



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

Governing Body Agenda

December 4, 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. PRESENTATIONS:

"Troy Scroggins Award - Martinez Hillard"

2. ROLL CALL:

A. Board Appointment - Board of Plumbing Examiners

BOARD APPOINTMENT recommending the reappointment of Doug Hubbell to the Board of Plumbing Examiners for an unexpired term ending September 1, 2020. *(Council District No. 8)*

B. Board Appointment - Topeka Human Relations Commission

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Human Relations Commission to fill an unexpired term July 1, 2020. *(Council District No. 6)*

3. CONSENT AGENDA:

A. MINUTES of the regular meeting of November 20, 2018

B. APPLICATIONS:

4. ACTION ITEMS:

A. Public Hearing and Resolution - Aquarian Acres Subdivision No. 9 - Benefit Improvement District - Street Improvement Project T-601101.01

PUBLIC HEARING to consider establishing a benefit improvement district for Street and Stormwater Improvement Project T-601101.01 in Aquarian Acres Subdivision No. 9.

RESOLUTION introduced by City Manager Brent Trout, authorizing Street Improvement Project No. T-601101.01 to pave streets within Aquarian Acres Subdivision No. 9 as more specifically described herein.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would establish a benefit improvement district for Street Improvements in the Aquarian Acres Subdivision No. 9.)

B. Public Hearing - 2018 Budget Amendment

PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2018 Operating Budget.

Voting Requirement: No vote required.

(The Notice of Public Hearing was in the November 19, 2018, edition of the Topeka Metro Newspaper. The amendment would increase the expenditure level of the 2018 Adopted Budget in the specified funds from \$6,747,886 to \$7,321,886, a \$574,000 increase.)

C. Ordinance - Levying Half Cent Citywide Retailers' Sales Tax

ORDINANCE introduced by City Manager Brent Trout, levying an additional special purpose city retailers' sales tax in the amount of five-tenths of one percent (0.5%) within the City of Topeka effective October 1, 2019, amending City of Topeka Code Section 3.50.010 and repealing original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the levy of the half cent city retailers' sales tax approved by the electorate on November 6, 2018.)

D. Ordinance - Street Name Change (SNC18/1)

ORDINANCE introduced by City Manager Brent Trout, relating to designation of street names, more specifically changing the name of NW Cat Court in ADR Industrial Park Subdivision to NW Stina Court. (SNC18/1) (Council District No. 2)

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

(Approval would change the official name of the street to NW Stina Court and allow the City to install street signs for the new street.)

E. Ordinance - Grease and Septic Tank - Liquid Waste Reporting

ORDINANCE introduced by City Manager Brent Trout, concerning liquid waste hauling, amending City of Topeka Code Sections 13.20.560, 13.20.570, 13.20.600 through 13.20.670, 13.20.830, 13.20.840, 13.20.890, 13.20.900, 13.20.920 and Section 13.20.940 and repealing original sections.

Voting Requirement: At least five (5) votes of the City Council. The Mayor does not vote.

(Approval would require conversion to paperless (e-forms) in an effort to conserve paper, reduce waste and eliminate redundant data entry. This will be required by any liquid waste hauler discharging liquid waste into city wastewater disposal facilities or providing pumping or servicing of residential or commercial facilities.)

F. Ordinance - Initiating Condemnation Proceedings - SW Arvonía and Winding Road Improvement Project No. T-701014.01

ORDINANCE introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary and permanent easements for the Arvonía and Winding Road Improvement Project No. T-701014.01. (Council District No. 9)

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize the City Attorney to initiate eminent domain (condemnation) proceedings in the district court to acquire easements for the project.)

G. Ordinance - Gage Center Master PUD Plan Amendment (Z55/43K)

ORDINANCE introduced by City Manager Brent Trout, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Gage Center to allow an "Automobile Service Station, Type I" at 1301 SW Gage Boulevard, contained on property bounded by SW Huntoon and SW 15th Streets and SW Woodhull and SW Gage Boulevard. (Z55/43K) (Council District No. 9)

Voting Requirements: (1) Approve Planning Commission's recommendation, 6 votes required

(2) Reject or Amend Planning Commission's recommendation, 7 votes required; or (3) Remand back to Planning Commission, 6 votes required.

