



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

Governing Body Agenda

October 2, 2018
6:00 PM

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Brendan Jensen	District No. 6
Sandra Clear	District No. 2	Aaron Mays	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Coen	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body 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 Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of five (5) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

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 <https://www.topeka.org>)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"Fire Prevention Week"

2. PRESENTATIONS:

"Recognition of the Topeka Boys & Girls Club - Project Puerto Rico"

"Recognition of Becky Drager, Topeka Coin Artist"

3. ROLL CALL:

4. APPOINTMENTS:

A. Board Appointment - Board of Plumbing Examiners

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 18, 2020. *(Council District No. 7)*

B. Board Appointment - Topeka Board of Zoning Appeals

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 1, 2021. *(Council District No. 1)*

C. Board Appointment - Topeka Board of Zoning Appeals

BOARD APPOINTMENT recommending the appointment of Barbara Boudreaux to the Topeka Board of Zoning Appeals to fill an unexpired term ending October 3, 2021. *(Council District No. 9)*

D. Board Appointment - Topeka Metropolitan Transit Authority

BOARD APPOINTMENT recommending the appointment of Alan Bearman to the Topeka Metropolitan Transit Authority for an unexpired term ending September 18, 2021. *(Extra Territorial Jurisdiction (ETJ))*

5. CONSENT AGENDA:

A. Resolution - Iron Rail Brewing - Noise Exception

A RESOLUTION introduced by Councilmember Karen Hiller, granting Iron Rail Brewing an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions. *(Council District No. 1)*

(Approval would allow for amplified music and sound during the hours of 11:00 a.m. and 6:00 p.m. on November 17, 2018 located at 705 S. Kansas Avenue.)

B. MINUTES of the regular meeting of September 18, 2018

C. APPLICATIONS:

6. ACTION ITEMS:

A. Ordinance - Initiating Condemnation Action in District Court

ORDINANCE introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for NE Seward Avenue for the Norwood Street Water Line Improvement Project No. T-281104.00.

Voting Requirement: Majority vote of the Governing Body (6)

(Approval would authorize the City Attorney to initiate condemnation proceedings in the district court.)

B. Ordinance - 2017 National Electrical Code (NEC)

ORDINANCE introduced by City Manager Brent Trout, adopting the 2017 National Electrical Code, amending City of Topeka Code Section 14.30.010 and repealing in its entirety Section 14.30.060.

Voting Requirement: Majority vote of the Governing Body (6).

(Electrical Appeals Board and City Staff recommend replacing the 2011 NEC with the 2017 version.)

C. Ordinance - International Property Maintenance Code; Notice and Procedure

AN ORDINANCE introduced by City Manager Brent Trout, concerning International Property Maintenance Code local amendments regarding notice and procedural matters, amending City of Topeka Code Sections 8.60.070, 8.60.080 and 8.60.110 and repealing original sections.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would amend the IPMC with regard to notice and process.)

D. Ordinance - International Property Maintenance Code; Unsafe Structures

AN ORDINANCE introduced by City Manager Brent Trout, amending Topeka Municipal Code Section 8.60.100; adding a new section numbered Topeka Municipal Code Section 8.60.085; and creating a new Chapter 8.75 of the Topeka Municipal Code concerning Unsafe Structures.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would amend the IPMC and create a separate ordinance for unsafe structures.)

7. NON-ACTION ITEMS:

A. Discussion - 2019 Special Alcohol Grant Recommendations

DISCUSSION of funding recommendations by Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund.

(The recommended amount is based on the projected Liquor Tax collected by the State and required to be allocated to alcohol and drug programs.)

8. ANNOUNCEMENTS:

9. PUBLIC COMMENT:

10. EXECUTIVE SESSION:

11. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE:	October 2, 2018	
CONTACT PERSON:	Vicki Buening	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Fire Prevention Week"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Fire Prevention Week

PROCLAMATION

By the Mayor

WHEREAS, fire is a serious public safety concern both locally and nationally, and while our homes are the locations where people are at greatest risk from fire, these fire emergencies can happen anywhere; and

WHEREAS, Fires in the City of Topeka have killed 9 people in the last 5 years and the Topeka Fire Department has responded to nearly 1,000 structure fires in the last 5 years; and

WHEREAS, The Topeka Fire Department Installs free smoke alarms and inspects hundreds of commercial structures annually in order to keep our citizens safe; and

WHEREAS, City of Topeka fire fighters are dedicated to reducing the occurrence of fires and injuries through prevention, protection, community risk reduction projects and education; and

WHEREAS, the 2018 Fire Prevention Week theme, “Look. Listen. Learn. Be aware Fire can happen anywhere”; and

NOW, THEREFORE, I, Michelle De La Isla, Mayor of the city of Topeka, Kansas, do hereby proclaim the week of October 7-13, 2017, as

Fire Prevention Week

and urge all citizens of Topeka to support the many public safety efforts of the City of Topeka Fire Department to make our community safe.

IN WITNESS WHEREOF, I, Michelle De La Isla, Mayor of the City of Topeka, Kansas, do hereby affix my official signature and the Official Seal of the City of Topeka, Kansas, on this 2nd day of October, 2018.

Michelle De La Isla, Mayor



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DATE:	October 2, 2018	DOCUMENT #:
CONTACT PERSON:		PROJECT #:
SECOND PARTY/SUBJECT:		
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Recognition of the Topeka Boys & Girls Club - Project Puerto Rico"
"Recognition of Becky Drager, Topeka Coin Artist"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:



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DATE: October 2, 2018
CONTACT PERSON: Mayor De La Isla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board of Plumbing **PROJECT #:**
Examiners
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 18, 2020. *(Council District No. 7)*

VOTING REQUIREMENTS:

Majority vote of the City Council. Mayor does not vote.

POLICY ISSUE:

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

STAFF RECOMMENDATION:

Councilmember Mays nominates and Mayor De La Isla recommends the reappointment of Doug Snook to the Board of Plumbing to a two year term ending August 18, 2020. This position may be filled by a licensed master plumber and must live within the city. Mr. Snook meets these requirements.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of five members; two licensed master plumbers, one engineer or equivalent practicing in the particular trade, and two persons who shall be a licensed journeyman, licensed master, or an engineer practicing in the particular trade. Members shall be appointed by the mayor and serve two-year terms.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

D.Snook Application

Profile

Doug

First Name

Snook

Last Name

doug@pcikansas.com

Email Address

4125 SW Misty Harbor Ave

Street Address

Suite or Apt

Topeka

City

KS

State

66610

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 7Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 845-6701

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Board of Plumbing Appeals: Submitted

Piping Contractors

Employer

foreman

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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

Reapplying for my current position on the plumbing board of appeals

Interests & Experiences

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

master plumber

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Question applies to multiple boards

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

Plumbing license Mechanical license Backflow prevention inspector license

Voluntary Self Identification

Ethnicity

None Selected

Gender

None Selected

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

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

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

<http://topeka.novusagenda.com/agendapublic/>



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October 2, 2018

DATE:	October 2, 2018	
CONTACT PERSON:	Mayor De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board Appointment- Board of Zoning Appeals	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 1, 2021. *(Council District No. 1)*

VOTING REQUIREMENTS:

Majority vote of the City Council. Mayor does not vote.

POLICY ISSUE:

The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning regulations in accordance with the general rules set forth in the Topeka Municipal Code.

STAFF RECOMMENDATION:

Councilmember Hiller nominates and Mayor De La Isla recommends the reappointment of Carole Jordan for a three-year term ending December 1, 2021.

BACKGROUND:

This is a City-created board requiring the Council nominate and the Mayor appoint. If no Council nominations are received the Mayor may appoint. The Board of Zoning Appeals shall consist of seven members appointed by the Mayor. None of the members shall hold any other public office by the City except two members may be members of the Topeka Planning Commission. The appointees shall reside inside the corporate area of the city of Topeka. Members shall be appointed for terms of three years each. Ms. Jordan does not hold a public office for the City and she resides within the corporate area of the city as required.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

C Jordan Application and Resume

Profile

Carole

First Name

Jordan

Last Name

134broadmoor@att.net

Email Address

134 SW Broadmoor Ave

Street Address

Suite or Apt

Topeka,

City

KS

State

66606

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 1Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 354-4933

Primary Phone

Home: (785) 409-9982

Alternate Phone

Which Boards would you like to apply for?

Board of Zoning Appeals: Submitted

Washburn U.

Employer

Adjunct Professor

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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

I am semi-retired which gives me an opportunity to pay back the community I love through some volunteer work. This would be a reappointment for me; I currently am serving as the Planning Commission representative, but my term there will end in 2019. I am applying for a three-year term to the BZA.

Interests & Experiences

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

In my position as director of rural development for the Kansas Department of Commerce I became keenly aware of the importance of planning and zoning. I currently am on the Topeka Planning Commission. I'm active with the League of Women Voters, Topeka Downtown Rotary, YWCA Advocacy Committee. My degrees are from KU in journalism and public administration.

[resumecurrent2014jan.doc](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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Carole Jordan

Objective

My goal since retiring has been to increase my service to the Topeka community. I am a board member of the Shawnee County League of Women Voters and a board member of the LULAC Senior Citizens Center, a member of the steering committee of the Shawnee County KONZA Club for alumni of the Kansas Leadership Center, a volunteer with Heartland Visioning, Midland Care, and KU Continuing Education's Osher Center. I co-chaired the NOTO blues event in 2012. I recently was appointed to the Topeka Planning Commission.

Experience

Jan. 2008-Nov. 2011 Kansas Department of Commerce Topeka, KS

Director, Division of Rural Development

- Managed the programs, \$20 million budget and employees of the division encompassing community development block grants (CDBG), agricultural marketing, and community assistance services.

2003-2008 Kansas Department of Agriculture Topeka, KS

Director of Rural and Legislative Affairs

- Directed professional employees responsible for research and analysis, homeland security and emergency response and public information duties. Directed legislative planning, renewable energy and industry initiatives. Advised the Secretary of Agriculture on policy.

1978-2003 Kansas Department of Agriculture Topeka, KS

Director of Education and Outreach/Public Information Officer

- Managed internal audit and program improvement action teams; monitored legislative contacts, represented the Secretary with industry and constituent groups, organized events, developed testimony and issue papers, annual reports and publications. Other duties included program analysis, constituent and media relations.

1973-1978 University of Kansas Medical Center Kansas City, KS

Informational Writer

- Performed constituent relations and media relations duties. Designed, wrote and edited publications and news releases. Organized events.

Education

1975 and 1995 University of Kansas Lawrence, KS

- Bachelor's Degree in Journalism, 1975
- Master's Degree in Public Administration, 1995

Interests

My interests include all aspects of public policy with focus on Kansas communities, natural resources and health issues, leadership and community capacity building. I've had further training in quality management, context and competencies with the Kansas Leadership Center, and online media and social networking. Oral and written communications are particular strengths of mine.



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DATE: October 2, 2018
CONTACT PERSON: Mayor De La Isla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Board Appointment- **PROJECT #:**
Board of Zoning
Appeals
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of **Barbara Boudreaux to the Topeka Board of Zoning Appeals** to fill an unexpired term ending **October 3, 2021**. *(Council District No. 9)*

VOTING REQUIREMENTS:

Majority vote of the City Council. Mayor does not vote.

POLICY ISSUE:

The board of zoning appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning regulations in accordance with the general rules set forth in the Topeka Municipal Code.

STAFF RECOMMENDATION:

Councilmember Lesser nominates and Mayor De La Isla recommends the appointment of Barbara Boudreaux for a three-year term ending October 3, 2021.

BACKGROUND:

This is a City-created board requiring the Council nominate and the Mayor appoint. If no Council nominations are received the Mayor may appoint. The Board of Zoning Appeals shall consist of seven members appointed by the Mayor. None of the members shall hold any other public office by the City except two members may be members of the Topeka Planning Commission. The appointees shall reside inside the corporate area of the city of Topeka. Members shall be appointed for terms of three years each. Ms. Jordan does not hold a public office for the City and she resides within the corporate area of the city as required.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

B. Boudreaux Application and Resume

Profile

Barbara

First Name

Boudreaux

Last Name

bmboudreaux@gmail.com

Email Address

424 SW Westchester Rd

Street Address

Suite or Apt

Topeka

City

KS

State

66606

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 9Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 220-5696

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Board of Zoning Appeals: Submitted

Self

Employer

Attorney

Job Title

Are you a registered voter?☒ Yes ☐ No

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

I am an attorney licensed to practice in Kansas and Texas. Prior to moving to Kansas in 2016, I was an in-house attorney for a large corporation, managing their real estate purchases, leases, zoning applications, and environmental matters. I gained experience managing commercial and industrial zoning applications in multiple jurisdictions as well compliance with state and federal licensing, environmental, and statutory law. My zoning experiences range from the development and reclassification of new, undeveloped land in rural settings; suburban existing zoning community impact; to industrial zoning and development in highly populated urban areas. These experiences provided me with varied perspectives on how jurisdictions across the country managed their development and growth through zoning. I believe I can serve Topeka by applying this experience through my placement on the Board of Zoning Appeals.

[Barbara Boudreaux Resume Topeka.docx](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Female

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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

I moved to Topeka two years ago from Dallas, Texas and have been looking for ways to become involved in my new community. I was an in-house attorney in Dallas with a concentration on real estate matters. While family commitments prevent me from a full-time law practice at this time, I see placement on this board as a way to serve my community and apply my legal skills and real estate background.

Interests & Experiences

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

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BARBARA MERRY BOUDREAUX
424 SW Westchester RD • Topeka, KS 66606
bmboudreaux@gmail.com • 785.22.5696 cell

OVERVIEW: A New York native and recent resident of Topeka, Kansas by way of Dallas, Texas, I seek to find opportunities to apply my legal and real estate background in service to my new hometown while balancing an active, young family.

PROFESSIONAL EXPERIENCE:

COPART, INC., Dallas, TX
Corporate Counsel, 2012 – 2016

Senior attorney providing transactional, compliance, corporate governance, dispute, employment, and general legal support to Office of the General Counsel, corporate departments, and over 160 international and domestic facility yards of a \$4 billion publicly-traded company.

- Managed domestic and international real property portfolios and the varied compliance, dispute, zoning, and environmental issues arising thereon for over 250 owned properties and 115 leased properties totaling 7,548 acres worldwide.
- Managed intellectual property portfolio of over 160 trademarks and patents filed in 62 countries. Strategized with senior management on filing initiatives for new product lines and to support international expansion.
- Negotiated land purchases, commercial leases, property sales, acquisitions, licensing relationships, sales contracts, vendor contracts, and strategic business arrangements.
- Commercial lead on integration of acquired business' real and personal property portfolios, which increased land holdings and vehicle inventory volume by ten percent.
- Analyzed impact of international, federal, and state legislation and provided advice to senior management on policies and procedures to ensure compliance;
- Advised corporate departments, vendors, and contractors on compliance, real estate, finance, employment, and general operational matters.

MUNSCH HARDT KOPF & HARR, P.C., Dallas, TX (125+ attorneys)
Corporate Finance Associate, 2008 – 2011

Represented banks, financial institutions, private equity companies, corporations, and other business entities in complex corporate finance transactions including lending and leasing matters, multiple lender syndications, loan restructurings, bankruptcy reorganization, sale of business, asset-based financing, commercial real estate refinancing, real property foreclosures, mergers and acquisitions, regulatory compliance, and general business advice.

- Negotiated loan documentation including credit agreements, term sheets, loan modifications, fixed and revolving promissory notes, forbearance agreements, guaranty agreements, security agreements, deposit account control agreements, and related corporate finance and bank lending documentation.
- Drafted and analyzed real property documentation including leases, amendments to leases, foreclosure filings, easements, surveys, mortgages, deeds of trusts, releases, and related commercial real estate documentation.
- Drafted legal opinions, legal memoranda, litigation filings, and case administration materials on finance, real estate, and corporate matters.
- Interpreted federal and state financial regulations on corporate and consumer issues, including compliance, applicability and enforceability of banking laws, usury matters, interest rate provisions, licensing, data security, and consumer protection.
- Conducted legal research and drafted memoranda addressing analyses, conclusions, and

recommendations on banking, commercial finance, consumer finance, corporate tax, corporate governance, securities, bankruptcy, real property, personal property, and litigation/federal procedure.

U.S. BANKRUPTCY COURT, EASTERN DISTRICT OF LOUISIANA, New Orleans, LA
Extern to the Honorable Chief Bankruptcy Judge Jerry A. Brown, 2007 - 2008

Drafted memoranda to support opinions of the Court. Coordinated and prepared docket materials for the Court's use at hearings and trial.

U.S. DISTRICT COURT, WESTERN DISTRICT OF LOUISIANA, Lafayette, LA
Intern to the Honorable Chief Judge Richard T. Haik, Summer 2006

Researched legal questions under Louisiana and federal law and prepared memoranda in support thereof. Provided trial and case management support.

JONES DAY, Washington, DC
Structured Finance and Derivatives Group Project Assistant, 2004 - 2005

Assisted senior partners with preparation of cross-border synthetic structured notes and CDOs. Reviewed and revised documentation for municipal bond offerings and secondary market sales.

WHITE HOUSE COUNCIL OF ECONOMIC ADVISERS, Washington, DC
Intern to the Executive Office of the President, Spring 2004

Analyzed economic trends and trade data and presented results to senior economists. Gathered facts to support executive branch speeches and press conferences. Collaborated on preparation of the *2005 Economic Report of the President*.

