executive Compensation Plan **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Jim Colson, approving management and executive compensation plans.

(Approval of the Management and Executive Classification and Pay Plan which provides a compensation structure for a salary range model based on market comparability and employee performance for management and executive employees. The financial impact of any compensation plan is addressed as part of the annual budget process.)

POLICY ISSUE:

Pursuant to TMC 2.25.030, the City Council shall review and approve the city's compensation plan. Adjustments to the compensation plan is a duty of the Human Resources Director pursuant to Personnel Code, Article IV.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

A recent wages comparability study of management and executive employee compensation was recently conducted and concluded. The results and recommended plan have been reviewed and are supported by City staff.

BUDGETARY IMPACT:

Financial Impact of compensation plan is addressed as part of the annual budget process.

SOURCE OF FUNDING:

Varies

ATTACHMENTS:

Description

Resolution

Management and Executive Classification and Pay Plan

Appendix A

1 RESOLUTION NO. _____
2
3

4 A RESOLUTION introduced by City Manager Jim Colson, approving management and
5 executive compensation plans.
6

7 WHEREAS, for the past twenty years, the City of Topeka has utilized a pay matrix
8 structure for its management employees, with the matrix containing forty (40) grades and
9 twenty-one (21) steps in each grade.

10 WHEREAS, TMC 2.25.030 provides that the city's compensation plan shall be
11 reviewed and approved by the city council; and

12 WHEREAS, because City Administration also has the authority to revise and
13 update pay plans pursuant to the Personnel Code Article IV, the respective duties of the
14 Governing Body and City Administration are clarified in this Resolution.

15 NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE
16 CITY OF TOPEKA, KANSAS, that:

17 Section 1. Pursuant to recommendations contained within a recent wage
18 comparability study of management and executive employees: (a) employee performance
19 should be an important consideration when adjusting compensation of management and
20 executive employees; and (b) the pay structure for management and executive employees
21 should be changed to a salary range model.

22 Section 2. The City adopts and approves the attached Management and
23 Executive Classification and Pay Plan which provides a compensation structure for a
24 salary range model based on market comparability and employee performance for
25 management and executive employees. The financial impact of any compensation plan is
26 addressed as part of the annual budget process.

Section 3. In accordance with the Personnel Code, Article IV, Section 1.A. and Section 2.B, maintenance of the Management and Executive Classification and Pay Plan within authorized budget authority, such as adjustments for market comparability, creation of new classifications and development of Administrative Rules and Regulations related to salary administration and performance adjustments within the Plan, are duties of the Human Resources Director, under the authority of the City Manager.

ADOPTED and APPROVED by City Council _____.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk



THE CITY OF TOPEKA MANAGEMENT AND EXECUTIVE CLASSIFICATION AND PAY PLAN

I. INTRODUCTION

- A. The Director of Human Resources and the City Manager will administer pay in such a manner as to attract, motivate and retain the most highly qualified personnel available.
- B. The Director of Human Resources with the City Manager's guidance and approval shall evaluate positions in a consistent manner and place them in an appropriate pay structure that is competitive within the City's industry, local community and region.
- C. The City will compensate each employee on the basis of his or her performance and contribution to the accomplishment of the City's performance goals, strategies and objectives and provide incentives toward individual growth through a performance recognition program.
- D. The Director of Human Resources and the City Manager reserve the right to modify, revoke, suspend, terminate or change positions and salary levels in accordance with the City's Personnel Code. However, any changes to the overall Classification and Pay Plan (Plan) shall be approved by the governing body. The language used in the Plan is not intended to create, nor is it to be construed to constitute a contract between the City of Topeka and any one or all of its employees.

II. SALARY PAY PLAN OBJECTIVE

This Plan outlines the basic components to assist management in administering salaries. If an exceptional situation occurs, please notify the Director of Human Resources before proceeding. A course of action will be recommended that will ensure the City's salary actions are consistently fair and equitable.

III. PLAN COMMUNICATION

Plan communication regarding the salary structure as it impacts an employee's current position is important for motivation. Employees will generally receive information about their position upon hire and when evaluated. Information at these times will include:

- Beginning rate of pay.
- Dates of performance and salary evaluations.
- Increases are based on performance and are not automatic.
- Employee's current rate of pay.
- Effective date of any salary change and the new rate of pay.
- Minimum, midpoint and maximum of the employee's pay range.
- Date of the next performance evaluation, which is normally twelve (12) months after the last evaluation.

IV. COMPENSATION

PAY STRUCTURE

The pay structure is reviewed periodically to ensure that it remains competitive with local, regional and industry market pay. Increases to the pay ranges do not result in a general "across the board" individual employee pay increase. Employee pay increases will be based on individual performance.

SALARY LEVEL

The salary level is a numerical level assigned to each job that has been formally described and evaluated. This level reflects the job's evaluation and the dollar value currently being paid in the competitive labor market for positions in that level. See APPENDIX A.