(Approval would allow a 7,600 square foot gas station and convenience store to be redeveloped within Gage Shopping Center.)

H. Public Health and Safety Committee Update/Report - Camping Ordinance

UPDATE and possible ACTION on the proposed camping ordinance. *(90 day update from the meeting of September 4, 2018.)*

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

(Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.)

I. Special Committee Update/Report - Traffic and Pedestrian Safety Ordinance

UPDATE and possible ACTION on the proposed traffic and pedestrian safety ordinance. *(90 day update from the meeting of September 4, 2018.)*

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

(Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.)

J. Combined Committee Update/Report - Camping and Traffic/Pedestrian Safety Ordinances

UPDATE and possible ACTION on examination of similar underlying issues associated with the Camping and Traffic and Pedestrian Safety ordinances, including the five non-Governing Body members who have been appointed to serve as members of such Committee.

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

(A ten-member committee consisting of Deputy Mayor Jensen and Council Members Ortiz, Clear, Lesser and Padilla and five members of the community to be appointed by Deputy Mayor Jensen and Council Member Ortiz was created on September 4, 2018 to examine the similar underlying issues associated with the Camping and Traffic and Pedestrian Safety ordinances.)

5. NON-ACTION ITEMS:

A. Discussion - 2019 Downtown Business Improvement District Fee Structure

DISCUSSION related to the ordinance establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District.

(Discussion on the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District.)

B. Discussion - 2019 Topeka Tourism Business Improvement District Fee Structure

DISCUSSION related to the ordinance establishing a service fee for 2019 relating to the Topeka Tourism Business Improvement District.

(Ordinance No. 20074 established the service fees at \$1 per paid occupied room night on hotel room rentals.)

C. Discussion - Topeka Metro Transit Authority Mill Levy

DISCUSSION regarding Topeka Metro Transit Authority's request to amend the charter ordinance and increase TMTA's mill levy.

(Approval of the proposed charter ordinance would allow the City to exclude TMTA's revenues and expenses when determining the City's aggregate limit for property taxes; and increase the TMTA's mill levy, at the request of TMTA, from 4.2 to 5.2.)

- 6. ANNOUNCEMENTS:**
- 7. PUBLIC COMMENT:**
- 8. EXECUTIVE SESSION:**
- 9. ADJOURNMENT:**



City of Topeka
Council Action Form
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214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018	
CONTACT PERSON:		DOCUMENT #:
SECOND PARTY/SUBJECT:		PROJECT #:
CATEGORY/SUBCATEGORY		
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

"Troy Scroggins Award - Martinez Hillard"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Troy Scroggins Award - M. Hillard



Troy Scroggins Award

*The City of Topeka
honors*

Martinez Hillard

It is my pleasure to join with The Human Relations Commission in recognizing Martinez Hillard for his service to Topeka in ameliorating discrimination and prejudice and advancing diversity. Martinez Hillard has left his mark on Topeka in promoting inclusion and diversity.



*In Witness Whereof, I do hereby affix my
official signature and the Official Seal of
the City of Topeka, Kansas, on this 4th day
of December, 2018.*

A handwritten signature in dark ink, appearing to read "Michelle De La Isla", is written over a horizontal line.

Michelle De La Isla, Mayor



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Topeka, Kansas 66603
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December 4, 2018

DATE:	December 4, 2018	
CONTACT PERSON:	Mayor Michelle De La Isla	DOCUMENT #:
SECOND PARTY/SUBJECT:	Board of Plumbing Examiners	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Doug Hubbell to the Board of Plumbing Examiners for an unexpired term ending September 1, 2020. *(Council District No. 8)*

VOTING REQUIREMENTS:

At least six (6) votes of the City Council. The 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 Coen nominates and Mayor De La Isla recommends the reappointment of Doug Hubbell to the Board of Plumbing to an unexpired term ending September 1, 2020. This position may be filled by a licensed master plumber and must live within the city. Mr. Hubbell 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 is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