EDUCATION:

TULANE UNIVERSITY LAW SCHOOL, New Orleans, LA
Juris Doctor, May 2008

Honors: Editor-in-Chief, *Tulane Journal of International and Comparative Law*, Tulane Inns of Court CALI Award for Excellence in International Trade, Finance & Banking (Spring 2008)

Activities: Business Law Society, International Law Society, Law Women, Westlaw

Publications: *Benitez v. Garcia: An Extradition Arrangement Lost in Translation*, 15 Tul. J. Int'l. & Comp. L. 661 (2007); Foreword, *Tulane Journal of International and Comparative Law*, Vol. 16

UNIVERSITY AT ALBANY, STATE UNIVERSITY OF NEW YORK, Albany, NY
Bachelor of Science in Business Administration and History, cum laude, May 2004

Honors: Commencement Speaker, Honors Graduate, Presidential Honors Society Member

Activities: Student Association Supreme Court Justice, Managing Editor and writer for student newspaper

Experiences: AIP Language Institute, Valencia, Spain; Language and cultural immersion program
University of Westminster, London, England; Semester study abroad and internship program

COMMUNITY IMPACT:

Kansas Bar Association

Junior League of Topeka (JLT), member. Editor-in-Chief of JLT magazine, *Capital Impact*

First United Methodist Church of Topeka, Sunday School Teacher (grades 2-3)

Mothers of Preschoolers (MOPS), Publications Chair

INTERESTS: Military history, travel, historic preservation, theatre, and classic movies

BARBARA MERRY BOUDREAUX
424 SW Westchester Rd · Topeka, KS 66606
bmboudreaux@gmail.com · 785.220.5696 cell

REPRESENTATIVE TRANSACTIONS:

IN-HOUSE & REGULATORY COMPLIANCE:

- Negotiated and closed over sixty real property purchases and drafted, amended, or extended over fifty commercial leases.
- Oversaw real property and intellectual property integration from acquired company, which increased Copart's lease holdings by ten percent.
- Managed international trademark filings for technology design marks and new logo.
- Lead attorney for land purchases and zoning/licensing to support new business concept featuring retail in-person consumer sales of clean and salvage vehicles.
- Negotiated \$1M Asset Purchase Agreement and long term lease of dismantling business.
- Negotiated \$3M Asset Purchase Agreement and three long term leases with dismantler.
- Researched and interpreted motor vehicle, dealer licensing, and title legislation under U.S. state and Canadian provincial law; provided guidance to senior management on existing and proposed legislation impacting sales and business practices;

CORPORATE:

- Represented holder of \$22M senior tranche of tax exempt bonds financing a not-for-profit school in restructure of bond obligations.
- Represented privately-held aviation supply company in \$5.5M equity financing and merger and \$17M working capital facility to finance expansion.
- Represented franchisee in five franchise loan packages totaling \$3.7M, secured by real property and ownership interest in ten nationally-franchised restaurants.
- Represented small business partnership in wind-down of partnership and sale of business to a national corporation.

FINANCE:

- Represented international bank in its capacity as steering committee member and lender on ten-member loan syndicate in restructure of a \$300M credit facility.
- Represented international bank in its capacity as lender on thirteen-member loan syndicate in restructure of a \$475M revolving credit facility and as creditor in the bankruptcy of a publicly-traded oil and natural gas company holding Gulf Coast offshore interests.
- Represented international bank in its capacity as steering committee member and DIP lender in the SemCrude bankruptcy filed in Delaware.
- Represented international bank as special restructure counsel and agent on a construction loan and ultimate sale to strategic buyer for a gas storage facility and pipeline.
- Represented international bank on a \$16M loan to an exploration and production company with onshore gas interests located throughout the Southwest.

COMMERICAL REAL ESTATE FINANCE & LEASING:

- Represented credit union as conservator of \$140M commercial loan portfolio in mixed use real estate collateral following borrowers' bankruptcies.
- Represented private equity fund in promissory note purchase transactions, conducted real property foreclosures, and coordinated sale of properties.
- Represented private equity fund in acquisition of loan portfolio from regional bank, secured by real property and billboard signage revenue throughout Texas.
- Represented leasing subsidiary of bank in refinancing and lease of corporate jet, verifying compliance with federal aviation ownership regulations and registration of aircraft.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE: October 2, 2018
CONTACT PERSON: Michelle De La Isla DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka PROJECT #:
Metropolitan Transit
Authority
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Alan Bearman to the Topeka Metropolitan Transit Authority for an unexpired term ending September 18, 2021. (*Extra Territorial Jurisdiction (ETJ)*)

VOTING REQUIREMENTS:

Majority vote of the City Council (6). Mayor does not vote.

POLICY ISSUE:

Board members provide assistance in establishing policy and legislative direction for the agency to maintain and operate public transportation within city limits.

STAFF RECOMMENDATION:

Deputy Mayor Jensen nominates and Mayor De La Isla recommends the appointment of Alan Bearman to the Topeka Metropolitan Transit Authority for an unexpired term ending September 18, 2021. Mr. Bearman meets the residency requirement to live within the 90-mile radius of the city limits.

BACKGROUND:

This is a statutory board where the council nominates and the Mayor appoints. It is a seven-member board with each member serving a term of four years. Nominees must live in the 90-mile radius of the city limits

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

A. Bearman Application and Resume

Profile

Alan

First Name

Bearman

Last Name

alan.bearman@washburn.edu

Email Address

1335 SW Wayne Avenue

Street Address

Suite or Apt

Topeka

City

KS

State

66604

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 6Check for your district here -> <https://www.topeka.org/citycouncil>

Mobile: (785) 215-2279

Primary Phone

Business: (785) 670-1855

Alternate Phone

Which Boards would you like to apply for?

Topeka Metropolitan Transit Board: Appointed

Washburn University

Employer

University Libraries & the Center
for Student Success and
Retention

Job Title

Are you a registered voter?☒ Yes ☐ No

Are you currently a full or part-time employee of the City of Topeka?

☐ Yes ☒ No

If yes, please advise in which department you work:

Are you or any immediate family member related to any city governmental official or employee?

☐ Yes ☒ No

If yes, please advise who and how you are related:

Are you or have you been a party to any civil litigation involving the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?

☐ Yes ☒ No

If yes, please explain:

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

I am a staunch proponent of public transportation both because of its environmental benefits and because of its positive socio-economic benefits. The future economic prosperity of Topeka and Shawnee County is, in many ways, connected to our ability to create a modern workforce and then to give them choices in how they travel to and from work. Likewise, getting students to and from their educational institutions is a community imperative. Topeka Metro has a key role to play in the future health of our community, so the opportunity to serve on its Board is one I find highly appealing in my desire to be a constructive member of Topeka and Shawnee County.

Interests & Experiences

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

Please see the attached C.V. for details.

[Alan Bearman CV August 2018.pdf](#)

Upload a Resume

Please attach any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity

None Selected

Gender

None Selected

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

Electronic Signature

☒ I Agree

Notification to applicants for City Board/Commissions

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

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

<http://topeka.novusagenda.com/agendapublic/>

Alan Bearman, Ph.D.
Curriculum Vitae

Professional Contact Information

Mabee Library, #304
Washburn University
1700 SW College Avenue
Topeka, Kansas 66621
alan.bearman@washburn.edu
(785) 670-1855

Education

Ph.D., History	Kansas State University
M.A., History	Murray State University
B.A., History	Murray State University
B.S., Psychology	University of Kentucky

Professional Education

Bystander Facilitator	Prevention Innovations Research Center, University of New Hampshire, 2017
Executive Leadership Academy	<i>Leading in a Multicultural & Global Environment</i> University of California Berkeley, 2016
Grant Proposal Writing	<i>Certificate and 10 CEUs</i> Fort Hays State University, 2016
Lean Six Sigma: <i>Yellow Belt</i>	Washburn University Center for Organizational Excellence, 2014
Library Management Institute	Arcadia University, 2012
Fundraising for Deans	CASE, 2009

Employment History:

<u>Washburn University</u>	2003—present
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Washburn University is a public open access municipal institution, in Topeka, Kansas, coordinated by the Kansas Board of Regents but governed by its own independent Board of Regents. It has a student population of approximately 7,800, and awards undergraduate, graduate and professional degrees through its six major units: College of Arts and Sciences, School of Law, School of Business, School of Applied Studies, School of Nursing, and the Washburn Institute of Technology. Washburn is a “student-centered, teaching-focused” institution that offers significant experiential learning opportunities to its students, perhaps best exemplified by the Washburn Transformational Experience that provides significant opportunities in undergraduate scholarly activities, international education, leadership and experiential community service.

My career at Washburn University began with my appointment as an Instructor of History, subsequently I have experienced a steady and consistent growth in both my rank, now a Professor of

History, and leadership responsibilities, now the Dean of University Libraries and the Center for Student Success and Retention.

Administrative Positions at Washburn University

Dean of University Libraries and the Center for Student Success and Retention 2011—present

I provide leadership to a unit, the University Libraries and the Center for Student Success and Retention (CSSR), with an interdisciplinary scope that supports and promotes student success at Washburn University. My unit operates as Washburn's "University College" overseeing multiple student success and retention initiatives, including the nationally recognized Ichabod Success Institute.

The University Libraries and the CSSR is home to personnel performing a wide range of duties at Washburn University. They are, I believe, uniformly recognized as the most creative and forward thinking team of people at the institution and without question are those who ensure Washburn seeks to remain "student-centric." With support from the Dean's office, the University Libraries and CSSR team members publish, regularly present at and attend regional and national conferences, while providing the Washburn Community of Learning a physical environment designed to promote engagement and learning.

As Dean, I oversee traditional library services, including those that help ensure all accredited departments at Washburn remain so, and a range of initiatives to promote student success that begin in collaboration with our K-12 partners and extends to the promotion of the on-time graduation of students. At Washburn, I have continually seen an expansion of my leadership responsibilities. Each expansion led to success for both Washburn and I, the National Resource Center for The First-Year Experience & Students at the University of South Carolina, for example, recently named me one of 2017's ten Outstanding First-Year Student Advocates. Our successes are occurring in an extremely poor budget environment for higher education in Kansas, thus the institution's 9.9% growth in the retention of First-Time Full-Time students over the last five years is remarkable because my team led the initiatives that caused this growth without the benefit of new funds.

After the creation of Information Literacy and Technology as one of Washburn's five University Student Learning Outcomes, I led a campus conversation about making it the primary learning outcome of a potential First-Year Experience program. Once the Kansas Board of Regents (KBOR) authored their *Foresight 2020* plan, requiring public postsecondary institutions to increase their retention rates of First-Time Full-Time students by 10% by 2020, the need to reimagine all student success programming at Washburn was apparent. Receiving the charge of improving Washburn's retention rate in accordance with the demands of KBOR, I created the CSSR as part of the University Libraries. Since its creation, I have led an ongoing campus conversation about how retention occurs as an outcome of student success, which always results from faculty and staff success. In five years, my team has developed a substantial, holistic and now nationally recognized student success program that has, led successful efforts to increase the retention rate of First-Time Full-Time students at Washburn University that outpaces the national average at similar institutions by over 12%.

Dean of University Libraries

2010—2011

Encouraged to apply for the position of Dean of University Libraries by multiple campus constituencies, including the University Librarians, I did so, and upon the conclusion of a national search, my selection as the permanent Dean occurred. As Dean, I set about implementing a shared vision of University Libraries that continued the evolution of them from only repositories of physical materials into engaged operations focused upon preparing students in Information Literacy to enable their success in the Knowledge economy.

As Dean, I have managed almost \$5 million of physical improvements to the main university library, increased professional development spending by 90% and rejuvenated fundraising by the Friends of the Mabee fundraising—including receipt of the single largest gift ever received by the University Libraries, \$575,000.00. Along with my leadership team, I navigated Washburn's move from a primarily print world to the digital one, including the relocation of some books to an offsite location with the support of our faculty due to our commitment to good communication practices. Perhaps the easiest measure of the success of the transformation of the Washburn University Libraries is the 143% increase I have overseen of the in-person usage of the main undergraduate library, the Mabee: 115,126 people in 2008 versus 280,096 people in 2016, during a period when the institution's total FTE actually declined.

Interim Dean of University Libraries

2008—2010

In the fall of 2006, the Vice-President for Academic Affairs appointed me as Chair of the Dean of University Libraries Search Committee. After two searches, it was evident that Washburn University needed to improve the reputation of its Libraries in order to attract stronger candidates. In addition, it was also clear that the Higher Learning Commission (HLC) Accreditation visit in spring 2008 would reflect poorly on the University Libraries, and it did. HLC required Washburn to submit a progress report about its Libraries in late spring 2010. Appointed Interim Dean of University Libraries in January 2008, the VPAA directed me to address the HLC issues of concern. To do so I led a comprehensive and inclusive review of the Libraries, followed by a period of strategic planning that led us to shift the focus away from that of a collection-centric library and toward that of an engaged library committed to the teaching of Information Literacy.

Together, the University Librarians and I developed a plan to improve the place of the Washburn Libraries in the daily life of the Community of Learning and, importantly, to revamp the facilities in order to promote access and student success. In July 2010, HLC responded to Washburn's progress report highlighting the institutions renewed commitment to its Libraries and specifically "that the library and the University have been well-served by the service of the Interim Dean."

Faculty Positions at Washburn University

Professor of History	2013—present
Associate Professor of History	2009—2013
Assistant Professor of History	2005—2009
Lecturer of History	2003—2005

Washburn University is a teaching intensive institution, thus my faculty career remains focused upon the teaching and mentoring of students. I am, therefore, particularly happy that at two different institutions, Kansas State and Washburn, to have won teaching awards and that twice at Washburn, student government leaders chose me as the Faculty Speaker at New Student Convocation. At Washburn, I led our departments reimagining of our undergraduate historiography course (HI395: History Forum), have introduced eight new courses to the curriculum, with a ninth one currently planned for fall 2017. I have taken students both across the United States and internationally to study, and to multiple professional conferences in order to present their scholarship.

As a personal choice, even with my continually expanding leadership responsibilities, I continue to teach at least one course every semester, while also directing advanced undergraduate projects in history. Under my direction, 34 students have completed a senior thesis and another 41 have completed a Washburn Transformational [Scholarly] Experience project.

In addition to my life as a historian, I have embraced the scholarship of both librarianship and the broadly defined world of student success/retention/college completion. Thus, my current scholarship continues to include history projects such as my work on Billy Graham's 1954 Greater London Crusade, both its role in making him an international figure and its impact on how the British view of the United States in post-World War II Britain. While also expanding into examinations of library as place, the role of libraries in promoting student success, assessment as a tool to improve retention activities and other areas of interest connected to the college completion agenda.

Major Accomplishments as Dean

Academic Initiatives

Leading a collaboration with The Learning Scientists (learningscientists.org) to improve student motivation to study, while increasing the use of research-tested study and teaching techniques to improve student success, 2017

Creation of Open Educational Resources Initiative, 2017

Creation of Information Literacy Minor, 2015

Creation of Hefner Heitz Kansas Book Award, 2015

Creation of the Thomas Fox Averill Kansas Studies Collection, 2015

Built in the Mabee Library, Washburn University's first two Active Learning Classrooms, 2014

Creation of WU101: The Washburn Experience, University Required Core Course, 2013

Creation of an Integrated University Tutoring and Writing Center, 2012

Creation of the Center for Student Success and Retention, 2011

Creation of Information Literacy and Technology as a University Student Learning Outcome, 2011

Rejuvenation of iRead: The Washburn University Common Reading Program, 2011

Transformed the Mabee (main) Library at Washburn University, returning it to its historic role as the center of campus, beginning in 2008 (Increased annual in-person usage by 143%, 2008-16)

Enrollment Initiatives

Campus conversation leader, "Academic Success and Washburn University Students: Beyond Admission Status," 2018
Total Withdrawal Prevention Initiative, 2018
Project Manager, EAB Student Success Collaborative (Campus and Guide Implementation), 2017--present
Creation of the Ichabod Ignite (Bridge) Program, 2017
Leader of Washburn University's First-Year Full-Time Fall-to-Fall Retention efforts leading to a 9.9% increase in retention (Fall'11 to F'16)
Collaborated with Academic Affairs, Enrollment Management and IT to launch successfully Ellucian Degree Works, 2016
Rejuvenation of the Washburn Senior Academy, 2016-17 (ongoing)
Creation of Military Student Academic Success Center, 2016
Creation of Adults Belong in College Program, 2016
Creation of Retention All-Stars Program, 2015
Creation of The Center for Prior Learning and Testing, 2015
Creation of The Office for Undergraduate Initiatives, 2015
Collaborated with the Vice-President for Academic Affairs to create and launch the Washburn University Re-Recruitment Program, 2014
Creation of The Washburn University First-Year Experience Program, 2013
Creation of The Office of Student Success Analytics and Assessment, 2012
Pioneered the use of Data Analytics in promotion of Student Success at Washburn University, beginning in 2012 (Implemented use of: MAPWorks, Ellucian CRM Advise, Ellucian Degree Works and EAB Student Success Collaborative: Campus and Guide)

Diversity Initiatives

Member, Topeka Community Foundation: Community Health Initiative, 2018
Campus conversation leader, "Academic Success and Washburn University Students: Beyond Admission Status," 2018
Creation of the Ichabod Ignite (Bridge) Program, 2017
Collaborating with Mana De Topeka, Washburn University's Office of Diversity and Inclusion, five local school districts to rejuvenate "The Hermanitas Conference," a college inquiry event for middle-school Hispanic girls in Shawnee County, 2017 (Lead Sponsor since 2012)
Creation of the Ichabod Success Institute to successfully transition students from underrepresented groups into their Washburn University studies, 2016 (Named, in November 2016, by "University Business Magazine" a national Models of Excellence program)
Working to increase college enrollment of underrepresented students from the minority majority Topeka Public Schools as a member of its Citizens District Advisory Council, 2016-17
Collaborated with the International House to create a prayer/reflection space in Mabree Library, particularly designed for Washburn University's growing Muslim student population, 2017
Collaborated with the Washburn University Foundation to create Washburn University's first scholarship for students from underrepresented groups with potential: The Ichabod Opportunity Fund, 2016
Sponsored the participation of three University Libraries and CSSR faculty members at the 2016 American Council on Education Regional Women's Leadership Forum

Rejuvenation of the Washburn Bridge Program (relocating to main campus), 2016-17 (ongoing)
Secured funding for and hired a bilingual First-Generation & Underrepresented Student Groups Retention Specialist, 2016
Secured funding to hire a First-Generation & Underrepresented Student Groups Academic Advisor, 2016
Collaborated with the Dean of the School of Nursing to hire a Nursing/Health Sciences Academic Advisor, with the goal of increasing the number of students from underrepresented groups who complete the Pre-Nursing program, 2016
Collaborated with Washburn Institute of Technology, Academic Affairs and Enrollment Management to create the Washburn University Bridge Program (housed at Washburn Tech until 2016), 2011