SALARY RANGE

- A. Each salary level is assigned a dollar range that includes a minimum, midpoint, and maximum.
 - I. **Minimum:** The salary range minimum represents the lowest salary an employee should be paid when assigned the duties of a position in a particular level. This does not necessarily suggest that the minimum is the exclusive hiring rate, but new employees should generally not be paid less than the minimum. An employee's hiring rate should be determined by his or her qualifications and how they meet the required knowledge, skills, abilities, and experience as described in the job description.

2. **Midpoint:** The salary range midpoint is considered to be the current market rate for the job. Employees who are fully qualified and experienced in all aspects of their job should normally be paid at or near the salary range midpoint. Due to the annual increases in the salary range, however, an employee may be in a job classification for several years before reaching the midpoint of the salary range.
3. **Maximum:** The highest salary that can be paid for positions in a pay level is the salary range maximum. The salary range maximum is determined by establishing a reasonable percentage spread between the minimum and maximum rates. The additional portion of the range above the midpoint provides adequate opportunity for individual salary growth and ample opportunity for salary differentiation based upon performance.

V. PERFORMANCE RECOGNITION / PERFORMANCE EVALUATIONS

- A. The salary ranges provided herein are intended to recognize individual differences among positions allocated to the same salary classification, the purpose of which is to provide employee incentives and reward employees for meritorious service and continued improvement within a particular position.
- B. All increases in salary within any range shall be made only on the basis of fully satisfactory performance and continued improvement.
- C. Increases in salary within any range shall be neither automatic nor a matter of right and shall be affected only upon the recommendation and approval of the Director of Human Resources and the City Manager after completion of a thorough employee performance evaluation.
- D. An employee shall be eligible for a salary increase at his or her next performance evaluation in accordance with Administrative Rule and Regulation- Performance Recognition and Evaluation.



THE CITY OF TOPEKA

MANAGEMENT AND EXECUTIVE CLASSIFICATION AND PAY PLAN

APPENDIX A

Management and Executive Structure

Job Title and Salary Grade Level	Salary Range		
	Min	Mid	Max
Level 15	\$150,720	\$188,400	\$226,080
City Manager			
Level 14	\$108,400	\$135,500	\$162,600
Deputy City Manager			
Police Chief			
Level 13	\$101,260	\$126,580	\$151,900
City Attorney			
Deputy Chief of Police			
Director of Development Coordination (Economic Development)			
Director of Finance			
Director of Public Works			
Fire Chief			
Utilities Director			
Level 12	\$87,750	\$109,690	\$131,630
Administrative Hearing Officer			
Administrative Municipal Court Judge			
City Engineer			
Deputy City Attorney			
Deputy Director of Public Works			
Deputy Fire Chief			
Director of Neighborhood Relations			
Director of Human Resources			
Director of Information Technology			
Major, Police			
Planning Director			

Level 11	\$76,040	\$95,050	\$114,060
Budget & Performance Manager			
Captain, Police			
Chief of Litigation			
Chief of Prosecution			
Deputy Director, Neighborhoods Relations			
Deputy Director, Information Technology			
Division Chief			
Fire Marshall			
Municipal Court Judge			
Shift Commander, Fire			
Superintendent of Transportation			
Water General Manager			
WPC General Manager			
Zoo Director			
Level 10	\$68,880	\$86,100	\$103,320
Assistant City Engineer			
Battalion Fire Chief (24 hour)			
Chief Accounting Officer			
City Network Engineer			
Director of Business Services			
Director Water Services			
Director, Street Maintenance & Traffic Operations			
Division Director Community Engagement			
Division Director Housing Services			
Division Director Property Code & Development Services			
Engineer III			
Human Resources Specialist IV			
Lieutenant, Police			
Manager, Human Resources			
Manager, Information Technology			
Manager, Tech/Support Groups			
Manager, Water Treatment Plant			
Public Information Officer			
Purchasing Director			
Senior Attorney			
Water System General Manager			

Level 9	\$62,620	\$78,270	\$93,920
Architect V			
Assistant Budget Manager			
Assistant Director Water Services			
Assistant Superintendent SMTD			
Assistant to the City Manager			
Director of Customer Service			
Director of Water Meter Services			
Director of Water Plant Operations			
Management Analyst III			
Manager, Construction Inspection			
Manager, Facilities			
Manager, Fleet Services			
Manager, Laboratory Operations			
Manager, Pavement Improvements			
Manager, Street Operations			
Manager, Survey, Design & Records			
Manager, Water Customer Service			
Manager, Water Utility Infrastructure			
Manager, WPC Operations			
Network Engineer III			
Planner III			
Senior Management Analyst			
Zoo Veterinarian			
Level 8	\$56,920	\$71,150	\$85,380
Associate Attorney			
Chief Executive Aide			
Engineer II			
Facilities Supervisor			
Human Resources Specialist III			
Infrastructure Support Manager			
Manager Property Code Services			
Manager, Community Education			
Manager, Field Services			
Manager, Fire Logistics			
Manager, Neighborhood Relations			
Manager, Quality Assurance			
Manager, Special Projects			
Manager, Wellness			
Media Relations Director			
Production Specialist III			
Program Administrator			