D. Hubbell Application

Profile

Douglas

First Name

Hubbell

Last Name

vbuening@topeka.org

Email Address

6642 SW 25th St.

Street Address

Suite or Apt

Topeka

City

KS

State

66614

Postal Code

Are you a resident of the City of Topeka?☒ Yes ☐ No**What district do you live in? ***☒ District 8Check for your district here -> <https://www.topeka.org/citycouncil>

Home: (785) 633-5857

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Board of Plumbing Appeals: Submitted

Hubbell Plumbing LLC

Employer

owner

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:

See attachment

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.

see attachmnet

[DHubbell_app_Pluming_2014.pdf](#)

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.)

Master plumber

Voluntary Self Identification

Ethnicity

☒ Caucasian/Non-Hispanic

Gender

☒ Male

Acknowledgements and Verification

Purpose of information being submitted.

☒ I Agree

The information I am submitting is true and correct.

☒ I Agree

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/>



CITY OF TOPEKA

Application for Appointment to a Board or Commission

You are seeking an appointment to a public board. Your appointment is subject to approval by the Mayor and City Council and is governed by certain city ordinances and in some instances, state statutes. The information provided in this application will be used to determine if you meet the requirements required by city ordinances and other applicable laws. Please note that the information provided on this application will be subject to the Kansas Open Records Act.

Please state your name:

FIRST MIDDLE LAST SUFFIX

State the name of the board or commission to which you are seeking appointment:

Are you a resident of the City of Topeka: ☐ YES ☐ NO

Please provide your HOME ADDRESS: (necessary for residency requirement)

STREET CITY STATE ZIP CODE

HOME PHONE CELL PHONE BUSINESS PHONE

E-MAIL

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.

If you are employed please provide the name and address of your employer.

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:

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. (You may provide this is an attachment or use the back of this form.)

Complete ONLY if you are applying for one of these boards: Building and Fire Appeals; Board of Electrical Appeals, Board of Plumbing Appeals, Board of Mechanical Appeals; Sustainability; Planning Commission

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

I understand that the information I have provided may be used to determine my suitability to perform the duties required by the position I seek.

By checking this box, I declare under penalty of perjury that I am the person named above, and the information I have provided is true and correct. ☐

Please print your name and then sign below:

Print name: _____

Signed by: _____ Date: _____

Electronic Signature: ☐ *You may submit your signature electronically by checking this box.*

Submission instructions: Email your completed form with attachments to Vicki Buening at vbuening@topeka.org or mail to Office of the Mayor, City Hall, 215 SE 7th St., Suite 350 Topeka, KS 66603-3914. For questions, call the Mayor's Office 785-368-3895.

The Mayor and City Council are seeking diversity among appointees. We have provided an optional voluntary self-identification form should you choose to provide that information with your application. (See page 3)
Thank you.

VOLUNTARY SELF IDENTIFICATION

Name: _____

Race and ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

Put an **X** in the appropriate box.

☐

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

☐

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

☐

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

☐

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

☐

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

☐

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

☐

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above six races.

Profile

Doug

First Name

Hubbell

Last Name

Email Address

6642 sw 25th st

Street Address

Suite or Apt

Topeka

City

KS

State

66614

Postal Code

Are you a resident of the City of Topeka?

☒ Yes ☐ No

Other / Don't Know

What district do you live in?

Mobile: (785) 633-5857

Primary Phone

Alternate Phone

Which Boards would you like to apply for?

Board of Plumbing Appeals

Hubbell plumbing LLC

Employer

Master plumber

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:

Interests & Experiences

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

To keep up with code changes and learn more about the plumbing trade

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.

11 years experience in the plumbing trade.

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.)

Master plumbing license is up to date

Voluntary Self Identification

Caucasian/Non-Hispanic

Ethnicity

Male

Gender

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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December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Mayor De La Isla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Human **PROJECT #:**
Relations Commission
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Human Relations Commission to fill an unexpired term July 1, 2020. *(Council District No. 6)*

VOTING REQUIREMENTS:

At least six (6) votes of the City Council. The Mayor does not vote.