Entrepreneurial Strategic Initiatives

Obtained a Lyrasis Catalyst Fund grant of \$26,548.00 for "From Information Literate to Information Fluent," a digital information outreach project to regional middle and high schools
Obtained from GOTOpeka a \$50,000.00 grant to create a physical location for the Military-Student Success Center in the Mabee Library, 2016
Created the first Academic Unit based Grant Writing office at Washburn University, 2016
Collaborated with the Washburn University Foundation to obtain the largest private gift (\$575,000.00) in the history of the Washburn University Libraries, 2014
Obtained private funding to create two Active Learning Classrooms in Mabee Library, 2014
Grant Recipient, Washburn Women's Venture Partners, 2012, 2013, 2014, 2015, 2016 & 2017.
Rejuvenated the Friends of Mabee Library, beginning in 2009 (Increased membership by 700%; and, annual giving by 65%)
Rejuvenated Unit-level professional development, increased investments by 90% since 2009
Acquired funding, since 2009, to add over 400 computers and 250 iPads to the 6 machines that Mabee Library owned for users at said time
Acquired and Managed over \$4.8M of capital improvements to the Mabee Library since 2008

Strategic Planning

Initiated and primary author of the following draft strategic plans: "Developmental Education at Washburn University: A Pathway Forward," "Adults Belong at Washburn University," and "Military-Student Success at Washburn University," 2016
Initiated and primary author, "The Washburn University Libraries and the Center for Student Success and Retention Strategic Plan, 2016—2022"
Participant and Unit representative, "Vision 2022: The Washburn University Strategic Plan," 2014—2015
Committee Chair and primary author of Washburn University's first strategic plan for technology: "A Technology Strategic Plan for Washburn University," 2011
Initiated and primary author, "The Washburn University Libraries: 2011—2015 Strategic Plan"
Leading participant on the Academic Program Committee of "Washburn: 150 Forward, A Strategic Plan for the University's Future," 2009—2010
Initiated and primary author, "Washburn University Libraries in the 21st Century: 2008—2010 Operational Strategic Plan"

Honors and Awards

Outstanding First-Year Student Advocates Award, The National Resource Center for the First-Year Experience and Students in Transition and Cengage Learning, 2017
Ned. E. Fleming Award for Excellence in Teaching: Washburn University, 2007
William L. Stamey Undergraduate Teaching Award: College of Arts and Sciences, Kansas State University, 2003
Bower Sageser Memorial Graduate Teaching Award. Department of History, Kansas State University, 2003

Sweet Summer Sabbatical, Washburn University, 2009, 2012, 2015 and 2017
International Research Grant, Washburn University, 2003, 2005, 2006 and 2015
Good Citizenship Medal, The National Society of the Sons of the American Revolution, 2010
Phi Beta Delta Honor Society for International Scholars, Washburn University
Mortar Board National Honor Society, Washburn University
Sagamore, Washburn Men's Honor Society
James C. Carey Graduate Research and Travel Award: Department of History, Kansas State University
Graduate Student Research and Travel Award: Institute for Military History and 20th Century Studies, Kansas State University
Phi Kappa Phi, Kansas State University

Publications

Articles

Libraries and Student Success

"Retention Is Up 10-Percentage Points: The Secrets to Success . . . Without Money," In Sandra Whalen, ed., *Proceedings of the 13th National Symposium on Student Retention, Destin, Florida* (The University of Oklahoma) (November 2017). [co-authors; Sean Bird and Elaine Lewis]
"Mutually Dependent Outcomes: Using Assessment to Improve First-Year Retention and Student Learning," *Assessment Update* (September/October 2017): 3-14.. [co-author; Elaine Lewis]

History

"What War is Ending?" Primitive Baptists Identity Trumps the End of World War II in the *Signs of the Times*," (submitted and under review at *Baptist History and Heritage Journal*)
"Charles Sheldon and Charles F. Parham—Adapting Christianity to the Challenges of the West: Topeka, Kansas as the Birthplace of Modern American Religion," *Kansas History: A Journal of the Central Plains* 32 (Summer 2009): 106-23. [co-author; Jennifer Mills]
""The South Carolina of Kentucky": Religion and Secession in the Jackson Purchase Region of Kentucky," *The Filson History Quarterly* 76 (Fall 2002): 495-521

Textbook

The Washburn Experience: A Guide to Surviving Your First Year (Kendall Hunt, 2011 & 2012)

Monograph

A North Atlantic Puritan: John Owen (1616-1683) and the North Atlantic Christian World (Lambert Academic Publishing, 2010)

Encyclopedia Entries

"Civil Religion," American Religious History: Belief and Society through Time, ABC-CLIO (forthcoming 2018).

"T. D. Jakes," American Religious History: Belief and Society through Time, ABC-CLIO (forthcoming 2018).

"Tom Skinner," American Religious History: Belief and Society through Time, ABC-CLIO (forthcoming 2018).

"John Owen," The Encyclopedia of Christian Literature, Vol. 2 George Thomas Kurian and James D. Smith III, ed's, (Scarecrow Press, 2010): 505-6.

"Olive Branch Petition," The World Book Encyclopedia (June 2012).

"Fundamental Orders of Connecticut," The World Book Encyclopedia (September 2010).

"The Sugar Act of 1764," The World Book Encyclopedia (August, 2008).

"The Stamp Act of 1765," The World Book Encyclopedia (August, 2008).

"The Intolerable Acts of 1774," The World Book Encyclopedia (August, 2008).

Book and Film Reviews

"Religion and the American Presidency: George Washington to George W. Bush with Commentary and Primary Sources." Edited by Gaston Espinosa. (New York: Columbia University Press, 2009). Kansas History: A Journal of the Central Plains 33:4 (Winter 2010-11): 276

"Kansas vs. Darwin: A Documentary about the Kansas Evolution Hearings." Directed by Jeff Tamblyn; Written by Jeff Tamblyn and Mark von Schlemmer; Produced by Jeff Peak and Jeff Tamblyn. 2007; color; 82 minutes; and, *Fall From Grace*. Directed, written, and produced by K. Ryan Jones. 2007; 71 minutes. Kansas History: A Journal of the Central Plains 32:2 (Summer 2009): 135-7

"Beyond Theology: What Would Jesus Do?" Directed, produced, and written by Dave Kendall for KTWU-TV; Dave Kendall, Series Producer; Eugene Williams, Executive Producer. 2006; color; 60 minutes. Kansas History: A Journal of the Central Plains 30:2 (Summer 2007)

"The Fourth Great Awakening & The Future of Egalitarianism." By Robert William Fogel. (Chicago: The University of Chicago Press, 2000). Fides et Historia 33, Winter/Spring 2001

"Voices in the Storm: Confederate Rhetoric, 1861-1865." By Karen E. Fritz. (Denton: University of North Texas Press, 1999). The Register of the Kentucky Historical Society 98, Summer 2000

"Religion and Popular Culture in America." Edited by Bruce Forbes and Jeffrey H. Mahan. (Berkeley: University of California Press, 2000). Michigan Historical Review 26, Autumn 2000

Presentations

Student Success and Retention

- "Meeting Students Where They Are: Building Student Success Pathways," Higher Learning Commission 2018 Annual Conference. Chicago, (April 2018).
- "Student Success Initiatives built upon Data Analytics." *37th Annual Conference on the First-Year Experience*. San Antonio, (February 2018). [Pre-conference workshop]
- "Producing the Next Generation of Student Affairs Professionals." *37th Annual Conference on the First-Year Experience*. San Antonio, (February 2018).
- "Retention is Up 12-Percentage Points: Success without Money." *37th Annual Conference on the First-Year Experience*. San Antonio, (February 2018).
- "The University Library role in Understanding Students and Helping them Succeed," *ITHAKA: The Next Wave 2017*. New York (November 2017). [Invited Speaker]
- "Split Advising: Promoting Pre-Nursing Success." *The 13th National Symposium on Student Retention*. Destin, Florida, October 2017. [Poster session]
- "Retention Is Up 10-Percentage Points: The Secrets to Success . . . Without Money." *The 13th National Symposium on Student Retention*. Destin, Florida, October 2017
- "Information Literacy: The Only Learning Outcome that Makes a Difference." *36th Annual Conference on the First-Year Experience*. Atlanta, GA, February 2017
- "Turning ON Inspiration: Successful Strategies of Outstanding First-Year Student Advocates." *36th Annual Conference on the First-Year Experience*. Atlanta, GA, February 2017
- "Data is the Difference: Improving Retention with only \$70,000.00." *NACADA Annual Conference*, Atlanta, GA, October 2016
- "Data is the Difference: Improving Retention with only \$70,000.00." *35th Annual Conference on the First-Year Experience*. Orlando, FL, February 2016
- "Gateway Courses: A Pothole or Pathway to Student Success?" *NACADA Annual Conference*, Las Vegas, NV, October 2015
- "Something from Nothing: Creating an Advising-Centric First-Year Student Success Program at a Faculty Centric Institution." *NACADA Annual Conference*, Salt Lake City, UT, October 2013

Libraries

- "Moving from Collection to User Centric Operations: The University Library in the Knowledge Economy." *Brick and Click Conference*, Northwest Missouri State University, Maryville, MO, October 2017.
- "From Information Literate to Information Fluent." *Lyrasis Annual Summit*, Philadelphia, PA, October 2017
- "Librarians and Information Literacy: The Key to First-Year Student Success." *Internet Librarian International*, London, UK, October 2015
- "Library Culture Change: Successful Tips & Techniques from a Mid-Size University." *Internet Librarian 2013*, Monterrey Bay, CA, October 2013
- "Getting First Year Students off to a Fast Start: The Role of University Libraries." *Computers in Libraries 2012*, Washington, D.C., March 2012
- "Allies in Student Success: Libraries and Parents." *Association of American Colleges and Research Libraries 2011 Annual Meeting*, Philadelphia, PA, April 2011
- "Creating 21st-Century Information-Literacy Programs." *Computers in Libraries 2011*, Washington, D.C., March 2011

- "Information Fluency as a Key Ingredient in Student Success: The Washburn University Model." *The 2011 Information Fluency Conference*, Orlando, FL, March 2011
- Keynote Address, "Advocating for the Academic Library in the 21st Century." *Southeast Kansas Libraries Annual Meeting*, May 2010
- "A Kansas Library Consortia for the 21st Century," *Kan-Ed Discovery Day*, Wichita, KS, November 2009
- "Building a 21st Century Library: Golf Course Included," *Inspiration, Innovation, Celebration: An Entrepreneurial Conference for Librarians*, University of North Carolina at Greensboro and Wake Forest University, June 2009

History

- "Civil Religion in the Age of Mass Evangelicalism: Billy Graham and Twelve Presidents. "Endowed by Their Creator": *Historical Perspectives on Civil Religion Pop-Up Conference*, Topeka, KS, September 2016
- "What is Civil Religion? And, Why does it Matter in Modern U.S. History?" *Historical Perspectives on Civil Religion Pop-Up Conference*, Topeka, KS, September 2016
- "George Bush I and Civil Religion: A Thousand Points of Light and Bombs in Iraq." *Phi Alpha Theta History Honor Society Biennial Conference*, Orlando, FL, January 2012
- "Primitive Baptists and the Anti-Christ in World War II: The King James Bible and Identity Formation." *2011 Ohio Valley History Conference*, Murray, KY, October 2011
- "James Madison as a Student of John Witherspoon: The Constitution as a Reformed Theological Document." *The Thirty-Third Annual Mid-America Conference on History*, Stillwater, OK, September 2011
- "The Atomic Gospeller Goes Global: Billy Graham and the 1954 Greater London Crusade." *The Billy Graham Archives Annual Research Lecture*, Wheaton College, September, 2010
- "Topeka, Kansas: Place and 20th Century American Religious History." *The Kansas Association of Historians 2010 Annual Meeting*, National Archives at Kansas City, MO, April 2010
- "Adapting Christianity to the West: Charles F. Parham and the Birth of Modern Pentecostalism in Topeka, Kansas." *Phi Alpha Theta History Honor Society Biennial Conference*, San Diego, CA, January 2010
- "The Future of Scholarship in the History of Christianity." *Western Fellowship of Professors of and Scholars*, Manhattan, KS, October 2009
- "John Owen: North Atlantic Puritan:" *Sixteenth Century Society & Conference*, Geneva, Switzerland, May 2009
- "Saving the Empire: Billy Graham in Britain and Australia During the 1950s," *The 2008 Conference on Faith and History Biennial Meeting*, Bluffton University, 2008
- "Film Stars—So Why Not Billy?" *The London Press and Billy Graham in 1954," The Kansas Association of Historians 2008 Annual Meeting*, Independence Community College, 2008
- "What War is Ending? Primitive Baptists and the End of World War II in the Signs of the Times." *Phi Alpha Theta History Honor Society Biennial Conference*, Santa Ana Pueblo, New Mexico, January 2008
- "The Midwestern Roots of The Social Gospel and Pentecostalism: Charles Sheldon and Charles Fox Parham as Residents of Topeka, Kansas." *The 49th Annual Western Social Science Association Meeting*, Calgary, Canada, April 2007
- "Athletes in Action: A Bouncing Ball and Jesus in America." *The Twenty-Seventh Annual MidAmerican Conference on History*, University of Kansas, September 2005
- "Teaching the History of Christianity at a Land-Grant University." *The 2004 Conference on Faith and History Biennial Meeting*, Hope College, October 2004

- "The Failed Prophet: George H. W. Bush as President of the United States of America." *The Twenty-Fourth Annual Mid-America Conference on History*, University of Arkansas at Fayetteville, September 2002
- "Billy Graham and the 1954 Greater London Crusade: Britain Becomes an American Mission Field." *Sixteenth Summer Conference of the Institute of Contemporary British History*, The Institute of Historical Research, University of London, July 2002
- "Religion as a Tool of Psychological Warfare in the Fight Against Communism During the 1950s." *The Eisenhower Era Symposium*, The Dwight D. Eisenhower Presidential Library and Kansas State University, May 2001
- "Billy Graham's 1954 Greater London Crusade: How A Proactive Political Persona Launched an International Ministry." *Kansas History Teachers Association 2001 Annual Meeting*, April 2001
- "The South Carolina of Kentucky': Evangelical Religion, The Purchase Region, and Secession." *Sixteenth Annual Ohio Valley History Conference*, October 2000
- "Methodists and Baptists and Their Impact Upon Confederate Sentiment in the Antebellum Jackson Purchase Region of Kentucky." *Ninth Annual Bluegrass Symposium*, March 2000
- "Billy Sunday and the Twentieth Century Evangelical Movement in America." *Phi Alpha Theta Mid-South Regional Conference*, February 2000

National and International Webinars

- "Retention Is Up 10-Percentage Points: The Secrets to Success . . . Without Money." CSRDE Webinar (Forthcoming: January 2019)
- "From Information Literate to Information Fluent: The Role of Libraries in Preparing 21st Century Citizens." Georgia Librarian Association: Carterette Series Webinars, February 2018
- "The Engaged Library: Information Literacy Instruction in the First-Year Experience." *Lyrasis Member Showcase*, Webinar, March 2013
- "Strengthening the IT/Library Staff Partnership." *Academic Impressions Web Conference*, December 2010

Media: Featured Participant

- Featured Interviewee, "Improving Community Health by Increasing Educational Attainment." WIBW Radio, January 2018.
- Featured Interviewee, "Inaugurating Presidents." WIBW TV, January 2017.
- Featured Interviewee, "Remembering Pearl Harbor in Kansas." WIBW TV, December 2016.
- Featured Interviewee, "Faith Groups: Charles Parham and the Pentecostal Movement." KTWU Sunflower Journeys, 2012
- Featured Interviewee, "Debate Watch 2008: The Importance of Presidential Debates." KMAJ Radio, October 2008
- Featured Interviewee, "How the Holiday Took its Shape." Topeka Capital Journal, December, 2007
- Featured Interviewee, "You Are Not To Translate." *Der Tagesspiegel*, Berlin, Germany, September 2006
- Featured Discussant, "Independence Day Traditions." WIBW 580 Radio, July 2005
- Featured Discussant, "Christianizing Britain." BBC Radio 4, August 2004

Professional Service

Leadership

Chair, ATLAS (Topeka, KS, Libraries Consortium) Board, 2009—2010 and 2014—present
Chair, Council of Deans and Directors of State of Kansas University Libraries [CODDL], 2009—2010

Chair, Summer School Committee, 2016—present
Leader, creation and expansion of the Center for Student Success and Retention, 2011—present
Chair, I-Read (Campus Common Reading) Committee Chair, 2011 to present
Co-Chair, Faculty Library Committee, 2008—present
Chair, Technology Strategic Planning Committee, 2011
Co-Chair, ITS Director and University CIO Search Committee, 2011
Co-Chair, First-Year Experience Planning Committee, 2009—2010
Chair, Dean of University Libraries Search Committee: Washburn University, 2006—2007
Chair, Marshall Scholarship Committee, 2006—2013

Membership

Northeast Kansas Library System Executive Council Board Member, 2015—present
ATLAS (Topeka, KS, Libraries) Consortium Governing Board, 2008—present
Council of Deans and Directors of State of Kansas University Libraries [CODDL], 2008—present
Kansas Association of Historians, Executive Board Member, 2010—2013

Undergraduate Student Success and Retention Committee, 2010—present
University Website Redesign Committee, 2017—present
High Impact Community Engagement Practices, 2014—present
University Technology Steering Committee, 2008—present
New Faculty Member Orientation Table and Campus Tour Leader, 2008—present
Undergraduate Transfer Friendly, 2010—present
Summer School Committee, 2014—2015
First-Year Experience Oversight, 2011—2014
Assistant Marshall: Washburn University Commencement, 2007—2013
Vice-President for Academic Affairs Search Committee, 2010
Faculty-Staff Giving Campaign Planning Committee Member, 2008—2010
College of Arts and Science Representative, Honorary Degree Committee, 2006 and 2007
Teachers Who Inspire Committee, 2005—2008
Active Learning Space for Mabee Library Innovation Grant Committee, 2005-2006

Faculty

Editor, "Among Friends:" Washburn University Libraries bi-annual newsletter, 2008— present
Editor, Department of History Newsletter: Washburn University, 2006 and 2007
Annual Faculty and Staff Giving Campaign Video: Washburn University, 2007—present
Department of History Library Committee Representative: Washburn University, 2005—present
History Day Judge: Washburn University, 2004—present
Panelist, "Plagiarism Town Hall Meeting," Fall Term 2006, 2007 & 2008
Participant, Study Abroad Workshop Faculty Panel, 2007

Participant, Prospective Graduate School Program: Washburn University Honors Program, 2007
History Day Judge: Kansas State University, 2001—2003
Graduate Student Representative, Nineteenth Century American History Faculty Search Committee:
Kansas State University, Spring 2001
Graduate Student Representative, Graduate Studies Committee of the Academic Council: Murray State
University, 1999—2000
Graduate Student Representative, Academic Council: Murray State University, 1999—2000