Public Relations Specialist III			
Rehabilitation Specialist III			
System Developer III			
Technical Support Analyst II			
Traffic Operations Administrator			
Zoo Operations Manager			
Level 7	\$51,740	\$64,680	\$77,620
Accountant III			
Application Developer			
Architect IV			
City Clerk			
City Council Office Manager			
Compliance Inspector II			
Deputy Municipal Court Clerk			
Electronics Technician III			
Grants Administrator			
HRIS Analyst			
Management Analyst II			
Manager, Forestry			
Municipal Court Admin. & Court Clerk			
Paralegal III			
Paralegal IV			
Probation Officer II			
Technical Support Analyst I			
Technical Trainer I			
Level 6	\$47,040	\$58,800	\$70,560
Accountant II			
Architect III			
Assistant Attorney			
Clerical Supervisors III			
Education Specialist II			
Engineer I			
Environmental Engineering Tech III			
Human Resources Specialist II			
Manager Support			
Production Specialist II			
Production Supervisor			
Public Relations Specialist			
Rehabilitation Specialist II			
Senior Program Administrator			
Senior Program Coordinator			
Senior Project Manager			

Supervisor III			
Surveyor III			
Technical Support Analyst III			
Training Specialist II			
Level 5	\$42,760	\$53,450	\$64,140
Accountant II			
Clerical Supervisors II			
Crime Analysis Unit Coordinator			
Electrical & Instrument Mechanic III			
Engineering Technician III			
Grant Coordinator			
Legal Specialist III			
Management Analyst			
Project Coordinator			
Project Manager, WPC			
Senior Animal Control Officer			
Senior Executive Assistant			
Senior Paralegal			
Supervisor II			
User System Consultant III			
Level 4	\$38,870	\$48,590	\$58,310
Accountant I			
Accounting Specialist III			
Administrative Officer			
Architect II			
Business Services Manager			
Compliance Inspector I			
Crime Analyst			
Electronics Technician II			
Engineering Technician II			
Environmental Engineering Tech I			
Executive Assistant II			
HR Analyst I			
Human Resources Specialist I			
Legal Specialist II			
Paralegal I			
Production Specialist			
Program Coordinator			
Surveyor II			
Training Specialist I			
Wellness Coordinator			

Level 3	\$36,800	\$44,170	\$51,530
Accounting Specialist II			
Business Support Analyst			
Electronics Technician I			
Executive Assistant I			
Legal Specialist			
Public Relations Specialist I			
Surveyor I			
Zoo Keeper III			
Zoo Registrar			
Level 2	\$33,460	\$40,150	\$46,840
Environmental Engineering Tech I			
Human Resources Assistant II			
Office Specialist			
Supervisor I			
Level 1	\$30,420	\$36,500	\$42,580
Executive Assistant I			
Human Resources Assistant I			



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 13, 2016

DATE: September 13, 2016
CONTACT PERSON: Bill Fiander **DOCUMENT #:** SNC16/1
SECOND PARTY/SUBJECT: Mt Carmel Missionary Baptist Church (610 SE Lime St.) **PROJECT #:** N/A
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 010 Street Name Change
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of a memorial designation for the segment of SE Lime Street, lying between SE 6th and SE 7th Streets as Reverend Dr. W.L Templeton Memorial Drive. (SNC16/1) (Council District No. 2)

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

POLICY ISSUE:

TMC12.05.110(c) establishes guidelines and a public participation process pertaining to street name changes and memorial street dedications. This proposal is for a memorial street dedication. The proposed memorial sign satisfies the guidelines.

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

STAFF RECOMMENDATION:

Staff examined costs and effects related to the approval of the memorial street dedication request. In conjunction with reviewing departments, the Planning Department recommends APPROVAL.

BACKGROUND:

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

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

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

BUDGETARY IMPACT:

The applicant is responsible for the cost to install signs at the two intersections (\$230 per sign).

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

Ordinance

Staff Report

Aerial Map - location of signs

Graphic of sign

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

East Topeka NIA support letter

Procedures for changing street names or designating memorial streets

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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

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

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

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

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

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

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

PASSED AND APPROVED by the Governing Body of the City of Topeka, _____, 2016.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

STAFF REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prepared by:

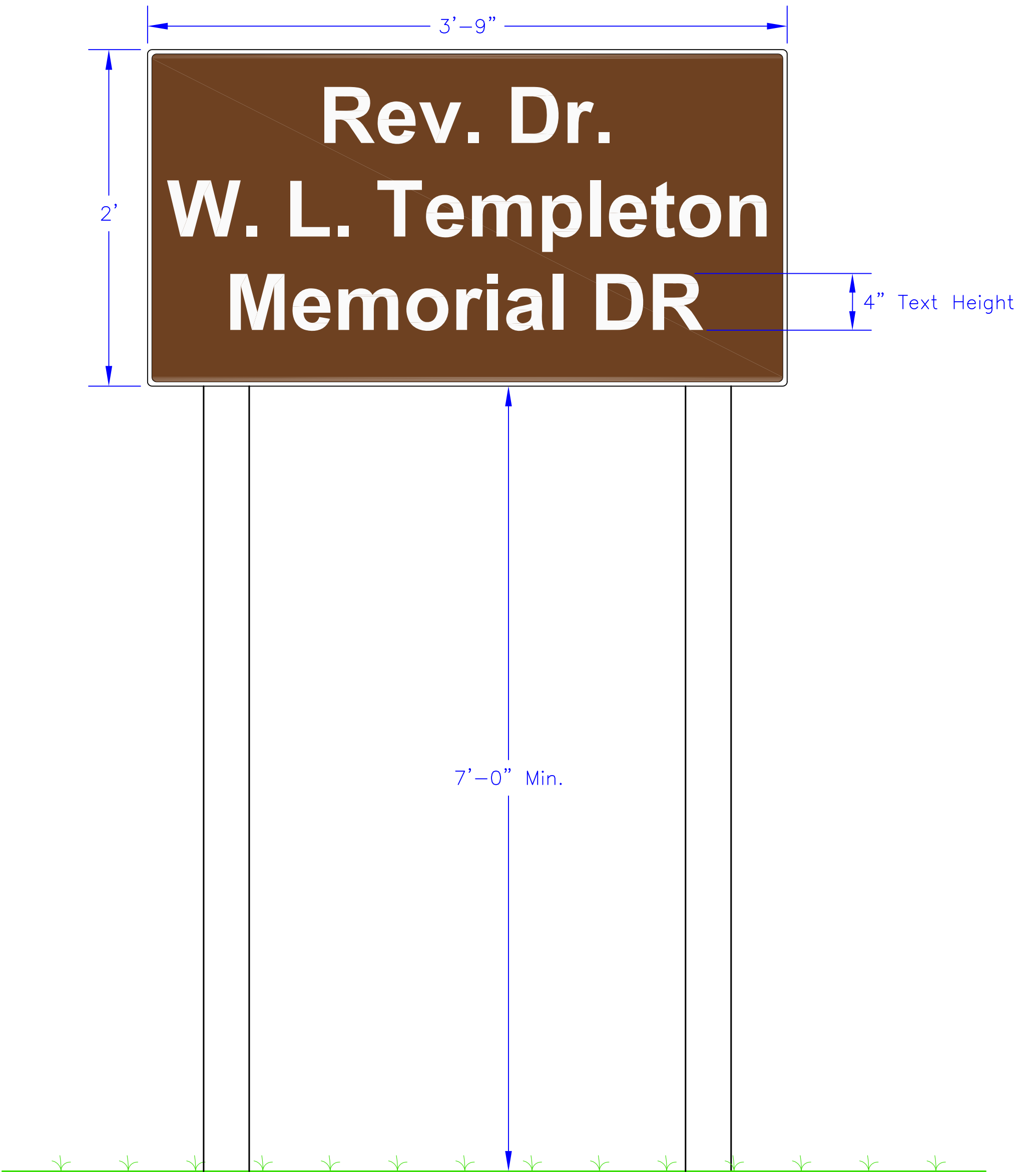
Annie Driver, AICP

Planner II

Attachments:

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







APPLICATION FORM

Street Name Change or Memorial Dedication

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

PLANNING OFFICE USE ONLY

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

Applicant Information

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

Requested Action

Check one: ☐ Street Name Change ☒ Memorial Designation

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

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

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

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

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

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

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

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

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



Mt. Carmel Missionary Baptist Church

City of Topeka

Memorial Street Designation

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

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

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

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

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

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

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

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

Linda Kinney

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

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

Thursday, June 16, 2016

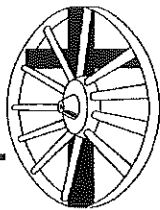
To whom it may concern,

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

Sincerely,

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

Mount Carmel Missionary Baptist Church



The church where
EVERYBODY is
SOMEBODY



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

610 S.E. Lime Street
Topeka, KS 66607

June 15, 2016

Dear Neighborhood Patrons:

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

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

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

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

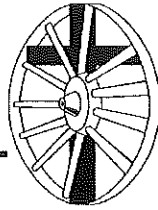
<u>Donald Kinney</u>	<u>632 SE Lime St</u>	<u>[Signature]</u> <u>6/15/16</u>
Name	Address	Signature & Date

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

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

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

Mount Carmel Missionary Baptist Church



The church where
EVERYBODY is
SOMEBODY



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

610 S.E. Lime Street
Topeka, KS 66607

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

Charles Johnson 613 00 SE 9th
Name Address Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

Name

Address

Signature & Date

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

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

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

Linda L. Kinney, Trustee

Deacon Henry Austin, Deacon Board Chairman

C: Church File

Annie Driver, City of Topeka Planning Department

Mt. Zion Baptist Church

CHAIRMAN OF DEACONS

James E. Douglas
Telephone: 371-1443

CHURCH CLERK

James D. McConnell, Sr.