POLICY ISSUE:

Ordinance 18382. The purpose of the Topeka Human Relations Commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city, and to further goodwill among all people of the city.

STAFF RECOMMENDATION:

Deputy Mayor Jensen nominates and Mayor De La Isla recommends the appointment of William Naeger to the Topeka Human Relations Commission to fill an unexpired term and a full term ending July 1, 2020. Mr. Naeger is a resident of Topeka as required for nomination.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of nine members and serve two-year terms. Members shall be drawn from diverse racial, ethnic, commercial, industrial and other segments of the community and shall be city residents. Members shall serve without compensation.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

W. Naeger Application

Profile

William

First Name

Naeger

Last Name

wenae42@gmail.com

Email Address

1933 SW Westwood Drive

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) 230-5424

Primary Phone

Home:

Alternate Phone

Which Boards would you like to apply for?

Human Relations Commission: Submitted

Florence Crittenton

Employer

Youth Counselor

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 believe in the Human Relations Commission's goal to promote understanding and justice while improving relations between Topekans. I have had the opportunity to see the impact made when a few key people reach out of their immediate circles and create a meaningful dialogue. The value of engaging everyone and seeking to understand others has the potential to be a powerful force in our community.

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.

My studies at the university level were centered around understanding and cooperating with a diverse range of people. I have always valued and sought to expand my own knowledge regarding experiences that are common among communities that are not my own. Whether it was living with host families abroad, obtaining a minor in American Ethnic Studies, or teaching in China - I have always sought to further my own understanding of others. Joining the Human Relations Commission would allow me to promote these values in others while still advancing my own experience. I have also gained experience in the political sector. I believe that the community engagement that I have already contributed to will have direct parallels with the work of the Human Relations Commission. The chance to interpret voter data, develop engagement plans, and personally canvass constituents has given me a wide background in reaching out to meet people where they are.

[Resume_Naeger.pdf](#)

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

☒ Male

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/>

Will Naeger

wenae42@gmail.com • 785-230-5424

EDUCATION

- Kansas State University**, Manhattan, KS Graduated August 2017
Bachelors of Arts in Political Science and Humanities
Secondary Major in International Studies
Minors in American Ethnic Studies and French
Certificate in Primary Texts
- Oxford University**, Oxford, United Kingdom Summer 2017
Completed the Oxford Study Abroad Programme while studying international political and legal material. Completed through New College.
- Diderot University (Paris 7)**, Paris, France Spring 2016
Studied political and historical material in a direct enrollment program in French.
- Catholic Institute of Paris**, Paris, France Fall 2015
Took classes covering European politics and the French language.
- Zeppelin University**, Friedrichshafen, Germany Fall 2014
Spent a semester studying political science and the German language.

RECENT EXPERIENCE

- Florence Crittenton**, Topeka, Kansas November 2017 – Present
Youth Counselor
Help to maintain safety and structure in a therapeutic atmosphere for a group of adolescent girls in a residential treatment facility. Responsibilities include coaching and mentoring residents, facilitating groups and activities, maintaining daily structure, and assisting or supporting residents' exploration of actions that are healthy and positive. Accountable for organization and documentation of paperwork regarding treatment, healthcare, and legal documents.
- Mayor De La Isla's Community Outreach Team** December 2017 – Present
Team Member
Grassroots organizing in tandem with the Office of the Mayor in attempt engage voters, boost civic pride, and connect constituents with needed services.
- Sharice Davids for United States Congress** February 2018 – Present
Policy Researcher
Researched policy and prepared briefs including background information, policy options, and messaging. Helped with a variety of domestic and foreign policy, but focused particularly on international affairs.
- DCCS, KS 3rd Congressional District** September 2018 – Present
Canvasser
Canvassed and attempted to persuade targeted voters in regards to Sharice Davids' candidacy for office. Canvassed with Direct Connection Campaign Services or DCCS.