Faculty Sponsor, Student Chapter of the Friends of Mabee Library, 2008—present
Faculty Sponsor, *Ratio Christi*, 2014—present
Faculty Sponsor, University Chess Club, 2013—present
Faculty Sponsor, University Archery Club, 2013—2015
Faculty Sponsor, Students Not Accepting Party Politics: Washburn University, 2004—2006
Faculty Sponsor, Elite National Dance Team: Washburn University, 2006—2008

Community Service and Activities

Topeka Community Foundation: Community Health Initiative, 2018—present
USD501: Topeka Public Schools District Citizens Advisory Council (DCAC), 2016—present
USD501: Topeka Public Schools DCAC Subcommittee writing a new district definition of “College and
Career Ready Graduate,” 2016—present
Randolph Elementary School Site Council Member, 2014—present
United Way of Greater Topeka Board Member, 2013
Salvation Army of Topeka Board Member, 2010—2012
Instructor, “American Heritage:” Boy Scout Merit Badge Challenge, Topeka, KS, February 2011
USD 427: Washburn Rural Schools, Strategic Planning Focus Group, June 2010
USD 501: Topeka Public Schools, Early Childhood Strategic Planning Group, Committee Member, 2008
Board President, USD 501: Topeka Public Schools Parents as Teachers Advisory Council, 2007—2009
Board President, University Child Development, Inc., 2005—2007 and 2010—2012
Board Treasurer, University Child Development, Inc., 2007—2009
Washburn University Liaison to University Child Development, Inc., 2004— 2012

Midwest Ballet, “The Nutcracker” Party Scene Dancer, 2014—2018
Midwest Ballet, Stage Hand: “Sleeping Beauty,” 2016; “Swan Lake,” 2017; and, “Romeo & Juliet,” 2018
Kansas High School Activities Association Basketball Referee, 2007—present
Upward Sports Basketball Coach, 2009—present

Community Presentations

Libraries and Student Success

“Beyond Admission Status: The Success Characteristics of Washburn University Students,” Washburn
University Retires Association, November 2017
“Demographics, Demographics, Demographics: The Future is now at Washburn University,” American
Business Women’s Association, November 2016
“A Changing Undergraduate: First Generation Students at Washburn University,” Heartland Sonoma
Club, November 2016

- "Yes You Can, Yes You Must: The Ichabod Success Institute," Brown v. Board of Education College Equity Day Event, October 2016
- "Do you remember your Mentor: Mentoring First-Generation Students into Success," Civitan Club of Topeka, October 2016
- "Mentoring First-Generation Students into Success," Topeka Lions Club, September 2016
- "Creating a new Culture of Student Success at Washburn University," Washburn University Retirees Association, October 2015
- "The Washburn University Libraries and Center for Student Success as the Crossroads of the Washburn Community of Learning." Top of the Tower, Topeka, KS, March 2014
- "Student Success in the Washburn University Libraries: You Should Come Visit." Southwest Kiwanis Club, Topeka, KS, November 2013

History and Religion

- Keynote Address, "Volunteering in Early America: It's Impact in Modern America." The Daughters of the Revolution, Westport Chapter, Kansas City, MO, September 2016.
- Keynote Address, "Descendants, Descendants, Descendants: The Importance of History and Memory in Modern American Life." The 100th Society of Mayflower Descendants in Kansas Annual Meeting, November 2014
- Keynote Address, "Being a Historically Authentic Baptist in the 21st Century." Senior Adult Retreat of the American Baptist Churches of the Central Region, Hesston, KS, April 2012
- Keynote Address, "Teaching the Mayflower in 21st-Kansas." The Society of Mayflower Descendants in Kansas Annual Meeting, November 2011
- Keynote Address, "Loyalists in the American Revolution: Yes, They Existed and Why They Matter to Ordinary Citizens in 21st Century America." The Hereditary Order of Descendants of the Loyalists and Patriots of the American Revolution, Washington, D.C., April 2011
- Keynote Address, "The American Revolution through the Eyes of an Englishman." The Eighty-third National Conference of The National Society of the Dames of the Court of Honor, Kansas City, MO, September 2010
- Keynote Address, "George Washington at Newburgh: Glasses, Tears and the Saving of the Revolution," The Twenty-Fourth Annual George Washington Birthday Celebration of The Kansas City Area Chapters of the National Society of the Sons of the American Revolution, February 2010
- Keynote Address, "Charles Sheldon and Neighborhood Development in Topeka, Kansas," Annual Meeting of the Shawnee County History Society, December 2009
- Keynote Address, "Virtuous Americans and Volunteerism in American History." Topeka Volunteer Banquet, June 2006
- "The Match that Lit the Reformation: Why Luther and why in 1517?" First Congregational Church, Topeka, KS, November 2017
- "Teaching Luther and the Reformation." Our Savior's Lutheran Church, Topeka, KS, March 2017
- "American Religious History: Worth Our Time—Definitely Yes in Kansas." Prince of Peace Evangelical Lutheran Church, Topeka, KS, November 2014
- "The War of 1812 in Historical Memory." The Daughters of the American Revolution, Topeka, KS, November 2012
- "Washington and Thanksgiving in American History." The Sons of the American Revolution, Topeka, KS, November 2012
- "History of Easter." Interest Group, Senior Adult Retreat of the American Baptist Churches of the Central Region, Hesston, KS, April 2012

- "Religion In Colonial America" Brewster Place, Topeka, KS, November 2010
- "In His Steps: Charles Sheldon's Neighborhoods." Topeka-Shawnee County Public Library, May 2010
- "Charles Sheldon and Washburn University: Preaching to Students and the Birth of an International Phenomena," The Nautilus Club, Topeka, KS, May 2010
- "Charles Sheldon and Tennessee Town," Reconnection IV, Kansas Historical Society, April 2010
- Keynote Address, "American Religious History for Pastors and Churches: Reading it, Writing it, and Saving it." Mid-American Ministers Council Retreat, Dayton, IA, April 2010
- "The Separation of Church and State in United States History: Then and Now," Central Congregational Church, Topeka, KS, April 2010
- "A History of Conflict within the Christian Church: Real or Imagined." Seabrook Area Churches Lenten Series, March 2010
- "Studying History to Understand Core Baptist Principles in the 21st Century." *Together in the Lord Conference*, American Baptist Churches, USA Ministry Renewal Conference, Orlando, FL, January 2010
- "It Matters Today: American Religious History," Topeka Sparkplugs, November 2009
- Roundtable participant, "When is Just War Just? An Historical and Contemporary Perspective," The Topeka Center for Peace and Justice, July 2009
- Keynote Address, "Religion and the American Revolution," Kansas Society of the Sons of the American Revolution, March 2009
- Discussant, "Voting Values and Justice: Recovering Our Lost Spiritual Traditions," Mainstream Voices of Faith, October 2008
- "From the Founding Fathers to Flynt v. Falwell: Episodes in the History of American Civil Religion," Washburn University *Phi Alpha Theta*, September 2008
- "The Four Legs of the Baptist Faith," First Baptist Church, Wednesday Series, April 2008.
- Discussant, "Out of the Depths..."; Works by French Expressionist Georges Rouault," Mulvane Art Conversations, February 2008
- "Evangelical Christianity and the Modern Environmental Movement." Seabrook Area Churches, February 2008
- "The 6 Big Myths of American Religious History." Westminster Presbyterian Church, February 2008
- "Christianity in the United Kingdom versus Christianity in the United States: The Impact of Modernity." The Sheppard's Center, February 2008
- "Religion and Politics in Modern America." Mainstream Topeka Clergy Monthly Meeting, January 2008
- "History of Christmas." Topeka Downtown Kiwanis Club, December 2007
- "There's Something in the Water: Topeka, Kansas—The Birthplace of Modern American Religion." *Phi Alpha Theta* Fall Initiation, 2007
- "Giants of the Faith." First Baptist Church, Wednesday Night Series, October—November, 2007
- "Religion and the Constitution of the United States of America." Southwest Topeka Daughters of the American Revolution, May 2007
- Presenter and Moderator, "Why the First Amendment can Separate Church and State, but not Religion and Politics." Presidential Roundtable, Washburn University, April 2007
- Guest Instructor, Emmanuel House Seminary, November 2007, presented lessons on the history of Puritans in England and North America
- Panelist, "Religion and the United States Military Forum." Washburn University, November 2006
- "The Entire History of Christianity on One Page or In Less than Fifteen Minutes." Abrahamic Forum, Topeka Interfaith Association, November 2006
- "Religion and Politics in United States History." First Baptist Church, November 2006
- Guest Teacher, "The History of Thanksgiving." Pauline Central Elementary School, November 2006

"Teaching American Religious History." Topeka Women Garden of Grace Group, Wanamaker Woods Nazarene Church, September 2006
Guest Teacher, "The War of 1812." Topeka Collegiate School, September 2006
"The Importance of Teaching American Religious History." Topeka "Community" Christian Men's Group, August 2006
"Religion and the Constitutional Convention." Central Topeka Daughters of the American Revolution, February 2006.
"Just War Theory: Does God Care About This Issue?" Topeka "Community" Christian Men's Group, January 2006.
"A History of Christmas." Washburn University *Phi Alpha Theta* Fall Initiation, December 2005.
"A History of Christmas." First Baptist Church, Topeka, KS, November 2005
"The Importance of Teaching American Religious History." Washburn Walkers Monthly Meeting, September 2005
Panelist, "London Bridge is Falling Down: A Forum on Terrorism in Britain." Washburn University, September 2005
"Just War?" Washburn University, April 2005
Teacher, Jay Schneider Elementary School, "The Importance of History: Christianity and Islam," February 2005
Moderator, "After the Elections: Prospects in Iraq." Washburn University, March 2005
"The Importance of Early American Religious History." USD501: Topeka Public Schools Retired Teachers Group, February 2005
"Billy Graham and American Religious History." First Baptist Church, Topeka, KS, October 2004
"The Importance of Early American Religious History." First Baptist Church, Topeka, KS, July 2004
Moderator and participant, "A Passionate Debate: A Forum on Mel Gibson's *The Passion of Christ*." Washburn University, April 2004
"Understanding George Bush's Imperial Civil Religion: The Religious Right and American History." Washburn University, November 2003
"Fact and Fiction about the History of Thanksgiving in North America." Washburn University Living Learning Center, November 2003
"The First Thanksgiving." Topeka Area Cub Scouts, November 2003

General

"Why College Matters for You Now and Will Matter Even More Tomorrow," Highland Park Elementary School 5th Grade Assembly, January 2017
Keynote Address, "Mirrors, Windows and Choices: Where Will Education Take You?" Topeka West High School National Honor Society Fall Induction Ceremony, November 2016
"Washburn University: A Community Resource and Treasure," Auburn Lions Club, October 2016
"Why Academia." *Delta Chi* Fireside Chat, Washburn University, February 2010
"Anyone Can be the Boss: But Only Leaders can be Teachers." Keynote Address, Annual Greek Banquet, April 2007
Guest Teacher, "Growing up English: Going to School in England versus Going to School in Kansas." French Middle School, April 2006
Guest Teacher, "An Immigration Story." Wanamaker Elementary School, November 2005
Teaching Experience

Undergraduate Courses

United States History to 1877
United States History from 1877
American Religious History
American Revolutionary Period
Civil Religion and the United States Presidency
Colonial America
History of Christianity on the Frontier: 1770-1860
History of Culture and Sport in Europe (An interdisciplinary course co-taught with Kinesiology faculty,
and an international study course taught in England and France)
History Forum
Martin Luther
The European Reformation
The Road to Reformation (International study course taught in France, Switzerland, Italy and Germany)
The Road to Revolution (Domestic travel course taught in Massachusetts, New York, Philadelphia and
Washington, D.C.)
The Washburn Experience (Traditional, Adult and High School Academy students)

Honors Courses

United States History to 1877, Primary Sources
United States History from 1877, Primary Sources
American Religious History
The European Reformation

Graduate Courses

American Religious History
American Revolutionary Period
Colonial America
The European Reformation

Professional Memberships

American Historical Association
American Library Association
Association of College and Research Libraries
Council for Adult and Experiential Learning (CAEL)
Kansas Association of Historians
Library Leadership and Management Association
National Academic Advising Association (NACADA)
The Conference on Faith and History

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Councilmember Karen Hiller granting Iron Rail
4 Brewing 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 Council to grant exceptions to the prohibitions of this code section upon request
14 and a showing that the proposed activity does not offend the spirit of the findings
15 of City of Topeka Code Section 9.45.150, et seq.; and

16 WHEREAS, Iron Rail Brewing 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 Iron Rail Brewing the
20 Governing Body of the City of Topeka does hereby find that the requested
21 activity does not offend the spirit of the findings of City of Topeka Code Section
22 9.45.150, et seq.

23 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the
24 City of Topeka that Iron Rail Brewing is hereby granted an exception from the
25 provisions of City of Topeka Code Section 9.45.150, et seq. during their Grand

26 Opening and Brew Fest event located at 705 S. Kansas Avenue from 11:00 a.m.
27 to 6:00 p.m. on November 17, 2018.

28

29 ADOPTED and APPROVED by the Governing Body _____.

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Michelle De La Isla, Mayor

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36 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
October 2, 2018

DATE:	October 2, 2018	
CONTACT PERSON:	Thomas Allen/Mary Feighny	DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY	014 Ordinances – Non-Codified / 002 Condemnations	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for NE Seward Avenue for the Norwood Street Water Line Improvement Project No. T-281104.00.

Voting Requirement: Majority vote of the Governing Body (6)

(Approval would authorize the City Attorney to initiate condemnation proceedings in the district court.)

VOTING REQUIREMENTS:

Majority vote of the governing body (6).

POLICY ISSUE:

Whether to authorize condemnation to secure temporary and permanent easements for the Norwood Street Water Improvement Project.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The city engineer has determined that it is necessary to secure temporary and permanent easements on two properties in order for the Norwood Water Line Improvement Project to proceed. The owners of the two parcels in question are deceased.

If the ordinance is passed, the City Attorney will petition the district court to condemn the parcels and the court will appoint three appraisers who will examine the property and determine the amount of the compensation based

upon the fair market value of the properties. Upon payment of the compensation to the court, the City will acquire the easements.

BUDGETARY IMPACT:

The estimated value of the two parcels that are the subject of condemnation is \$1200.

SOURCE OF FUNDING:

Project Budget

ATTACHMENTS:

Description

Ordinance

Parcel map

Resolution No. 9053

CIP Budget Summary Page

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for Water Line Improvement Project No. T-281104.00, N.E. Strait from Seward Avenue to the Norwood Booster Pump Station

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain property within the corporate limits of the City of Topeka for installation of a new water line, said property being described as follows:

Parcel 17

Owner of Record: Craig N. Clark (deceased)
300 SE Norwood
Topeka, KS 66607

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement:

The South 5.00 feet of Lot 20 and the North 5.00 feet of Lot 22, Belmont Addition to the City of Topeka, Shawnee County, Kansas.

The above-described property to be acquired contains 1,372 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after acceptance of project for maintenance.

Permanent Easement:

The North 20.00 feet of Lot 20, Belmont Addition to the City of Topeka, Shawnee County, Kansas.

The above-described property to be acquired contains 2,744 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel 19

Owner of Record: Arnold Jackson Hurst and Raymond Eugene Hurst (deceased)
6953 E 72nd Street
Tulsa, OK 74133-2743

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement:

The East 20.00 feet of the West 50.00 feet of the South 100 feet of the North 831 feet of the North 70 acres of the East Half of the Southwest Quarter of Section 34, Township 11 South, Range 16 East of the 6th P.M., Shawnee County, Kansas.

The above-described property to be acquired contains 2,000 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after acceptance of project for maintenance.

Permanent Easement:

The West 30.00 feet of the South 100 feet of the North 831 feet of the North 70 acres of the East Half of the Southwest Quarter of Section 34, Township 11 South, Range 16 East of the 6th

P .M., Shawnee County, Kansas.

The above-described property to be acquired contains 3,000 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the governing body of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

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

PASSED and APPROVED by the Governing Body _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

Norwood Water Transmission Line



Legend

-  cotgispub.DBO.TaxParcel
-  Permanent Easement

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.

Created by: dfish
Date: 9/13/2018

RESOLUTION NO. 9053

A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for Water Line Improvement Project No. T-281104.00, N.E. Strait from Seward Avenue to the Norwood Booster Pump Station.

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn within the corporate limits of the City of Topeka certain private property interests, including temporary easement and permanent easements, for the following public purpose: installation of a new water line and such other public purposes as are authorized by law.

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

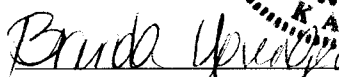
THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

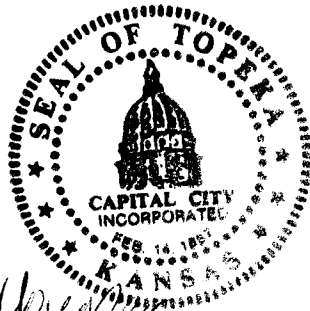
ADOPTED and APPROVED by Governing Body September 18, 2018.

CITY OF TOPEKA, KANSAS


Michelle De La Isla, Mayor

ATTEST:


Brenda Younger, City Clerk





City of Topeka

Capital Improvement Project Summary

1. Project Title: 24" NE Strait from NE Seward to SE 6th Ave 2. Project #: T-281104.00
 3. Dept/Div: Public Works / UAM - Water 4. Project Year(s): 2017
 5. Type: New Repair/Replace X 6. Project Location Strait from Seward to 6th
 7. Contact Name: Paul Bodner 8. Contact Phone: 368-2448

9. Project Description: This main supplements necessary improvements that provide the foundation for the new East and South Zones. Continued re-development and expansion in these areas will require the additional water supplied by this water main. The project timing is driven as a result of the proposed improvements to SE Seward Avenue from Branner to Rice Road to provide the source water connectivity for that transmission main. This project was identified as part of the Water Distribution System Master Plan (February 2002). The alignment is going on NE Strait from NE Seward to SE 2nd St, continuing parallel to Deer Creek Park to SE 6th Ave. The 2002 Water Distribution System Master Plan determined that this project among others will improve the delivery of potable water and fire protection throughout the city.