TRUSTEES

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

417 Richmond Avenue

Kansas City, KS 66101

Office Phone: 913-342-0485

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

REVEREND C.L. BACHUS, *Pastor*

Home Phone: 913-281-2296

DEACONS

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

June 28, 2016

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

To Whom It May Concern:

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

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

Yours for progress,


Pastor C.L. Bachus

Kaw Valley District Missionary Baptist Association

Dr. E. Bernard Hurd, Jr., Moderator

433 S.W. Harrison

Topeka, Kansas 66603

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

ebernard.hurd@gmail.com



Auxiliary to the Missionary Baptist State Convention of Kansas

June 20, 2016

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

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

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

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

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

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

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

Department Heads

Deacon Clarence Logan
Laymen Department

Rev. Robert Milan Jr.
Ministers' Council

Dr. Grader Felder
**Congress of Christian
Education**

Mrs. Carol Hegwood
Missionary Department

Mrs. Shirley Sanders-Hall
Ushers Department

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

RE: Templeton Street Memorial

Ms. Driver:

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

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

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

Sincerely,

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

First Baptist Church of Quindaro

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



June 24, 2016

Associate Ministers

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

Church Secretary

V. Diane Moore

Financial Secretary

Rob Cole

Treasurer

Beverly Robinson

Clerk

Lyonda Harrison

Deacons Chairman

Artis Jones

Deaconess Chairman

Dora Boykin

Trustee Chairman

Dwight DePriest

Ms. Annie Driver, AICP

Planner II

City of Topeka, Planning Department

620 SE Madison Street

Topeka, KS 66607

RE: Templeton Street Memorial

Ms. Driver:

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

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

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

Sincerely,

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



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



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

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



June 29, 2016

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

RE: Rev. Dr. Templeton Memorial Signs

Dear Ms. Driver,

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

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

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

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

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

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

Many thanks for your consideration of this.