POLITICAL EXPERIENCE

- Laura Kelly for Kansas** February 2018 – May 2018
Campaign Contribution Researcher
Researched and prepared data on past campaigns' donor lists to help in fundraising efforts.

Will Naeger

wenae42@gmail.com • 785-230-5424

Michelle De La Isla Mayoral Campaign, Topeka, Kansas

Summer 2017 – Fall 2017

Voter Engagement Strategist

Gathered, organized, and interpreted past voting data to help formulate the campaign's strategy and tailor varied approaches for different precincts and voters. Canvased neighborhoods during the primary and general election efforts.

Kansas State University, Manhattan, Kansas

2017

Legislative Advocate

Worked to promote the views of the university and its student body to the state government.

Kansas State Senate, Topeka, Kansas

2014 Legislative Session

Intern

Helped with a variety of tasks in the Senate Minority Leader's office including sitting in on and taking notes on committee meeting, retrieving and distributing documents, answering phone calls, typing up data and taking notes on rallies.

INTERNATIONAL EXPERIENCE

Collège Fénélon, Paris, France

Fall 2015 – Spring 2016

Intern

Assisted a teacher in classes covering the English language.

Chinese Culture Center, Taigu, Shanxi, China

Summer 2014

English Teacher

Taught English as a foreign language in Shanxi, China. Prepared and taught lesson plans for six classes a day, five days a week. Helped to plan and run a week long "American Culture Camp" for about 120 students from three separate schools.

OTHER EXPERIENCE

Youth Ministries at First United Methodist Church, Topeka, Kansas

2013 – 2017

Intern

Worked with the Director of Youth Ministries to complete service projects and service trips. Included planning, preparing, and staffing a variety of events and service work.

TESL Certified

Certified to teach English as a second language.

AWARDS

Pi Sigma Alpha Political Science Honor Society

Pi Delta Phi French Honor Society

Swogger Scholarship

Knoll Scholarship

Leadership Scholarship

Metropolitan Ballet of Topeka Education Scholarship

FOREIGN LANGUAGE SKILLS

Studies of French, German and Chinese at both the high school and university level.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018		
CONTACT PERSON:	Jason Peek/Nick Hawkins	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Aquarian Acres No. 9 Street Improvements	PROJECT #:	T-601101.01
CATEGORY/SUBCATEGORY	020 Resolutions / 004 Public Improvements		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

PUBLIC HEARING to consider establishing a benefit improvement district for Street and Stormwater Improvement Project T-601101.01 in Aquarian Acres Subdivision No. 9.

RESOLUTION introduced by City Manager Brent Trout, authorizing Street Improvement Project No. T-601101.01 to pave streets within Aquarian Acres Subdivision No. 9 as more specifically described herein.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would establish a benefit improvement district for Street Improvements in the Aquarian Acres Subdivision No. 9.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Approval would establish a benefit improvement district for Street Improvements in the Aquarian Acres Subdivision No. 9. The project would be financed by the City through general obligation bonds.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing and move to approve the resolution of advisability.

BACKGROUND:

The owners of the property located at Aquarian Acres Subdivision No. 9 have petitioned the governing body to establish a benefit improvement district pursuant to K.S.A. 12-6a01. Applicants are requesting the City to impose a special assessment on each unit within the district to repay the design and construction costs of the following improvement: The total cost of projects (Streets and Stormwater) is \$465,000.

The benefit improvement district includes:

Lots 6 through 10, Block B
Lot 1, Block C
Lot 16, Block E
Lots land 15 through 20, Block F

BUDGETARY IMPACT:

The projects within the proposed benefit improvement district have an estimated cost of \$465,000. The City of Topeka would finance the cost of the projects through general obligation bonds. This cost would be repaid through assessment on a unit basis for all lots which are included in the improvement district.

SOURCE OF FUNDING:

100% of the costs will be paid by the owners of property within the improvement district.