10. Project Schedule and Estimate

	<u>Year</u>	<u>Amount</u>
a. Design/Administrative Fees	2017	\$ 320,000
b. Right-of Way		
c. Construction/Service Fees	2017	\$ 1,900,000
d. Contingency		\$ 158,855
e. Technology		\$ -
f. Financing Costs (Temp Notes)		\$ 35,683
g. Cost of Issuance (Rev/GO Bonds)		\$ 47,577
h. Debt Reserve Fund (Rev Bonds)		\$ 237,886
i. Capitalized Interest		\$ -
Project Total		\$ 2,700,000

Estimated Life of Item (years): 75 -100
 Source of Estimate/Year: Water/2013

11. Estimated Annual Operating Cost

Basis for Cost Estimate and Funding Source:

12. Amount by source of financing

	1. G.O. Bonds	2. Revenue Bonds	3.	4.	5.	TOTAL
2017		2,700,000				\$2,700,000
2018						\$0
2019						\$0
2020						\$0
2021						\$0
TOTAL	\$0	\$2,700,000	\$0	\$0	\$0	\$2,700,000



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE: October 2, 2018
CONTACT PERSON: Richard Faulkner, Dev Services Division Director
DOCUMENT #:
SECOND PARTY/SUBJECT: NFPA 2017 National Electrical Code
PROJECT #:
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 026 Buildings and Building Regulations
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 091818.
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, adopting the 2017 National Electrical Code, amending City of Topeka Code Section 14.30.010 and repealing in its entirety Section 14.30.060.

Voting Requirement: Majority vote of the Governing Body (6).

(Electrical Appeals Board and City Staff recommend replacing the 2011 NEC with the 2017 version.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6).

POLICY ISSUE:

The City is currently operating under the 2011 NEC.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The City is currently operating under the 2011 NEC. The Electrical Appeals board reviewed the code in 2017 and recommended that the code be adopted without amendments.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

2017 National Electrical Code Ordinance

Notable Changes to 2017 NEC

Presentation - September 18, 2018 Governing Body Meeting

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, adopting the 2017 National Electrical Code, amending City of Topeka Code § 14.30.010 and repealing in its entirety § 14.30.060.

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

Section 1. That section 14.30.010, National Electrical Code – Adopted, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

National Electrical Code – Adopted.

There is hereby adopted by reference the National Electrical Code, ~~2011~~2017 Edition, and any codified supplements thereto, as promulgated by the National Fire Protection Association, Quincy, Massachusetts. The National Electrical Code, ~~2011~~2017 Edition, is hereby adopted as the electrical code of the city and incorporated in this chapter as if fully set out in this chapter.

Section 2. That section 14.30.060 of The Code of the City of Topeka, Kansas, is hereby repealed.

~~Amendments to the NEC.~~

~~Amendments to the National Electrical Code adopted herein shall be set out in this section.~~

~~Section 90.2, Scope (B) Not Covered (5), of the National Electrical Code shall be deleted in its entirety and the following provisions shall be substituted therefor:~~

~~(5) Installations under the exclusive control of an electric utility where such installations:~~

~~a. Consist of service drops or service laterals, and associated metering, or~~

~~b. Are located (i) in legally established easements or rights-of-way, (ii) pursuant to a utility's tariff approved by the public service commission, utility commission, or other regulatory agency having jurisdiction over such utility, or (iii) pursuant to other applicable law or regulation, or~~

~~c. Are on property owned or leased by the electric utility for the purpose of communications, metering, generation, control transformation, transmission or distribution of electric energy.~~

~~Section 110.24, Available Fault Current, of the National Electrical Code shall be deleted in its entirety and the following provisions shall be substituted therefor:~~

~~Field Marking. New and replaced service equipment in other than dwelling units shall be legibly marked in the field with the maximum available fault current. The field marking(s) shall include the date the fault current calculation was performed and be of sufficient durability to withstand the environment involved.~~

~~Exception: The field marking requirements in 110.24 shall not be required in industrial installations where conditions of maintenance and supervision ensure that only qualified persons service the equipment.~~

Section 3. That original § 14.30.010 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

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

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



A Few Notable Changes to the 2017 National Electrical Code

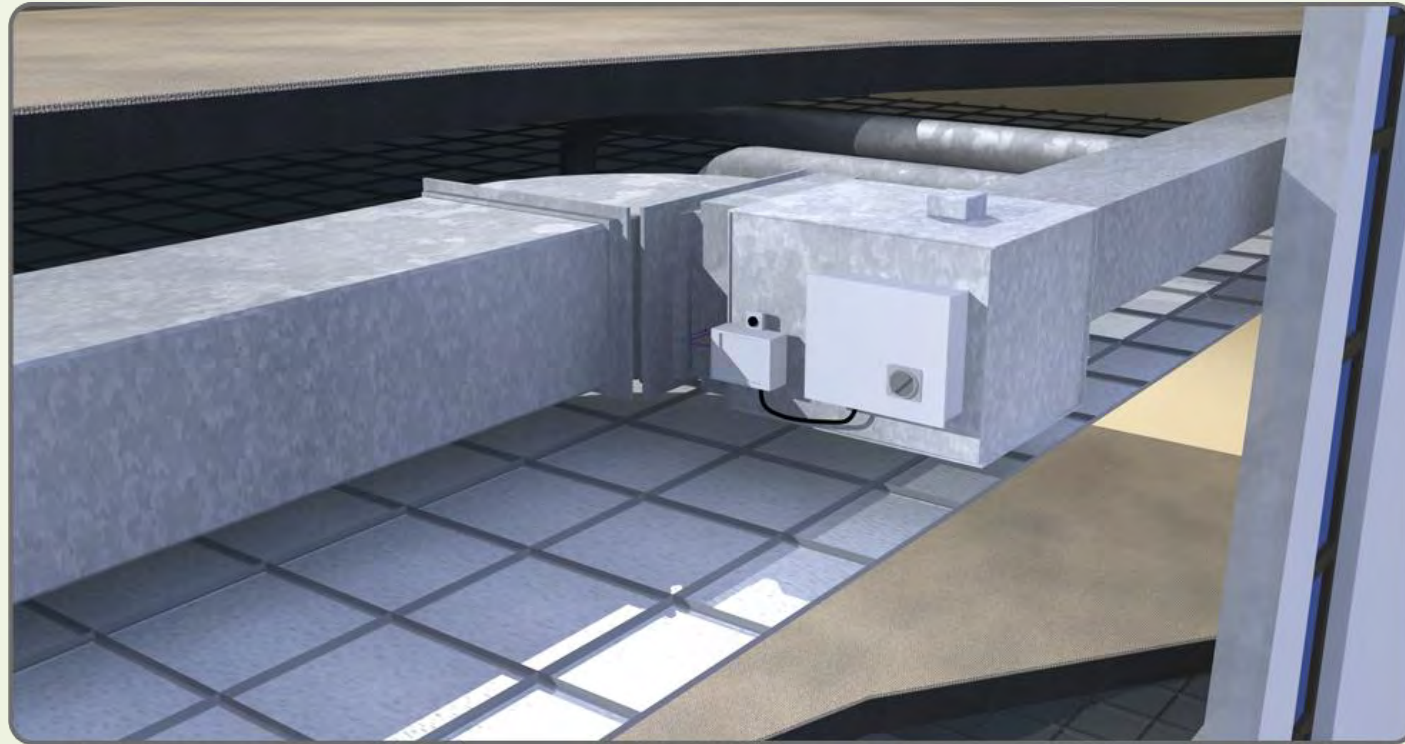
- 5 new Articles
 - Energy Storage Systems
 - Large Scale Photovoltaic Electrical Power Production
 - Stand-Alone Systems
 - Direct Current Micro-grids
 - Fixed Industrial Process Heating
- 5 Improvements
 - Single-Phase Dwelling Services & Feeders
 - GFCI Protection for Non-Dwelling Units
 - Reconditioned Equipment, ID & Traceability
 - Short-Circuit Current Documentation
 - Limited Access Working Space Requirement
- 255 Changes

110.14 Electrical Connections

Where a tightening torque is indicated on the equipment or in the installation instruction, the use of a calibrated tightening tool is required.



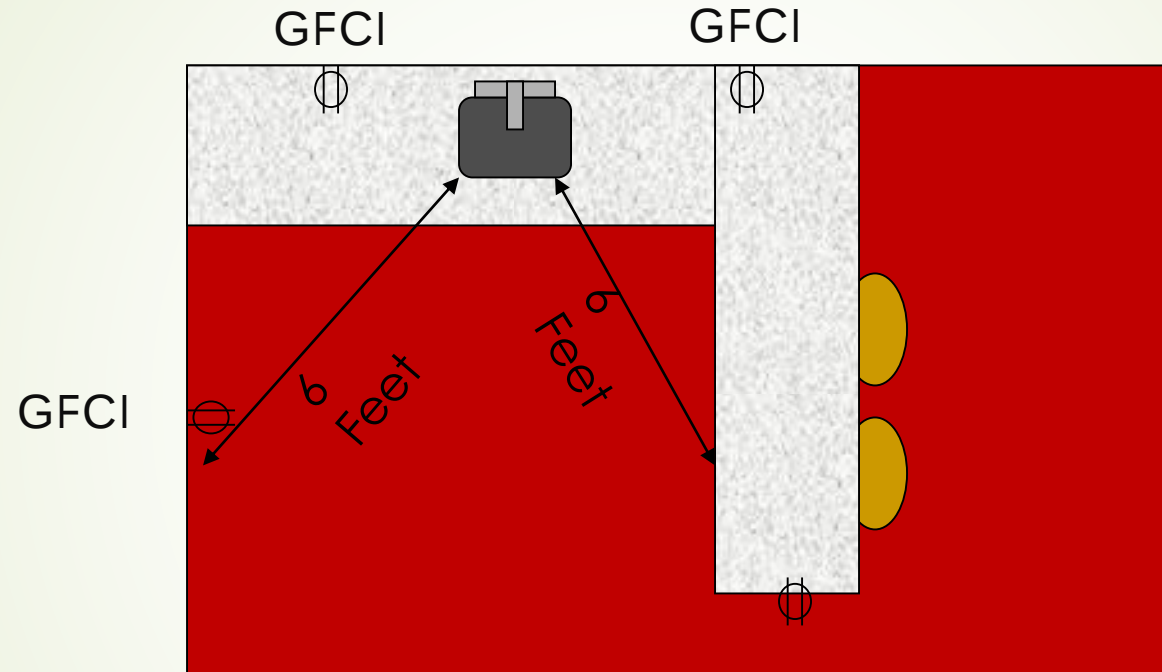
110.26(A)(4)
Space About Electrical Equipment



Transformers?

210.8 and 210.8(A)(7)

Sinks



For the purposes of this section, when determining distance from receptacles the distance shall be measured as the shortest path the cord of an appliance connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door, doorway, or window.

Article 210.12(C)

AFCI Protection in Guest Rooms and Guest Suites

All 120 volt, single phase 15 and 20 amp branch circuits supplying outlets and devices are required to have AFCI protection.



The requirement for permanent provisions for cooking no longer apply.

Article 210.52A(2) Receptacle outlet spacing

Unbroken along the floor line by fixed cabinets that do not have countertops or similar work surfaces.



Wall Space

Not wall Space

Article 210.52(C)(3) Peninsular Countertops Spaces



The size is still the same. (long dimension of 24 inches and a short dimension of 12 inches) The measurement has been changed from the connecting edge to the connecting wall. This allows the wall receptacle to count for the required receptacle.

Article 210.71 Meeting Rooms



New requirements for wall and floor outlets in meeting and conference rooms.

Article 250.30(A)(4) and (A)(5) Grounding Separately Derived Systems

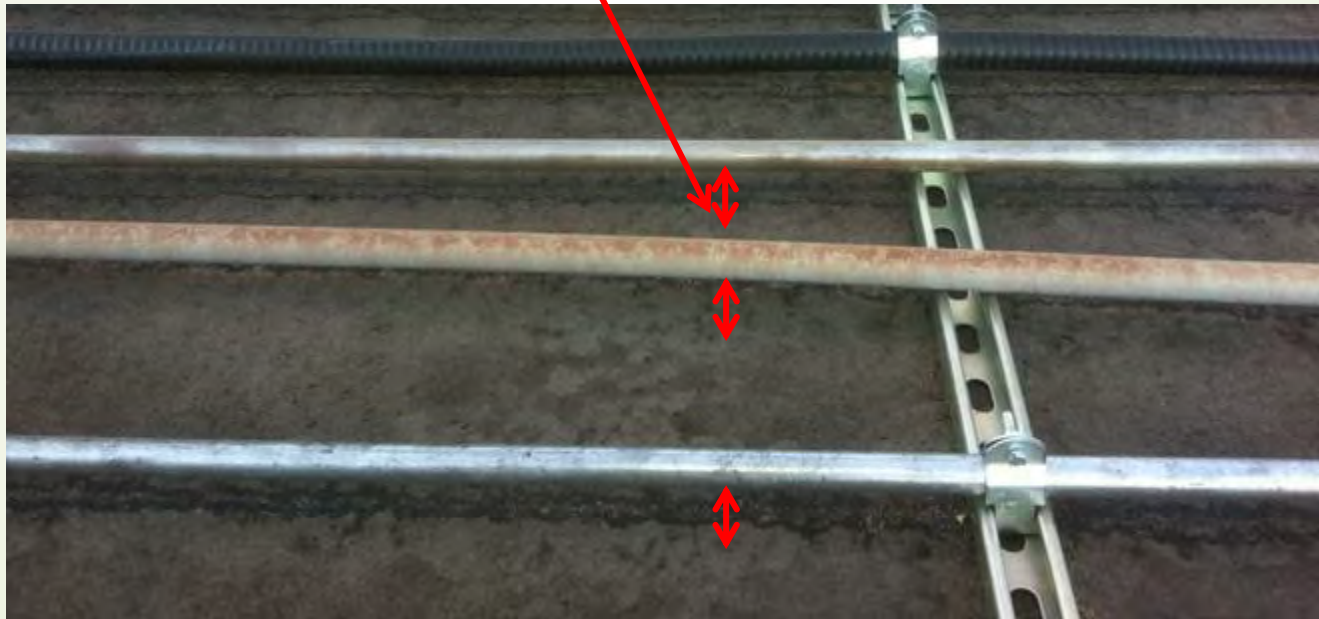


The building or structure electrode system shall be used as the GE for the separately derived system. The electrode is no longer required to be in the same area as the system. The metal water piping system or structural steel can be used to extend as a conductor if they meet the requirements of 250.68(C)(1) or (2).

The use of a made electrode “if others are not available” as been removed.

Table 310.15(B)(C) Raceways and Cables on Rooftops

Where raceways or cables are exposed to direct sunlight on or above rooftops, they shall be installed 7/8 inches above the roof or be subject to a rooftop temperature adder of 60°F.



Exception: Type XHHW-2 insulated conductors shall not be subject to this ampacity adjustment.



Table 310.15(B)(7) 120/240 Volt or 208Y-120 Volt, Single Phase Swelling Services and Feeders

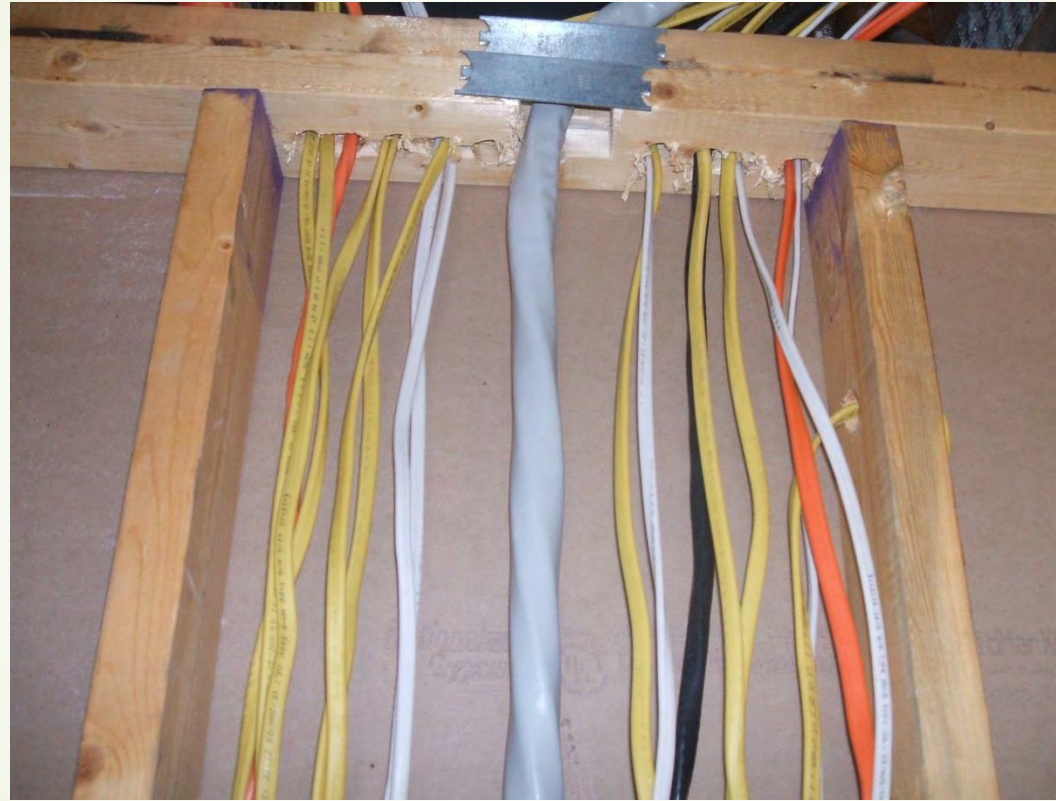
Single phase 120/240 volt services or feeders (100 – 400 ampere) and single phase, **208Y/120 volt feeders** (100 – 400 ampere), supplying the entire dwelling unit load permitted to have an ampacity not less than 83% of the service or feeder rating.

Correction or adjustment factors required by **310.15(B)(2) or (3) permitted** to be applied to the ampacity associated with the temperature rating of these conductors

Service/feeder ratings addressed by this section are based on the standard ampacity from 240.6(A)

338.10(B)(4)

SE Cable Installed as a Branch Circuit or Feeder



Only SE cable containing conductors #10 and smaller are required to be used at their 60 degree ampacity when installed in thermal insulation. Larger conductors can be used at the 75 degree ampacity.