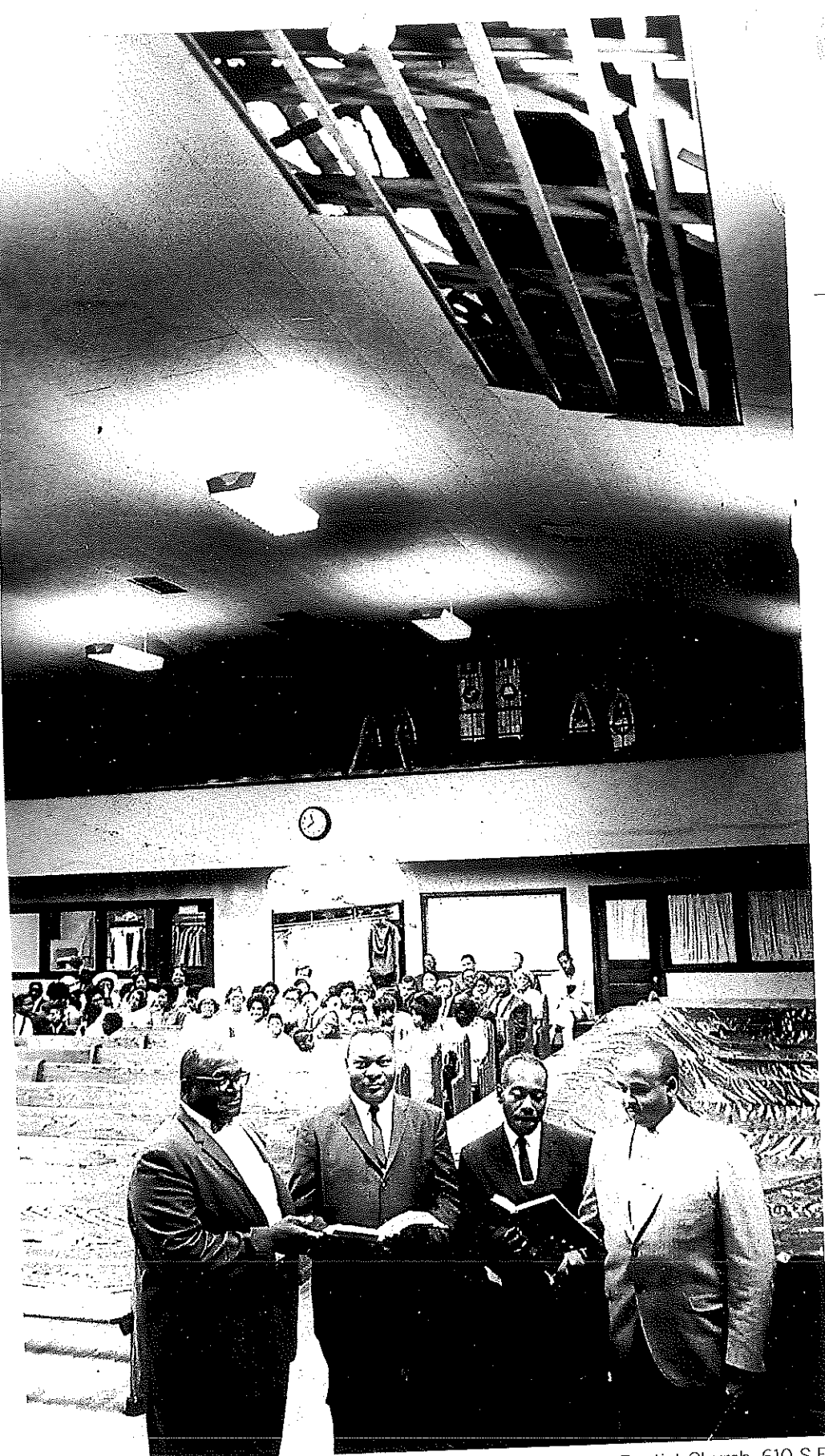
Sincerely Yours,

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

Tobias Schlingensiepen,
Senior Minister
First Congregational Church

www.EmbraceTheQuestions.com

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



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

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

Church provides shelter

By Samantha Foster
The Capital-Journal

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

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

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

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

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

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

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

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



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

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

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

She was immediately confronted by the storm.

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

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

Kizer was stiff and sore but otherwise unharmed.

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

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

Serving the needy

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

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

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

— *The Topeka Daily Capital*

To whom it may concern:

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

Best Regards,

Ta'nia Gibbs -President

Elizabeth West -Treasurer

Phil Owens -Sergeant of arms



CITY OF TOPEKA

Street Name Change Process

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

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

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

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

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

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

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

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

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

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

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

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

12.05.110 Procedure for changing street names or designating memorial streets.

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

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

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

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

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

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

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

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Jim Colson, concerning expungement of certain convictions in municipal court, amending City of Topeka Code § 2.110.660 and repealing original section.

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

Section 1. That section 2.110.660, Expungement of certain convictions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Expungement of certain convictions.

(a) ~~Expungement.~~ General Rule; Three Years.

~~(1)~~ Except as provided in subsections (b), (c), (d), (e), (f) and (g) of this section, any person who has been convicted of a violation of an ordinance of the city of Topeka or has satisfied the terms of a diversion agreement may petition the municipal court for the expungement of such conviction, diversion and related arrest records if the following conditions are met:

(1) All assessed costs, fees and fines have been paid in full, and

(2) Three or more years have elapsed since the person later of any of the following events:

(i) Completion of diversion;

(ii) Satisfied the Pronouncement of sentence imposed; or

(iii) Was discharged from probation, parole or a suspended sentence incarceration.

~~(2) Except as provided in subsections (b), (c), (d), (e), (f) and (g) of this section, any person who has fulfilled the terms of a diversion agreement based~~

28 ~~on a violation of an ordinance may petition the court for the expungement of such~~
29 ~~diversion agreement and related arrest records if three or more years have~~
30 ~~elapsed since the terms of the diversion agreement were fulfilled.~~

31 (b) Exception; Knives; No Waiting Period. Any person convicted of a violation
32 of any ordinance that is prohibited by K.S.A. 12-16,134(a) or (b) and amendments
33 thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion
34 agreement in lieu of further criminal proceedings for such violation, may petition the
35 court for the expungement of such conviction or diversion agreement and related arrest
36 records.

37 (c) Exception; Selling Sexual Relations; One Year Waiting Period. Any person
38 convicted of the violation of an ordinance which would also constitute a violation of
39 K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 21-6419, and amendments
40 thereto, or who entered into a diversion agreement in lieu of further criminal
41 proceedings for such violation, may petition the municipal court for the expungement of
42 such conviction or diversion agreement and related arrest records if the following
43 conditions are met:

44 (1) All assessed costs, fees and fines have been paid in full; and

45 (2) One or more years have elapsed since the person satisfied the
46 sentence imposed or the terms of a diversion agreement or was discharged from
47 probation, parole, conditional release or a suspended sentence; and later of any
48 of the following events:

49 (i) Completion of diversion;

50 (ii) Pronouncement of sentence; or

51 (iii) Discharge from probation, parole or incarceration; and

52 (23) Such person can prove they were acting under coercion caused by
53 the act of another. For purposes of this section, “coercion” means: threats of
54 harm or physical restraint against any person; a scheme, plan or pattern intended
55 to cause a person to believe that failure to perform an act would result in bodily
56 harm or physical restraint against any person; or the abuse or threatened abuse
57 of the legal process.

58 (d) Exception; Motor Vehicle Related; Five Years. No person may petition for
59 expungement of a conviction or a diversion agreement and related arrest records for
60 any of the ordinance violations that would also constitute the crimes identified in
61 subsection (d)(3) until the conditions in subsection (d)(1) and (d)(2) have been met:

62 (1) All assessed costs, fees and fines have been paid in full; and

63 (2) ~~Five or more years have elapsed since the person satisfied the~~
64 ~~sentence imposed or the terms of a diversion agreement or was discharged from~~
65 ~~probation, parole, conditional release or a suspended sentence, if such person~~
66 ~~was convicted of the violation of a city ordinance which would also constitute~~ later
67 of any of the following events:

68 (i) Completion of diversion;

69 (ii) Pronouncement of sentence; or

70 (iii) Discharge from probation, parole or incarceration.

71 (3) Crimes.