ATTACHMENTS:

Description

Resolution of Advisability
December 4, 2018 Public Hearing Notice
Aquarian Acres cost benefit
Map
Signed Petition
Resolution No. 8726 - Special Assessment Policy

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. _____

A RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601101.01 which provides for street construction for Aquarian Acres Subdivision No. 9, as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of 100% of the area in the improvement district hereinafter described; and

WHEREAS, a public hearing was held on _____, after notice was published in the Topeka Metro News on _____ and _____; and

WHEREAS, the governing body considered the information provided by staff and comment provided at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that it finds Street Improvement Project No.T-601101.01, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 14 lots within Aquarian Acres Subdivision No. 9, along with concrete curb and gutters, storm sewer structures, piping, storm water management facility and engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Aquarian Acres Subdivision No. 9:

Lots 6 through 10, Block B

Lot 1, Block C

Lot 16, Block E

Lots land 15 through 20, Block F. Pursuant to K.S.A. 12-6a04(d), the improvement district does not include all the property which may be

35 deemed to be benefited by the proposed improvement and the
36 persons who signed the petition are willing to pay the costs of the
37 proposed improvement as set forth in the petition.
38

39 C. ESTIMATED OR PROBABLE COST:

40
41 \$465,000
42

43 This cost estimate has been prepared using the best information available,
44 without benefit of a detailed engineering design. Variances may occur as the
45 design details are developed. These costs may not be final.
46

47 D. PROPOSED METHOD OF ASSESSMENT:

48
49 On a unit basis for all lots which are included in the Improvement District.
50

51 E. APPORTIONMENT OF COSTS:

52
53 100% of the costs will be paid by the property owners within the
54 Improvement District.
55
56

57 BE IT FURTHER RESOLVED THAT:

58 1. The City Clerk is directed to file a certified copy of this Resolution with the
59 Register of Deeds.

60 2. Upon completion of the project described herein, the City Clerk is directed to
61 provide all assessment notices in accordance with the provisions of K.S.A. 12- 6a09, as
62 amended.

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

65 ADOPTED and APPROVED by the Governing Body on _____.

66 CITY OF TOPEKA, KANSAS

67
68
69 _____
70 Michelle De La Isla, Mayor

71
72
73
74
75

ATTEST:

Brenda Younger, City Clerk



CITY OF TOPEKA

City Clerk
City Hall, 215 SE 7th Street, Room 166
Topeka, KS 66603
www.topeka.org

Brenda Younger, M.M.C.
785-368-3940
Email: byounger@topeka.org

NOTICE OF PUBLIC HEARING Aquarian Acres Subdivision No. 9 Street Improvement Project T-601101.01

You are hereby notified that a public hearing will be held on December 4, 2018, at 6:00 p.m. in the City Council Chambers, Second Floor of the Municipal Building, 214 East Eighth Street, Topeka, Kansas, to consider the advisability of the following public improvement - Street Improvement Project T-601101.01:

GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 14 lots within Aquarian Acres Subdivision No. 9, along with concrete curb and gutters, storm sewer structures, piping, storm water management facility and engineering and all other contingencies required for a complete project.

PROPOSED IMPROVEMENT DISTRICT:

Aquarian Acres Subdivision No. 9
Lots 6 through 10, Block B
Lot 1, Block C
Lot 16, Block E
Lots land 15 through 20, Block F

ESTIMATED OR PROBABLE COST:

The estimated or probable cost is \$465,000; such cost to be paid 0 percent by the City of Topeka and 100 percent by the improvement district. This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs may not be final.

PROPOSED METHOD OF ASSESSMENT:

The proposed method of assessment is on a unit basis for all lots which are included in the Improvement District.

Oral or written comments on this proposed public improvement are invited by the governing body and will be given every consideration.

If you lease or rent this property, please forward this notice to the landowner.