406.12

Tamper Resistant Receptacles

All 15 and 20 ampere, 125 and **250 volt** nonlocking type receptacles in areas specified in 406.12(1) through (7) must be listed tamper resistant receptacles:

- (1) Dwelling units in all areas specified in 210.52 **and 550.13**;
- (2) Guest rooms and guest suites of hotels and motels;
- (3) Child care facilities;
- (4) ***Preschools/elementary educational facilities;***
- (5) ***Business office, corridors, waiting rooms, and the like in medical/dental offices;***
- (6) ***Subset of assembly occupancies described in Article 518.2 to include places of waiting transportation, gymnasiums, skating rinks, and auditoriums.***
- (7) ***Dormitories***



445.13(B) Marking (Generators)



(B) Overcurrent protection provided: Where the generator set is equipped with a listed OCPD, including or a combination of a current transformer and overload relay, conductors shall be permitted to be tapped from the load side of the protection terminals in accordance with 240.21(B).

Tapped conductors shall not be permitted for portable generators rated 15 Kw or less where field wiring terminals are not accessible.

445.18

Disconnecting Means and Shutdown of Prime Mover

- (A) Disconnecting Means. Generators other than cord-and plug-connected portable shall have one or more disconnecting means. Each disconnecting means shall simultaneously open all associated ungrounded conductors. Each disconnecting means shall be lockable in the open position in accordance with 110.25.
- (B) Shutdown of Prime Mover. Generators shall have provisions to shutdown the prime mover. The means of shutdown shall comply with all of the following:
 - (1) Be equipped with provisions to disable all prime mover start control circuits to render the prime mover incapable of starting.
 - (2) Initiate a shutdown mechanism that requires a mechanical reset.

The provisions to shutdown the prime mover shall be permitted to satisfy the requirements of 445.18(A) where it is capable of being locked in the open position in accordance with 110.25.

Generators with greater than 15kW rating shall be provided with an additional requirement to shutdown the prime mover. This additional shutdown means shall be located outside of the equipment room or generator enclosure and shall also meet the requirements of 445.18(B)(1) and (B)(2).

(C) Generators Installed in Parallel. Where a generator is installed in parallel with other generators, the provisions of 445.18(A) shall be capable of isolating the generator output terminals from the paralleling equipment. The disconnecting means shall not be required to be located at the generator.

Article 555

Marinas, Boatyards, and Commercial and Noncommercial Docking Facilities



The article title was changed and a reference to one family, two-family and multi-family dwellings was added to the scope. Article 555 will be applicable to these locations.

Article 605.9(C) Freestanding-Type Office Furnishings-Cord Connected



A maximum of 13 receptacle allowed on a 15 amp branch circuit. Two simplex receptacles in one enclosure or within one foot of each other would be considered one receptacle.

Article 680.12 and 680.14

Protection against Corrosive Environments Wet Locations



Areas where chemicals are stored or used are considered a corrosive environment. Wiring methods used in these areas shall be listed and identified for use in such areas. RMC, IMC, PVC, and RTRC are considered resistant to the corrosive environment listed in 680.14

691

Large-Scale Photovoltaic (PV) Electric Power Production Facility



This Article covers the installation of large-scale PV electric power production facilities operating for the sole purpose of providing electric supply to a system operated by a regulated utility for the transfer of electrical energy with a generating capacity of no less than 5000 kW (generating stations, sub-stations, associated generator, storage battery, transformer, and switchgear areas).

700.10(D) Fire Protection of Emergency Feeders



Occupancy areas requiring fire protection for emergency system feeders was expanded to include, health care occupancies where people are not capable of self-preservation, educational occupancies of more than 300.

ELECTRICAL CODE ADOPTION



National Fire Protection Association
2017 National Electrical Code

Codes Adopted by the City

- ◎ Residential
 - 2009 International Residential Code Chapters 1 through 10 and Appendix F
 - 2009 International Energy Conservation Code - new residential construction only

- ◎ Commercial
 - 2015 International Building Code
 - 1997 Uniform Code for Building Conservation
 - 2006 Uniform Mechanical Code
 - 2012 Uniform Plumbing Code
 - 2015 International Fire Code
 - 2015 Life Safety Code

- ◎ Residential / Commercial
 - **2011 National Electrical Code**

Overview

- City of Topeka recognizes the need for up to date building and trade codes
- National codes are updated every 3 yrs.; best practice is to update locally 6-9 years
- 2017 National Electrical Code (NEC) was put out by National Fire Protection Association (NFPA)
- The code is designed to ensure the safe application and convenience of electricity

Review Process

- The Board of Electrical Appeals, appointed by City Council, led the review process starting in January, 2017:
 - Shawn Smith, Electrical Engineer
 - Jim Grunewald, Master Electrician
 - Dave Krug, Electrical Engineer
 - William Brown, Master Electrician
 - Leo Martinez, Master Electrician
- The City's certified Electrical Inspectors put on continuing education classes for electrical contractors which included the proposed 2017 electrical code
- Staff further engaged key stakeholders for input

Neighboring Cities

Adopted National Electrical Codes of 1st Class Cities

	2008	2011	2014	2017
Manhattan			X	
Lawrence			X	
Junction City		X		
Overland Park		X		
Shawnee		X		
Leavenworth*	*Leavenworth is using the 2006 International Electrical Code			
Olathe		X		

2017 NEC

- ⦿ Addresses both residential and commercial
- ⦿ Basic electrical systems are the same in residential and commercial
- ⦿ Addresses more complicated commercial applications
- ⦿ Adds additional locations for arc-fault circuit interrupter protection for fire prevention
- ⦿ No local amendments proposed

A Few Notable Changes to the 2017 National Electrical Code

- ◎ 5 new Articles
 - Energy Storage Systems
 - Large Scale Photovoltaic Electrical Power Production
 - Stand-Alone Systems
 - Direct Current Micro-grids
 - Fixed Industrial Process Heating
- ◎ 5 Improvements
 - Single-Phase Dwelling Services & Feeders
 - GFCI Protection for Non-Dwelling Units
 - Reconditioned Equipment, ID & Traceability
 - Short-Circuit Current Documentation
 - Limited Access Working Space Requirement
- ◎ 255 Changes



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE: October 2, 2018
CONTACT PERSON: Mary Feighny, Deputy City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Notice and Procedure
PROJECT #:
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 078 Health and Sanitation
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 061218.
Defer until 071717
(061918). Defer until
090418 (071718).
Discussion 090418.
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Brent Trout, concerning International Property Maintenance Code local amendments regarding notice and procedural matters, amending City of Topeka Code Sections 8.60.070, 8.60.080 and 8.60.110 and repealing original sections.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would amend the IPMC with regard to notice and process.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6)

POLICY ISSUE:

Whether to amend the IPMC to clarify notification and process.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The 2012 IPMC was adopted four years ago. Changes are necessary in the area of notification and process to address ambiguities and make more consistent with state laws.

The Governing Body considered this matter on June 12th, June 19th, July 17th and September 4th.

BUDGETARY IMPACT:

Publication costs will be reduced. In 2017, publication costs were \$35,069.

SOURCE OF FUNDING:

Department of Neighborhood Relations

ATTACHMENTS:

Description

Summary of Changes

Proposed Amendments

Ordinance

Summary of Changes: General IPMC (housing, sanitation, weeds)

Subject	Line #	Current	Change	Reason
Abatement, unsafe structures	41-42	Unsafe structure; abatement if owner fails to appear at hearing	Concept retained but moved to new unsafe structure ordinance. (lines 51-55)	Separating general IPMC violations from unsafe structure proceedings
Notice	57-82	Notice includes: property identification, description of the violations, action required within a prescribed period not to exceed 60 calendar days, hearing may be requested if submitted within 10 calendar days from date of service. If no compliance or hearing requested, then city can abate and assess the costs against the owner. Failure to comply may result in prosecution in municipal court. If code official has determined that structure is unsafe, hearing will be held not less than 10 days nor more than 30 days after service of notice.	The notice will require compliance by a date certain. The hearing will have to be requested by a date certain. References to unsafe structures are moved to new unsafe structure ordinance. (lines 51-55)	KSA 12-1617e requires abatement time to be specified in the notice and allows extensions. Provides owners with a definite date to either comply or request a hearing rather than the current notice that requires compliance within 'x days from service of this letter.' Current Code provides that service of certified mail is effective 'upon receipt.' When people refuse to sign the green card indicating receipt of certified mail, service isn't effective so the compliance date is difficult to determine. This change will reduce the number of calls from people inquiring as to the compliance date. Compliance dates are fairly standard: sanitation/inoperable vehicles are 10 days; weed violations are 10 days; housing violations are 60 days. Depending upon the nature of the violation and other factors (e.g. weather), abatement extensions are available.
Service of the notice	89-136	Personal service or certified mail to the last known address. Service of certified mail is effective upon receipt. If person is unknown, notice is posted on the premises and published once in the Metro News. One time yearly notice for weeds to be served by mail or personal service. Service is on the owner and any other interest holder (e.g. mortgagee). Notice of unsafe structures where owner is unknown is published twice in the Metro News.	Personal service methods are identified by utilizing state law methods of service for lawsuits. Service on corporate owners is addressed. Eliminates reference to effective date of service by certified mail 'upon receipt.' Adds new section for service by other means if a person fails to pick up certified mail for the preceding 2-year period. Publication is eliminated because state law doesn't require it. The default address for certified mail will be the last known address as reflected in the county appraiser's records	Clarifies how service can be secured. Eliminates publication. Moves references to unsafe structures to the new ordinance. (lines 58-73)

Summary of Changes: General IPMC (housing, sanitation, weeds)

Subject	Line #	Current	Change	Reason
Proof of service	145-149	Service is documented by a declaration identifying the date, time, and manner of service (i.e. personal, certified mail) Certified mail return receipt is retained.	No change, except that certified mail return receipt doesn't have to be affixed to the copy of the notice.	Documentation of service will continue. In addition, hearing officer must make a finding that the notice was properly served. (lines 174-177).
Hearing	155-189	Right to appeal an inspector's decision if hearing requested within 10 calendar days 'from date of service.' Hearing officer will schedule hearing within 3 working days of receipt of the hearing request. Notice of the date will be mailed within 10 calendar days of hearing request. If the case deals with an unsafe structure, hearing officer makes findings and issues an order.	Hearing has to be requested within the time designated in the notice. Eliminates the requirement that hearing officer schedule a hearing within 3 days of receipt of the request and mail the notice. Hearing date notice is provided within 10 calendar days of request. Specifies that the hearing officer can affirm, modify, or reverse the inspector's determination. Provides that hearing officer may administer oaths and consider testimony and other evidence and grant continuances. Notifies the person that an appeal to district court is available. Eliminates references to unsafe structures and moves to new ordinance. (lines 77-103)	Hearings are held twice monthly on designated days. Eliminates or reduces confusion with regard to the time to request a hearing. There's no need for a notice to be mailed when the person comes into the office to request a hearing. Clarifies the role of the hearing officer and the officer's authority.



2012

INTERNATIONAL
PROPERTY
MAINTENANCE
CODE®

A Member of the International Code Family®

IPMC®

IPMC

1
2
3
4
5
6

Proposed Amendments are in underline and strike-type

SECTION 106 VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. A person who fails to comply with a notice of violation served in accordance with Section 107, shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with TMC 1.10.070. A violation of this chapter shall be deemed a strict liability offense. Abatement of a violation by the code official shall not be a defense or excuse to a violation. The pendency of an administrative hearing pursuant to section 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution and adjudication in municipal court.

[A] 106.4 Administrative penalties.

(a) There shall be an administrative monetary penalty of \$100.00 imposed on the owner or, in the case of inoperative vehicles, the vehicle owner for each violation of this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed.

(b) The administrative monetary penalty for a second or subsequent violation for which an administrative penalty has been imposed under this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed for the same property within 12 months of the same or substantially same violation shall be \$200.00.

[A] 106.5 Abatement of violation.

(a) Abatement. Upon the expiration of the compliance period stated in the notice of violation, the code official shall inspect the property. The code official may grant an extension of time if the owner demonstrates that due diligence is being exercised in abating the violation. If the owner has failed to comply within the compliance period, or has failed to timely request an appeal hearing or, in the case of an unsafe structure, failed to appear at a hearing, the code official may abate the violation and assess the costs against the owner. If the costs are not paid within 30 days, the cost ~~can~~ may be collected pursuant to K.S.A. 12-1,115 and amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e, K.S.A. 12-1617f, K.S.A. 12- 1755, or K.S.A. 17-4759 and amendments thereto. **After posting, I struck out 'can' and underlined 'may' to reflect what appears in the ordinance.**

(b) Fees. The costs incurred by the city for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The

administrative costs shall be:

General violations of the IPMC	\$140.00
Weeds and grasses	\$140.00
Inoperative vehicles	\$175.00

SECTION 107 NOTICES AND ORDERS

[A] 107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

[A] 107.2 Form.

The notice prescribed in Section 107.1 shall include the following:

1. Description of the real estate sufficient for identification.
2. A statement that includes a description of the conditions and identifies violations of Chapter 8.60.
3. A statement ~~of the correction action necessary and a reasonable time to complete the action. A reasonable time shall not exceed 60 calendar days that the property owner must abate the violation by the date designated in the notice.~~ **Comment: KSA 12-1617e requires abatement time to be specified in the notice and allows extensions.**
- ~~4. A statement that if the violation(s) is not corrected within the compliance period, the city may impose administrative penalties, abate the violation, and assess the costs against the owner.~~
- ~~54. A statement advising that any owner may request an appeal hearing before an administrative hearing officer. The request shall be submitted to the code official within 10 calendar days from the date of service on or before the date designated in the notice. Failure to timely request a hearing will allow the city to impose administrative penalties, abate the violation, and assess the costs against the owner. The scope of the appeal shall be limited to the following: (i) whether the provisions of Chapter 8.60 apply; (ii) whether the code official has correctly interpreted Chapter 8.60; and/or (iii) whether the requirements of Chapter 8.60 can be adequately satisfied by other means.~~ **Comment: KSA 12-1617e(b) provides that a hearing may be requested before the expiration of the abatement period.**
- ~~65. A statement that if the violation(s) is not corrected or a hearing requested, the city may impose administrative penalties, abate the violation, and assess the costs against the owner.~~
- ~~76. A statement advising that failure to timely comply with the notice may result in prosecution in municipal court regardless whether an administrative hearing is pending.~~
- ~~8. If code official has determined that the structure is unsafe pursuant to Section 108, the notice shall state that a hearing will be held before the administrative hearing officer not~~

less than 10 calendar days nor more than 30 calendar days after service of the notice.

[A] 107.3 Method of service.

(a) Method of Service. Notice shall be served in one of the following manners:

1. Personal service; residence service. Delivering the notice to the property owner or leaving the notice at the property owner's dwelling or usual place of abode with someone of suitable age and discretion who resides there.

2. Personal service; residence service unsuccessful. If personal or residence service cannot be made, service may be effected by: (i) leaving a copy of the notice at the property owner's dwelling or usual place of abode; and (ii) mailing to the property owner by first-class mail a notice that the copy has been left at the dwelling or usual place of abode.

3. Personal service; legal entity. If the property owner is a legal entity, service may be effected as follows:

(i) Serving the notice on an officer, manager, partner or a resident, managing or general agent;

(ii) Leaving a copy of the notice at any business office with the person having charge of the office; or

(iii) serving the notice on any agent authorized by appointment or by law to receive service of process.

4. Certified mail, return receipt requested, to the last known address of the property owner as reflected in the records of the county appraiser. Service shall be effective on the date of receipt.

~~5. If the property is unoccupied and the owner is a nonresident, certified mail, return receipt requested, to the last known address.~~

~~6. If the location of a person is unknown or if no address is available after diligent effort, then a copy of the notice shall be posted in a conspicuous place on the premises and published once in the official city newspaper. The failure of any such person to receive notice shall not affect the validity of any proceedings.~~

~~7. If the code official has determined that a structure is unsafe pursuant to Section 108 and the whereabouts of the owner are unknown and cannot be ascertained in the exercise of reasonable diligence, the code official may effect service by publishing the notice once each week for two consecutive weeks in the official city newspaper. A copy of the notice shall also be posted in a conspicuous place on the premises and a copy of the notice shall be filed with the register of deeds and the clerk of the district court of Shawnee County.~~

5. Delivery failure. If the property owner or the property owner's agent has failed to accept delivery of notice or otherwise failed to effectuate receipt of notice during the preceding twenty-four month period, notice may be provided by other methods, including but not limited to door hangers, conspicuously posting notice on the property, personal notification, telephone communication, electronic communication, or first class mail.

~~86.~~ In addition to the methods identified in this section, but not in lieu of, the code official may provide notice by other methods, including, but not limited to, door hangers, conspicuously posting notice on the property, personal notification, telephone or email-electronic communication, or first class mail.

97. As authorized by K.S.A. 12-1617f, the code official may provide a one-time

yearly written notice by mail or personal service to the owner or occupant which will permit subsequent abatement mowings without any additional notice. The notice shall also include a statement that no further notice shall be given prior to cutting or removing weeds. **Comment: State law doesn't dictate abatement or notification deadlines for cities that adopt their own ordinances governing weed removal. KSA 12-1617f(b)**

~~(b) Service of Notice. The notice shall be served upon the owner of record, and one copy shall be served on each of the following, if known or available from public records: (1) the holder of any mortgage, deed of trust, lien, or encumbrance; and (2) the holder of any other estate or legal interest of record. The failure of the code official to serve any person shall not invalidate any proceedings hereunder as to any other person duly served or relieve such person from any duty or obligation. If the code official has determined that a structure is unsafe pursuant to Section 108, the notice shall also be served on any occupant who can be ascertained.~~

~~(c) (b) Proof of Service. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the code official.~~ **Comment: Hearing officer has to make a determination that service was proper. Line 388**

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation

and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108

UNSAFE STRUCTURES AND EQUIPMENT (No changes)

[A] 108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] 108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] 108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] 108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that

it is likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

287 **[A] 108.6 Abatement methods.** The *owner, operator* or *occupant* of a building,
288 *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or
289 corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved*
290 corrective action.

291 **[A] 108.7 Record.** The *code official* shall cause a report to be filed on an unsafe
292 condition. The report shall state the *occupancy* of the structure and the nature of the unsafe
293 condition.