72 (4i) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
73 repeal, or K.S.A. 21-5406, and amendments thereto;

74 (2ii) Driving while the privilege to operate a motor vehicle on the
75 public highways of this state has been canceled, suspended or revoked,
76 as prohibited by K.S.A. 8-262, and amendments thereto;

77 (3iii) Perjury resulting from a violation of K.S.A. 8-261a, and
78 amendments thereto;

79 (4iv) A violation of the provisions of the fifth clause of K.S.A. 8-
80 142, and amendments thereto, relating to fraudulent applications;

81 (5v) Any crime punishable as a felony wherein a motor vehicle
82 was used in the perpetration of such crime;

83 (6vi) Failing to stop at the scene of an accident and perform the
84 duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604,
85 and amendments thereto;

86 (7vii) A violation of the provisions of K.S.A. 40-3104, and
87 amendments thereto, relating to motor vehicle liability insurance coverage;
88 or

89 (8viii) A violation of K.S.A. 21-3405b, prior to its repeal.

90 (e) Exception; Driving Under the Influence, First Violation; Five Years. No
91 person may petition for expungement of a conviction or a diversion agreement and
92 related arrest records for a first violation of an ordinance which would also constitute a
93 first violation of K.S.A. 8-1567 or 8-1025 and amendments thereto until the following
94 conditions have been met:

95 (1) All assessed costs, fees and fines have been paid in full; and

(2) ~~Five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a first violation of an ordinance which would also constitute a first violation of K.S.A. 8-1567 or 8-1025, and amendments thereto~~ later of any of the following events:

(i) Completion of diversion;

(ii) Pronouncement of sentence; or

(iii) Discharge from probation, parole or incarceration.

(f) Exception; Driving Under the Influence, Second and Subsequent Violations; Ten Years. ~~No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a second or subsequent violation of an ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or 8-1025, and amendments thereto~~ of a conviction or diversion agreement and related arrest records for a second or subsequent violation of an ordinance which would also constitute a second or subsequent violation of K.S.A. 8-1567 or 8-1025 and amendments thereto until the following conditions are met:

(1) All assessed costs, fees and fines have been paid in full; and

(2) Ten (10) or more years have elapsed since the later of any of the following events:

(i) Completion of diversion;

119 (ii) Pronouncement of sentence; or

120 (iii) Discharge from probation, parole or incarceration.

121 (g) Exception; Driving Under the Influence; Commercial Vehicles. There shall
122 be no expungement of convictions or diversion for a violation of an ordinance which
123 would also constitute a violation of K.S.A. 8-2144 and amendments thereto.

124 (h) Petition. When a petition for expungement is filed, the court shall set a
125 date for a hearing thereon and shall give notice thereof to the prosecuting attorney. The
126 petition shall state: (1) the defendant's full name; (2) the full name of the defendant at
127 the time of arrest, conviction or diversion, if different than the defendant's current name;
128 (3) the defendant's sex, race, and date of birth; (4) the crime for which the defendant
129 was arrested, convicted, or diverted; (5) the date of the defendant's arrest, conviction, or
130 diversion; and (6) an acknowledgement that all assessed costs, fees and fines
131 associated with the conviction or diversion agreement sought to be expunged have
132 been paid; and (7) the identity of the convicting court, arresting law enforcement agency
133 or diverting authority. The municipal court may prescribe a fee to be charged as costs
134 for a person petitioning for an order of expungement pursuant to this section. Any
135 person who may have relevant information about the petitioner may testify at the
136 hearing. The court may inquire into the background of the petitioner and shall have
137 access to any reports or records relating to the petitioner that are on file with the
138 secretary of corrections or the prisoner review board.

139 (i) Hearing. At the hearing on the petition, the court shall order the
140 petitioner's arrest record, conviction, or diversion expunged if the court finds that:

141 (1) The petitioner has not been convicted of a felony in the past two
142 years and no proceeding involving any such crime is presently pending or being
143 instituted against the petitioner;

144 (2) The circumstances and behavior of the petitioner warrant the
145 expungement; and

146 (3) The expungement is consistent with the public welfare; and

147 (4) All assessed costs, fees and fines associated with the conviction or
148 diversion agreement sought to be expunged have been paid.

149 (j) Expungement Order; Notification; Effect of Order; Nondisclosure
150 Exceptions. When the court has ordered an arrest record, conviction or diversion
151 expunged, the order of expungement shall state the information required to be
152 contained in the petition. The clerk of the court shall send a certified copy of the order of
153 expungement to the Kansas Bureau of Investigation which shall notify the Federal
154 Bureau of Investigation, the secretary of corrections and any other criminal justice
155 agency which may have a record of the arrest, conviction, or diversion. If the case was
156 appealed from municipal court, the clerk of the district court shall send a certified copy
157 of the order of expungement to the municipal court. The municipal court shall order the
158 case expunged once the certified copy of the order of expungement is received. After
159 the order of expungement is entered, the petitioner shall be treated as not having been
160 arrested, convicted or diverted of the crime, except that:

161 (1) Upon conviction for any subsequent crime, the conviction that was
162 expunged may be considered as a prior conviction in determining the sentence to
163 be imposed;

164 (2) The petitioner shall disclose that the arrest, conviction, or diversion
165 occurred if asked about previous arrests, convictions, or diversions:

166 (i) In any application for licensure as a private detective, private
167 detective agency, certification as a firearms trainer pursuant to K.S.A. 75-
168 7b21, and amendments thereto, or employment as a detective with a
169 private detective agency, as defined by K.S.A. 75-7b01, and amendments
170 thereto; as security personnel with a private patrol operator, as defined by
171 K.S.A. 75-7b01, and amendments thereto; or with an institution, as
172 defined in K.S.A. 76-12a01, and amendments thereto, of the Department
173 for Aging and Disability Services;

174 (ii) In any application for admission, or for an order of
175 reinstatement, to the practice of law in this state;

176 (iii) To aid in determining the petitioner's qualifications for
177 employment with the Kansas Lottery or for work in sensitive areas within
178 the Kansas Lottery as deemed appropriate by the executive director of the
179 Kansas Lottery;

180 (iv) To aid in determining the petitioner's qualifications for
181 Executive Director of the Kansas Racing and Gaming Commission, for
182 employment with the Commission or for work in sensitive areas in
183 parimutuel racing as deemed appropriate by the Executive Director of the
184 Commission, or to aid in determining qualifications for licensure or renewal
185 of licensure by the Commission;

186 (v) To aid in determining the petitioner's qualifications for the
187 following under the Kansas Expanded Lottery Act:

188 (A) Lottery gaming facility manager or prospective manager,
189 racetrack gaming facility manager or prospective manager, licensee
190 or certificate holder; or

191 (B) An officer, director, employee, owner, agent or contractor
192 thereof;

193 (vi) Upon application for a commercial driver's license under
194 K.S.A. 8-2125 through 8-2142, and amendments thereto;

195 (vii) To aid in determining the petitioner's qualifications to be an
196 employee of the state Gaming Agency;

197 (viii) To aid in determining the petitioner's qualifications to be an
198 employee of a tribal gaming commission or to hold a license issued
199 pursuant to a tribal-state gaming compact;

200 (ix) In any application for registration as a broker-dealer, agent,
201 investment adviser or investment adviser representative, all as defined in
202 K.S.A. 17-12a102 and amendments thereto;

203 (x) In any application for employment as a law enforcement
204 officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments
205 thereto; or

206 (xi) For applications to aid in determining the petitioner's
207 qualifications for a license to carry a concealed weapon pursuant to the

Personal and Family Protection Act, K.S.A. 75-7c01 et seq. and amendments thereto; or

(xii) For applications received on and after July 1, 2016, to aid in determining the petitioner's qualifications for a license issued by the Kansas Attorney General to act as a bail enforcement agent.

(3) The court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) The conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(k) Notification of Expungement Opportunity. Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(l) Employment/License Application. Subject to the disclosures required pursuant to subsection (j) of this section, in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction, or diversion of an offense has been expunged may state that such person has never been arrested, convicted, or diverted of such offense.

(m) Disclosure of records related to expungement. Whenever the record of any arrest, conviction, or diversion has been expunged, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) A private detective agency or a private patrol operator, as defined by K.S.A. 75-7b01, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) A court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) The secretary of the Department for Aging and Disability Services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Department for Aging and Disability Services of any person whose record has been expunged;

(5) A person entitled to such information pursuant to the terms of the expungement order;

(6) A prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) The supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of

attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) The Kansas Lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas Lottery or for work in sensitive areas within the Kansas Lottery as deemed appropriate by the executive director of the Kansas Lottery;

(9) The governor or the Kansas Racing and Gaming Commission, or a designee of the Commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for Executive Director of the Commission, for employment with the Commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the Executive Director of the Commission or for licensure, renewal of licensure or continued licensure by the Commission;

(10) The Kansas Racing and Gaming Commission, or a designee of the Commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas Expanded Lottery Act:

(i) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and

(ii) Their officers, directors, employees, owners, agents and contractors;

(11) The state Gaming Agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (i) to be an employee of the state Gaming Agency; or (ii) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) The Kansas Securities Commissioner, or a designee of the Commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) The Attorney General, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the Personal and Family Protection Act or a license to act as a bail enforcement agent;

(14) The Kansas Sentencing Commission;

(15) The Kansas Commission on Peace Officers' Standards and Training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility for employment as a law enforcement officer; or

298 (16) A law enforcement agency and the request is accompanied by a
299 statement that the request is being made to aid in determining eligibility for
300 employment as a law enforcement officer.

301 Section 2. That original § 2.110.660 of The Code of the City of Topeka,
302 Kansas, is hereby specifically repealed.

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

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

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

310 PASSED AND APPROVED by the City Council on _____.

311 CITY OF TOPEKA, KANSAS
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317 _____
318 Larry E. Wolgast, Mayor

318 ATTEST:

319
320
321
322 _____
323 Brenda Younger, City Clerk