294
295 **SECTION 109**
296 **EMERGENCY MEASURES**
297 **(No changes)**

298
299 **[A] 109.1 Imminent danger.** When, in the opinion of the *code official*, there is
300 *imminent danger* of failure or collapse of a building or structure which endangers life, or when
301 any structure or part of a structure has fallen and life is endangered by the occupation of the
302 structure, or when there is actual or potential danger to the building *occupants* or those in the
303 proximity of any structure because of explosives, explosive fumes or vapors or the presence of
304 toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code*
305 *official* is hereby authorized and empowered to order and require the *occupants* to vacate the
306 *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure
307 a notice reading as follows: “This *Structure Is Unsafe and Its Occupancy Has Been Prohibited*
308 *by the Code Official.*” It shall be unlawful for any person to enter such structure except for the
309 purpose of securing the structure, making the required repairs, removing the hazardous
310 condition or of demolishing the same.

311 **[A] 109.2 Temporary safeguards.** Notwithstanding other provisions of this code,
312 whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe
313 condition, the *code official* shall order the necessary work to be done, including the boarding up
314 of openings, to render such structure temporarily safe whether or not the legal procedure herein
315 described has been instituted; and shall cause such other action to be taken as the *code official*
316 deems necessary to meet such emergency.

317 **[A] 109.3 Closing streets.** When necessary for public safety, the *code official* shall
318 temporarily close structures and close, or order the authority having jurisdiction to close,
319 sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same
320 from being utilized.

321 **[A] 109.4 Emergency repairs.** For the purposes of this section, the *code official* shall
322 employ the necessary labor and materials to perform the required work as expeditiously as
323 possible.

SECTION 110 DEMOLITION

[A] 110.1 General. ~~The code official shall~~ Pursuant to TMC 8.75.040, the administrative hearing officer may order the owner of any premises upon which is located any structure, which ~~in the code official's judgment~~ after review is determined to be so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, ~~and such that it is unreasonable to repair the structure,~~ to: (1) demolish and remove such structure; or (2) if such structure is capable of being made safe by repairs, to repair and make safe and sanitary; or (3) to board up and hold for future repair; ~~or (4) to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair~~ demolition and removal or boarding up for future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the ~~code official~~ administrative hearing officer.

~~In this section,~~ "Unreasonable to repair" means that the repair costs exceed 30% of the replacement value of the structure as established by the Shawnee County Appraiser.

[A] 110.2 Notices and orders. All notices and orders shall comply with ~~Section 107~~ TMC 8.75.020 and 8.75.040.

[A] 110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

[A] 111.1 Administrative Appeal Hearing.

(a)) An owner shall have the right to appeal the notice of violation to an administrative hearing officer provided that a written application is submitted to the code official ~~within 10 calendar days from the date of service~~ on or before the date designated in

373 the notice.

374

375 (b)) An application for an appeal hearing shall be based on a claim that (i) the
376 provisions of Chapter 8.60 do not apply; (ii) the code official has incorrectly interpreted
377 Chapter 8.60;

and/or (iii) the requirements of Chapter 8.60 can be adequately satisfied by other means. The owner may not appeal a requirement imposed by Chapter 8.60. The intent of the appeal process is not to waive or set aside a requirement; it is to provide a means of reviewing a code official's decision on an interpretation or application of Chapter 8.60 or reviewing a code official's decision to approve or reject the equivalency of protection to a Chapter 8.60 requirement.

(c)) ~~The administrative hearing officer shall schedule a hearing within three working days of receipt of the hearing request.~~ Written notice of the hearing date and time shall be provided to the person requesting the hearing by first class mail. The hearing officer may continue the hearing to a later time.

(d)) The administrative hearing officer shall ~~review the notice of violation and all relevant information. If the hearing officer determines~~ affirm, modify or reverse the decision of the code official upon a determination that: (i) the notice of violation was served in accordance with TMC 8.60.080, section 107.3; (ii) the provisions of Chapter 8.60 apply; (iii) the code official has correctly interpreted Chapter 8.60; and/or (iv) the requirements of Chapter 8.60 cannot be adequately satisfied by other means. The hearing officer ~~shall~~ may order abatement of the violation, impose an administrative penalty, and assess the abatement costs against the owner.

(e) The administrative hearing officer may administer oaths and affirmations, examine witnesses and receive evidence. The hearing officer may grant continuances where the officer finds that there is practical difficulty or undue hardship and that such extension is consonant with the general purpose to secure compliance with Chapter 8.60.

(f) The order may be appealed to the district court in accordance with K.S.A. 60-2101 and amendments thereto.

~~[A] 111.2 Administrative Hearing; Unsafe Structure.~~

(a) ~~After notice and hearing, if the administrative hearing officer determines that a structure is unsafe pursuant to Section 108, the administrative hearing officer shall state in writing the findings of facts in support of such determination and shall issue and cause to be served upon the owner an order: (1) to demolish and remove the structure within a prescribed period; or (2) if the structure is capable of being made safe by repairs, to repair and make safe and sanitary within a prescribed period.~~

(b) ~~The administrative hearing officer may grant an extension of time where the administrative hearing officer finds that there is practical difficulty or undue hardship and that such extension is in harmony with the general purpose of this chapter to secure compliance with the IPMC.~~

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, concerning International Property Maintenance Code local amendments regarding notice and procedural matters, amending City of Topeka Code § 8.60.070, § 8.60.080 and § 8.60.110 and repealing original sections.

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

Section 1. That section 8.60.070 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 106 – Violations, abatements, fees.

Section 106.3, Prosecution of violation, is deleted in its entirety, and the following provisions shall be substituted therefor:

A person who fails to comply with a notice of violation served in accordance with Section 107, shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with TMC 1.10.070. A violation of this chapter shall be deemed a strict liability offense. Abatement of a violation by the code official shall not be a defense or excuse to a violation. The pendency of an administrative hearing pursuant to section 8.60.110 or section 8.75.040 shall not be a defense to a violation or prevent prosecution and adjudication in municipal court.

Section 106.4, Violation penalties, is deleted in its entirety and the following provisions shall be substituted therefor:

Administrative penalties.

(a) There shall be an administrative monetary penalty of \$100.00 imposed on the owner or, in the case of inoperative vehicles, the vehicle owner for each

violation of this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed.

(b) The administrative monetary penalty for a second or subsequent violation for which an administrative penalty has been imposed under this chapter that remains uncorrected after the time period stated in the notice of violation has elapsed for the same property within 12 months of the same or substantially same violation shall be \$200.00.

Section 106.5, Abatement of violations, is deleted in its entirety and the following provisions shall be substituted therefor:

(a) Abatement. Upon the expiration of the compliance period stated in the notice of violation, the code official shall inspect the property. The code official may grant an extension of time if the owner demonstrates that due diligence is being exercised in abating the violation. If the owner has failed to comply within the compliance period, or has failed to timely request an appeal hearing, ~~or, in the case of an unsafe structure, failed to appear at a hearing,~~ the code official may abate the violation and assess the costs against the owner. If the costs are not paid within 30 days, the cost ~~can~~ may be collected pursuant to K.S.A. 12-1,115 and amendments thereto and/or charged against the property pursuant to K.S.A. 12-1617e, K.S.A. 12-1617f, K.S.A. 12-1755 or K.S.A. 17-4759 and amendments thereto.

(b) Fees. The costs incurred by the city for abatement, including any administrative costs, shall be paid by the owner or, in the case of inoperative vehicles, the vehicle owner. The administrative costs shall be:

General violations of the IPMC	\$140.00
Weeds and grasses	\$140.00
Inoperative vehicles	\$175.00

Section 2. That section 8.60.080 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 107 – Notices ~~and orders.~~

Section 107.2, Form, is deleted in its entirety and the following provisions shall be substituted therefor:

The notice prescribed in Section 107.1 shall include the following:

1. Description of the real estate sufficient for identification.
2. A statement that includes a description of the conditions and identifies violations of Chapter 8.60.
3. ~~A statement of the correction action necessary and a reasonable time to complete the action. A reasonable time shall not exceed 60 calendar days.~~ A statement that the property owner must abate the violation by the date designated in the notice.
4. ~~A statement that if the violation(s) is not corrected within the compliance period, the city may impose administrative penalties, abate the violation, and assess the costs against the owner.~~
54. A statement advising that any owner may request an appeal hearing before an administrative hearing officer. The request shall be submitted to the code official within 10 calendar days from the date of service on or before the date designated in the notice. ~~Failure to timely request a hearing will allow~~

73 ~~the city to impose administrative penalties, abate the violation, and assess the~~
74 ~~costs against the owner.~~ The scope of the appeal shall be limited to the following:
75 (i) whether the provisions of Chapter 8.60 apply; (ii) whether the code official has
76 correctly interpreted Chapter 8.60; and/or (iii) whether the requirements of
77 Chapter 8.60 can be adequately satisfied by other means.

78 5. A statement that if the violations(s) is not corrected or a hearing
79 requested, the city may impose administrative penalties, abate the violation, and
80 assess the costs against the owner.

81 6. A statement advising that failure to timely comply with the notice
82 may result in prosecution in municipal court regardless whether an administrative
83 hearing is pending.

84 ~~7. If code official has determined that the structure is unsafe pursuant to~~
85 ~~Section 108, the notice shall state that a hearing will be held before the~~
86 ~~administrative hearing officer not less than 10 calendar days nor more than 30~~
87 ~~calendar days after service of the notice.~~

88 Section 107.3, Method of Service, is deleted in its entirety and the following provisions
89 shall be substituted therefor:

90 (a) Method of Service. Notice shall be served in one of the following manners:

91 1. Personal service; residence service. Delivering the notice to the
92 property owner or leaving the notice at the property owner's dwelling or usual
93 place of abode with someone of suitable age and discretion who resides there.

94 2. Personal service; residence service unsuccessful. If personal or
95 residence service cannot be made, service may be effected by: (i) leaving a copy

96 of the notice at the property owner's dwelling or usual place of abode; and (ii)
97 mailing to the property owner by first-class mail a notice that the copy has been
98 left at the dwelling or usual place of abode.

99 3. Personal service; legal entity. If the property owner is a legal entity,
100 service may be effected as follows:

101 (i) serving the notice on an officer, manager, partner or a resident,
102 managing or general agent;

103 (ii) leaving a copy of the notice at any business office with the
104 person having charge of the office; or

105 (iii) serving the notice on any agent authorized by appointment or
106 by law to receive service of process.

107 24. Certified mail, return receipt requested, to the last known address of
108 the property owner as reflected in the records of the county appraiser. Service
109 shall be effective on the date of receipt.

110 ~~3. If the property is unoccupied and the owner is a nonresident, certified~~
111 ~~mail, return receipt requested, to the last known address.~~

112 ~~4. If the location of a person is unknown or if no address is available after~~
113 ~~diligent effort, then a copy of the notice shall be posted in a conspicuous place on~~
114 ~~the premises and published once in the official city newspaper. The failure of any~~
115 ~~such person to receive notice shall not affect the validity of any proceedings.~~

116 ~~5. If the code official has determined that a structure is unsafe pursuant to~~
117 ~~Section 108 and the whereabouts of the owner are unknown and cannot be~~
118 ~~ascertained in the exercise of reasonable diligence, the code official may effect~~

119 ~~service by publishing the notice once each week for two consecutive weeks in~~
120 ~~the official city newspaper. A copy of the notice shall also be posted in a~~
121 ~~conspicuous place on the premises and a copy of the notice shall be filed with~~
122 ~~the register of deeds and the clerk of the district court of Shawnee County.~~
123 Delivery failure. If the property owner or the property owner's agent has failed to
124 accept delivery of notice or otherwise failed to effectuate receipt of notice during
125 the preceding twenty-four month period, notice may be provided by other
126 methods, including but not limited to door hangers, conspicuously posting notice
127 on the property, personal notification, telephone communication, electronic
128 communication, or first class mail.

129 6. In addition to the methods identified in this section, but not in lieu of, the
130 code official may provide notice by other methods, including, but not limited to,
131 door hangers, conspicuously posting notice on the property, personal notification,
132 telephone or ~~email~~ electronic communication, or first class mail.

133 7. As authorized by K.S.A. 12-1617f, the code official may provide a one-
134 time yearly written notice by mail or personal service to the owner or occupant
135 which will permit subsequent abatement mowings without any additional notice.
136 The notice shall also include a statement that no further notice shall be given
137 prior to cutting or removing weeds.

138 (b) ~~Service of Notice. The notice shall be served upon the owner of record,~~
139 ~~and one copy shall be served on each of the following, if known or available from public~~
140 ~~records: (1) the holder of any mortgage, deed of trust, lien, or encumbrance; and (2) the~~
141 ~~holder of any other estate or legal interest of record. The failure of the code official to~~

142 ~~serve any person shall not invalidate any proceedings hereunder as to any other person~~
143 ~~duly served or relieve such person from any duty or obligation. If the code official has~~
144 ~~determined that a structure is unsafe pursuant to Section 108, the notice shall also be~~
145 ~~served on any occupant who can be ascertained.~~

146 (e) Proof of Service. Proof of service of the notice shall be certified at the time of
147 service by a written declaration under penalty of perjury executed by the person
148 effecting service, declaring the time, date and manner in which service was made. The
149 declaration, ~~together with any receipt card returned in acknowledgment of receipt by~~
150 ~~certified mail, shall be affixed to the copy of the notice retained by the code official.~~

151 Section 3. That section 8.60.110 of The Code of the City of Topeka, Kansas,
152 is hereby amended to read as follows:

153 **Section 111 – Hearing.**

154 Sections 111.1 through 111.8 are deleted in their entireties and the following provisions
155 shall be substituted therefor:

156 Section 111.1 Administrative Appeal Hearing

157 (a) An owner shall have the right to appeal the notice of violation to an
158 administrative hearing officer provided that a written application is submitted to
159 the code official ~~within 10 calendar days from the date of service~~ on or before the
160 date designated in the notice.

161 (b) An application for an appeal hearing shall be based on a claim that (i)
162 the provisions of Chapter 8.60 do not apply; (ii) the code official has incorrectly
163 interpreted Chapter 8.60; and/or (iii) the requirements of Chapter 8.60 can be
164 adequately satisfied by other means. The owner may not appeal a requirement

165 imposed by Chapter 8.60. The intent of the appeal process is not to waive or set
166 aside a requirement; it is to provide a means of reviewing a code official's
167 decision on an interpretation or application of Chapter 8.60 or reviewing a code
168 official's decision to approve or reject the equivalency of protection to a Chapter
169 8.60 requirement.

170 (c) ~~The administrative hearing officer shall schedule a hearing within three~~
171 ~~working days of receipt of the hearing request.~~ Written notice of the hearing date
172 and time shall be provided to the person requesting the hearing ~~by first class mail~~
173 within 10 calendar days of the hearing request. ~~The hearing officer may continue~~
174 ~~the hearing to a later time.~~

175 (d) The administrative hearing officer shall ~~review the notice of violation~~
176 ~~and all relevant information. If the hearing officer determines that~~affirm, modify or
177 reverse the decision of the code official upon a determination that: (i) the notice
178 of violation was served in accordance with TMC 8.60.080, subsection 107.3; (ii)
179 the provisions of Chapter 8.60 apply; (iii) the code official has correctly
180 interpreted Chapter 8.60; and/or (iiiiv) the requirements of Chapter 8.60 cannot
181 be adequately satisfied by other means. The hearing officer ~~shall~~ may order
182 abatement of the violation, impose an administrative penalty, and assess the
183 abatement costs against the owner.

184 (e) The administrative hearing officer may administer oaths and
185 affirmations, examine witnesses and receive evidence. The hearing officer may
186 grant continuances where the officer finds that there is practical difficulty or

undue hardship and that such extension is consonant with the general purpose to secure compliance with Chapter 8.60.

(f) The order may be appealed to the district court in accordance with K.S.A. 60-2101 and amendments thereto.

~~Section 111.2 Administrative Hearing; Unsafe Structure.~~

~~(a) After notice and hearing, if the administrative hearing officer determines that a structure is unsafe pursuant to Section 108, the administrative hearing officer shall state in writing the findings of facts in support of such determination and shall issue and cause to be served upon the owner an order: (1) to demolish and remove the structure within a prescribed period; or (2) if the structure is capable of being made safe by repairs, to repair and make safe and sanitary within a prescribed period.~~

~~(b) The administrative hearing officer may grant an extension of time where the administrative hearing officer finds that there is practical difficulty or undue hardship and that such extension is in harmony with the general purpose of this chapter to secure compliance with the IPMC.~~

Section 5. That original § 8.60.070, § 8.60.080 and § 8.60.110 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 6. This ordinance shall take effect and be in force from November 1, 2018, and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared

210 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
211 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

212 PASSED AND APPROVED by the Governing Body on _____.

213
214 CITY OF TOPEKA, KANSAS

215
216
217
218
219 _____
219 Michelle De La Isla, Mayor

220 ATTEST:
221
222
223
224 _____
225 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE: October 2, 2018
CONTACT PERSON: Mary Feighny, Deputy City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Unsafe Structures
PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 078 Health and Sanitation
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 061218. JOURNAL #:
Defer until 071717
(061918). Defer until
090418 (071718).
Discussion 090418.
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Brent Trout, amending Topeka Municipal Code Section 8.60.100; adding a new section numbered Topeka Municipal Code Section 8.60.085; and creating a new Chapter 8.75 of the Topeka Municipal Code concerning Unsafe Structures.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval would amend the IPMC and create a separate ordinance for unsafe structures.)

VOTING REQUIREMENTS:

Majority vote of the Governing Body (6)

POLICY ISSUE:

Whether to amend the IPMC and create a separate ordinance for unsafe structures.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The notice and procedural requirements for unsafe structures are contained within the same ordinance that addresses general IPMC violations (e.g. weeds, housing, sanitation). To ensure consistency with state law and address ambiguities in the current ordinance, staff is recommending a stand-alone ordinance for unsafe

structures.

The Governing body has discussed the ordinance on June 12th, June 19th, July 17th and September 4th.

BUDGETARY IMPACT:

Publication costs will be reduced. In 2017, publication costs for unsafe structure cases cost \$11,252.

SOURCE OF FUNDING:

Department of Neighborhood Relations

ATTACHMENTS:

Description

Summary of Changes

Ordinance

Summary of Changes: Unsafe Structures

General: Unsafe structures are structures that are “demolition-worthy.” This means that the structure is so dilapidated that the repair costs would exceed 30% of the replacement value. Before any property can be demolished, state law requires a hearing. The property owner, all interest holders (e.g. mortgagees) and anyone who appears to be living in the structure are notified of the hearing and given an opportunity to appear.

At the hearing, the hearing officer has several options including ordering the owner to repair, board up, or demolish the property – all within prescribed time periods.

The IPMC addresses this type of structure in Sections 108 (Unsafe structures) and 110 (Demolition). There are no changes to Section 108. Section 110 is changed only to the extent that it is the hearing officer who decides the fate of a structure (i.e. demolition or repair) – not the inspector.

Subject	Line #	Summary
Demolitions	13-31	Section 110 (Demolitions) of the IPMC is retained in its entirety but is amended to clarify that it is the hearing officer who makes the ultimate decision to order repair or demolish – not the inspector. This conforms to KSA 17-4759 which sets forth the process for addressing dilapidated structures that are unsafe. Notices and orders will follow the requirements in the new ordinance at TMC 8.75.020 and .040.
Complaint; notice of hearing	43-55	Inspector can issue a complaint if a structure is so dangerous, unsafe or unsanitary such that it's unreasonable to repair the structure because repair costs exceed 30% of its value. Section 108 defines ‘unsafe structures’ to include a variety of conditions (i.e. unfit for habitation, dangerous, unlawful). Hearing date is set and notice provided to owner, interest holders and anyone in possession who can be ascertained.
Service	58-73	Personal service and certified mail as outlined in TMC 8.60.080 and publication in the Metro News if the owner and interest holders are unknown. Complaint is also posted on the property and filed with the register of deeds and clerk of the court.
Hearing	76-103	Hearing officer has to make findings regarding whether service of the complaint was proper and whether the structure is unsafe. If so, officer can order owner to demolish,

		repair, or board up the property within prescribed time periods. Order is served on the owner and other interest holders and is posted on the property and filed with the register of deeds and clerk of the court. Order may be appealed to district court.
Failure to comply; assessment; prosecution	106- 127	If owner doesn't comply, Code officials may repair, vacate, close, and demolish, with costs assessed to the owner. If the owner doesn't pay the costs, assessment can be placed on the property. Owner may also be prosecuted in municipal court.

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, amending TMC 8.60.100; and creating a new Chapter 8.75 of the Topeka Municipal Code concerning Unsafe Structures.

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

Section 1. That section 8.60.100 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Section 110 – Demolition.

Section 110.1, General, is hereby deleted in its entirety and the following provisions shall be substituted therefor:

~~The code official shall~~ Pursuant to TMC 8.75.040, the administrative hearing officer may order the owner of any premises upon which is located any structure, which ~~in the code official's judgment~~ after review is determined to be so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, ~~and~~ such that it is unreasonable to repair the structure, to: (1) demolish and remove such structure; or (2) if such structure is capable of being made safe by repairs, to repair and make safe and sanitary; or (3) to board up and hold for future repair; or (4) to demolish and remove at the owner's option; ~~or~~ where there has been a cessation of normal construction of any structure for a period of more than two years, ~~the code official shall order the owner to demolish and remove such structure, or board up until future repair~~ demolition and removal or boarding up for future repair. Boarding the ~~building up~~ structure for future repair shall not extend beyond one year, unless approved by the ~~code official~~ the administrative hearing officer.

28 ~~In this section, “u~~Unreasonable to repair” means that the repair costs exceed 30% of the
29 replacement value of the structure as established by the Shawnee County Appraiser.

30 Section 110.2, Notices and orders, is deleted in its entirety and the following
31 provision shall be substituted therefor:

32 All notices and orders shall comply with TMC 8.75.020 and 8.75.040.

33 Section 2. That the Code of the City of Topeka, Kansas, is hereby amended
34 by adding a section, to be numbered 8.75.010, which said section reads as follows:

35 **Findings.**

36 The governing body has determined that structures exist within the city that are
37 so deteriorated, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary
38 or otherwise unfit for human habitation or occupancy such that it is unreasonable to
39 repair the structure. The code official identified in TMC 8.60.030 is designated to
40 exercise the powers prescribed in this chapter.

41 Section 3. That the Code of the City of Topeka, Kansas, is hereby amended
42 by adding a section, to be numbered 8.75.020, which said section reads as follows:

43 **Complaint; Notice of hearing.**

44 (a) Whenever a structure is determined by the code official to be so
45 deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe,
46 unsanitary or otherwise unfit for human habitation or occupancy such that it is
47 unreasonable to repair the structure, the code official will issue a complaint identifying
48 the violations with a notice that a hearing will be held before an administrative hearing
49 officer on a date specified in the notice not less than 10 days nor more than 30 days
50 after service of the complaint.

51 **(b) The notice shall provide that the owner(s) of record, mortgagee, or any**
52 **party in interest of record, as well as any person in possession who can be ascertained,**
53 **shall have the right to file an answer to the complaint and to appear in person and give**
54 **testimony at the place and time identified in the notice and that failure to appear may**
55 **result in a determination of default.**

56 **Section 4.** That the Code of the City of Topeka, Kansas, is hereby amended
57 by adding a section, to be numbered 8.75.030, which said section reads as follows:

58 **Service.**

59 **(a) The code official will serve the complaint and notice on: (1) the owner(s) of**
60 **record; (2) any mortgagee(s) of record; (3) any party with a legal or equitable interest**
61 **filed of record with the Shawnee County register of deeds; and (4) any person in**
62 **possession who can be ascertained.**

63 **(b) Methods of service. The complaint and notice shall be served as follows:**

64 **(1) Personal service or certified mail pursuant to TMC 8.60.080,**
65 **Section 107.3.**

66 **(2) Publication once in the official city newspaper if the location of the**
67 **persons identified in subsection 8.75.030 are unknown and cannot be**
68 **ascertained by the code official in the exercise of reasonable diligence.**

69 **(c) In addition, a copy of the complaint will be posted in a conspicuous place**
70 **on the premises and filed with the register of deeds and the clerk of the district court in**
71 **which the property is located.**

72 **(d) In addition to the methods identified in subsection (b), but not in lieu of, the**
73 **code official may provide notice pursuant to TMC 8.60.080, Section 107.3 (a)(6).**

74 Section 5. That the Code of the City of Topeka, Kansas, is hereby amended
75 by adding a section, to be numbered 8.75.040, which said section reads as follows:

76 **Hearing.**

77 (a) The administrative hearing officer may administer oaths and affirmations,
78 examine witnesses and receive evidence. The hearing officer may grant continuances
79 where the officer finds that there is practical difficulty or undue hardship and that such
80 extension is consonant with the general purpose to secure compliance with this chapter.

81 (b) If the hearing officer determines that: (1) the complaint was served in
82 accordance with 8.75.030; (2) the structure is so deteriorated or dilapidated or has
83 become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for
84 human habitation or occupancy, such that it is unreasonable to repair the structure, the
85 officer will provide findings to that effect, in writing, and shall issue an order which
86 requires the owner to:

87 (1) demolish and remove the structure within a prescribed period of
88 time;

89 (2) repair and/or make safe and sanitary the structure within a
90 prescribed period of time if the structure is capable of being made safe by
91 repairs;

92 (3) board up the structure for future repair, subject to conditions; or

93 (4) demolish or board up for future repair a structure under
94 construction where construction has ceased for more than two years. Boarding
95 the structure for future repair shall not extend beyond one year, unless approved
96 by the hearing officer.

97 (c) Any order shall be served on the property owner pursuant to TMC
98 8.75.030 and a copy served personally or by first class mail to the other persons
99 identified in TMC 8.75.030. Additionally, except for continuances, the order shall be
100 posted in a conspicuous place on the premises and filed with the register of deeds and
101 the clerk of the district court in which the property is located.

102 (d) The order may be appealed to the district court in accordance with K.S.A.
103 60-2101 and amendments thereto.

104 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended
105 by adding a section, to be numbered 8.75.050, which said section reads as follows:

106 **Failure to comply.**

107 If the owner fails to comply with the order within the time specified, the code
108 official may repair, vacate and close the structure, or demolish the structure and assess
109 the costs against the owner.

110 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended
111 by adding a section, to be numbered 8.75.060, which said section reads as follows:

112 **Costs; assessment.**

113 The code official shall notify the owner of the cost incurred by the city to repair,
114 vacate and close the structure, or demolish the structure. The notice shall state that the
115 cost is due within 30 days of the date of the notice. If the cost is not paid within the 30-
116 day time period, the city may impose a special assessment against the property on
117 which the structure was located as authorized in K.S.A. 17-4759 and amendments
118 thereto.

119 Section 8. That the Code of the City of Topeka, Kansas, is hereby amended

by adding a section, to be numbered 8.75.070, which said section reads as follows:

Criminal.

It is unlawful to fail to comply with an order issued pursuant to this chapter. A person who fails to comply shall be guilty of a misdemeanor and, if convicted, may be punished in accordance with TMC 1.10.070. A violation of this chapter shall be deemed a strict liability offense. Abatement by the code official shall not be a defense or excuse to a violation. The pendency of an administrative hearing shall not be a defense to a violation or prevent prosecution and adjudication in municipal court.

Section 9. That original § 8.60.100 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 10. This ordinance shall take effect and be in force from November 1, 2018, and after its passage, approval and publication in the official City newspaper.

Section 11. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 12. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
October 2, 2018

DATE: October 2, 2018
CONTACT PERSON: Sasha Haehn/Nick Hawkins
DOCUMENT #:
SECOND PARTY/SUBJECT: Special Alcohol Grant Fund
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of funding recommendations by Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund.

(The recommended amount is based on the projected Liquor Tax collected by the State and required to be allocated to alcohol and drug programs.)

VOTING REQUIREMENTS:

Discussion item only. No action is required by the Governing Body.

POLICY ISSUE:

State law requires the City to allocate a third of their liquor tax money to alcohol and drug programs.

STAFF RECOMMENDATION:

Staff recommends the Governing Body approve the 2019 Special Alcohol Fund grant recommendations as provided by the Alcohol and Drug Abuse Advisory Council.

BACKGROUND:

The City receives the liquor tax collected by the State of Kansas. State statute requires that a third of it goes to each of the following areas: General fund, recreational activities and drug prevention programs.

The review team is recommending the following amounts for 2019:

- Boys and Girls Club (Smart Moves Logan Center) \$8,500
- Boys and Girls Club (Smart Moves Teen Center) \$10,000

- PARS (Prevention Programs) \$171,438
- PARS (Evaluation and Intervention) \$55,243
- Third Judicial District (Drug Court Program) \$30,000
- Kansas Children Service League (Successful Connections Drug Endangered Child Program) \$12,382
- Valeo (Social Detox Program) \$282,437

BUDGETARY IMPACT:

\$570,000 will be expended from the Special Alcohol Program Fund in 2019.

SOURCE OF FUNDING:

Liquor Tax collected by the State and allocated to the City for the purpose of awarding grants to alcohol and drug programs.

ATTACHMENTS:

Description

2019 Special Alcohol Recommendations

**Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council's
2019 Recommendations for
2019 City of Topeka Special Alcohol and Drug Program Grant Requests
Total funds projected: \$570,000**

The Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council recommends the following programs for funding from 2019 City of Topeka Special Alcohol-Drug (liquor-by-the-drink) Program tax funds as authorized in State of Kansas Statute-K.S.A. Chapter 79, Article 41a and K.A.R. Agency 92, Article 42:

"Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principle purpose is alcoholism and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making an expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditure."

City of Topeka 2019 Recommendations

The following programs meet the "principal purpose" criteria for funding as stated and also use the Institute of Medicine's core strategies and/or programs and strategies that are represented in the National Registry of Evidence-Based Programs.

Agency	Program	2017 Funded	2018 Funded	2019 Requested	ADAAC Recommendations
Boys & Girls Club	Smart Moves Logan Center	0	5,720	8,500	8,500
Boys & Girls Club	Smart Moves Teen Center	7,798	8,800	10,000	10,000
Ks Big Brother Big Sisters	Community-Based and Site-Based Mentoring	0	0	16,800	0
Mirror Inc.	Outpatient Peer Mentoring	0	0	53,270	0
PARS	Prevention Programs	190,000	171,000	180,000	\$171,438
PARS	Evaluation & Intervention	57,000	51,300	58,000	\$55,243
Third Judicial	Drug Court	28,600	27,450	30,000	\$30,000
KCSL	Drug Endangered Child	14,165	12,300	13,000	\$12,382
Valeo	Social Detox	282,437	258,430	282,437	\$282,437
TOTAL		580,000	535,000	652,007	\$570,000

Program Name: Smart Moves at Boys & Girls Clubs of Topeka's, Logan Unit

The SMART (Skills Mastery and Resistance Training) Moves program is a nationally acclaimed prevention program originally developed in the 1980s with the help of prevention specialists and Boys & Girls Clubs around the country. Newly revised in 2011, the program incorporates the latest information and approaches that Boys & Girls Clubs of America has learned about effective prevention. Participants will be exposed to various activities designed to hone their decision-making and critical-thinking skills, as well as learn how to avoid and/or resist alcohol, tobacco, and other drugs.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Boys & Girls Club	Smart Moves at Logan Center	Did not apply	5,720	\$8,500	\$8,500

Program Name: Smart Moves at Boys & Girls Clubs of Topeka's, Teen Center

The SMART (Skills Mastery and Resistance Training) Moves program is a nationally acclaimed prevention program originally developed in the 1980s with the help of prevention specialists and Boys & Girls Clubs around the country. Newly revised in 2011, the program incorporates the latest information and approaches that Boys & Girls Clubs of America has learned about effective prevention. Participants will be exposed to various activities designed to hone their decision-making and critical-thinking skills, as well as learn how to avoid and/or resist alcohol, tobacco, and other drugs.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Boys & Girls Club	Smart Moves at Teen Center	\$7,798	\$8,800	\$10,000	\$10,000

Program Name: Kansas Big Brothers Big Sisters serving Shawnee County -Community-Based and Site-Based Mentoring

This program is designed to continue and increase prevention services to youth who are in the highest risk of alcohol and drug abuse, among other trajectories. KSBBBS offers two one-to-one mentoring options within our Secondary and Tertiary programs: Community-Based and Site-Based. Both match options are structured around best practices in mentoring to ensure successful, long term relationships between volunteers and youth and provide flexibility to ensure the needs of each youth are met.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
KS Big Brothers-Big Sisters	Community and Site Based Mentoring	\$0	\$0	\$16,800	\$0

Program Name: Mirror Topeka Outpatient Peer Mentor Program

The Peer Mentor program is designed to provide assistance to participants in outpatient substance abuse treatment with a variety of early recovery goals and tasks not specifically related to clinical groups or clinical individual counselling sessions. The peer mentors will assist the program staff by working with participants to develop a wide variety of sober living skills that could include but are not limited to: Connecting to the recovery community via community support groups, sponsors, living skills, transportation to clinical groups or community based meetings, establishing quality relationships with person in recovery and new peer groups that are centered around building a drug and alcohol free quality of life.

Agency	Program	2017 Funded	2018 Funded	2019 Requested	ADAAC Recommendations
Mirror Inc.	Outpatient Peer Mentor Program	0	0	53,270	0

Program Name: Prevention and Recovery Services (PARS) Community Prevention Program

The Community Prevention Program at PARS is comprised of a variety of components designed to work together to decrease substance abuse amongst area youth. Services are provided to youth, families and the community at-large using a multi-faceted approach. PARS uses the Institute of Medicine's Behavioral Health Continuum of Care model as a basis for overall program operations, a portion of which is funded by this application. A combination of strategies will contribute to population-level results, yielding a large impact on Topeka/Shawnee County.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
PARS	Community Prevention Program	\$190,000	\$171,000	\$180,000	\$171,438

Program Name: Prevention and Recovery Services (PARS) Substance Abuse Evaluation & Intervention Program

The Substance Abuse Evaluation & Intervention program complements an array of services offered by PARS that are designed to work together to decrease substance abuse among area youth. Services are provided to youth, families and the community at-large using a multi-faceted approach. PARS provides substance abuse evaluations in English and Spanish for youth and adults. PARS uses the Institute of Medicine's (IOM) Behavioral Health Continuum of Care model as a basis for overall program operations. Most youth who access this service are referred as a result of a violation of school policy concerning alcohol and/or drugs on campus. PARS has a long-standing partnership with all public Shawnee County Schools and a few private schools to provide evaluations free of charge.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
PARS	Evaluation & Intervention	\$57,000	\$51,300	\$58,000	\$55,243

Program Name: 3rd Judicial District's Drug Court

The Drug Court Program is a "Specialty Court" program that combines problem-solving court sessions, community supervision and treatment into a public health approach towards helping substance-using offenders. Goals: 1) Improve the efficiency of the criminal justice system. 2) Reduce substance abuse and negative effects of co-occurring disorders. 3) Increase law-abiding behavior and reduce recidivism. 4) Promote effective use of community resources and increase pro-social involvement.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
3 rd Judicial District	Drug Court	\$28,600	\$27,450	\$30,000	\$30,000

Program Name: Kansas Children's Service League's Drug Endangered Children (DEC) Case Management

This program is based on evidence regarding the importance of home visitation and strengths based work with people using substances. KCSL's DEC program includes early identification of substance using parents and intensive (weekly) support to families facing multiple challenges with the goals to: 1) prevent child maltreatment; 2) engage the parent into substance abuse assessment and treatment services; 3) provide recovery support; and 4) increase positive parenting skills and parent-child interactions.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
Ks Children's Service League	Drug Endangered Child	\$14,165	\$12,300	\$13,000	\$12,382

Program Name: VALEO Recovery Center (VRC) Social Detoxification Program

Social Detox is a safe, non-medical, therapeutic environment for acute withdrawal from substance use. The goals of Social Detox are: 1) to provide timely access for persons in need of Social Detox services; 2) to facilitate successful completion of the detoxification process, which includes reduction of symptoms associated with withdrawal from substance use and completion of a clinical assessment of treatment needs, and 3) to transfer clients to appropriate treatment modalities based on the assessment determination of need for care. The length of stay in Social Detox ranges from 24 hours to six days. Social Detox is a service that is provided 24 hours a day, 7 days a week, including weekends and holidays.

Agency	Program	2017 Funded	2018 Funded	2019 Request	ADAAC Recommendation
VALEO	Social Detox	\$282,437	\$258,430	\$282,437	\$282,437