Brenda Younger
Brenda Younger, City Clerk

October 29, 2018

1 (Published in the Topeka Metro News October 29, 2018 and November 5, 2018)

2
3 **RESOLUTION NO. 9057**
4

5 A RESOLUTION introduced by City Manager Brent Trout, setting the public
6 hearing for Improvement Project No. T-601101.01. to provide
7 street construction for Aquarian Acres Subdivision No. 9.
8

9 BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that a
10 public hearing shall be held on the advisability of Street Improvement Project No. T-
11 601101.01. Said hearing to be held on December 4, 2018, in the City Council Chambers of
12 City Hall, 214 SE 8th Street, at 6:00 p.m., as provided by TMC 3.45.020

13 BE IT FURTHER RESOLVED that the City Clerk shall publish the following notice of
14 such public hearing in the official city newspaper in the manner provided by TMC 3.45.030
15

16 NOTICE OF PUBLIC HEARING

17 Notice is hereby given that the Governing Body of the City of Topeka, Kansas, will
18 meet for the purpose of holding a public hearing in the City Council Chambers of City Hall,
19 214 SE 8th Street, at 6:00 p.m. on December 4, 2018, to consider the advisability of Street
Improvement Project No. T-601101.01, more specifically described as follows:

20 A. GENERAL NATURE OF IMPROVEMENT:

21 To construct paved street to serve 14 lots within Aquarian Acres Subdivision
22 No. 9, along with concrete curb and gutters, storm sewer structures, piping,
23 storm water management facility and engineering and all other contingencies
24 required for a complete project.
25

26 B. PROPOSED IMPROVEMENT DISTRICT:

27 *Aquarian Acres Subdivision No. 9:*
28 Lots 6 through 10, Block B
29 Lot 1, Block C
30 Lot 16, Block E
31 Lots land 15 through 20, Block F
32
33
34
35
36
37

C. ESTIMATED OR PROBABLE COST:

\$465,000

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs may not be final.

D. PROPOSED METHOD OF ASSESSMENT:

On a unit basis for all lots which are included in the Improvement District.

E. APPORTIONMENT OF COSTS:

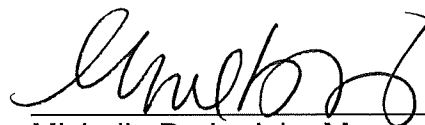
Costs will be paid 100 percent by the owners of property within the Improvement District.

The hearing may be adjourned from time to time and until the Governing Body shall have made findings by resolution as to the advisability of the improvement, the nature of the improvement, the estimated cost, the boundaries of the improvement district, and the method of assessment. All persons desiring to be heard with reference to the proposed improvement shall be heard at this hearing.

Upon adoption of this Resolution, the City Clerk is hereby directed to provide all publication and mailed notices in accordance with TMC Chapter 3.45, Article II.

ADOPTED and APPROVED by the Governing Body on October 23, 2018.

CITY OF TOPEKA, KANSAS


Michelle De La Isla, Mayor

ATTEST:




Brenda Younger, City Clerk

Aquarian Acres Subdivision No. 9
Cost Benefit Analysis
Streets

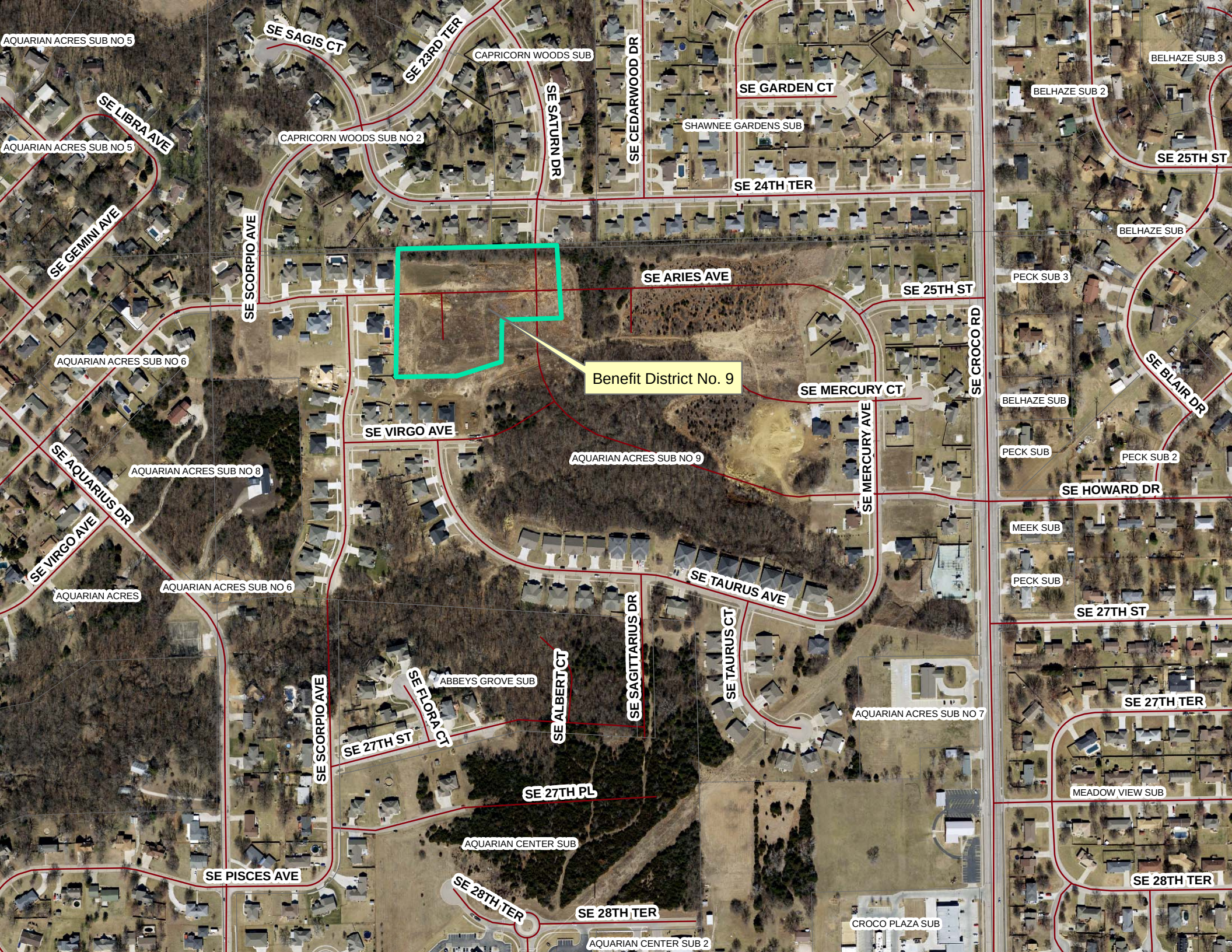
This analysis assumes a 50-year cycle for regular preventative maintenance and major rehabilitation. Maintenance and rehabilitation is defined within the City of Topeka's Pavement Management Program. The subdivision has approximately **1135** feet of street pavement with a total of **14** houses.

Total property tax revenue to the City of Topeka is estimated at **\$9,650/year** with approximately **\$482,500** collected over 50 years.

The **annualized 50-year cycle cost** of maintaining the 1135 feet of streets is **\$4,940**. The annualized street sweeping and winter treatment/snow removal cost is **\$2,500**. The **annualized total street maintenance cost is \$7,440**. The annual property tax revenue to the City of Topeka is **\$9,650** for a net annualized revenue of **\$2,210**.

Street Maintenance	Cost	Property Tax	Difference
Crack seal, surface seal, mill & overlay and replace curbs and ramps	\$4,940	\$9,650	+\$4,710
Annual street sweeping	\$1,000		-\$1,000
Annual winter treatment/snow removal	\$1,500		-\$1,500
Total (Annualized)	\$7,440	\$9,650	+\$2,210

The cost benefit analysis to maintain the streets over the course of 50 years demonstrates that the COT property tax revenue from the subdivision should be adequate.



IMPROVEMENT PROJECT

PETITION

THE MAYOR AND COUNCIL MEMBERS
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

AQUARIAN ACRES SUBDIVISIONS NO. 9 - PROJECT NO. T-601101.01

A. GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 14 lots within Aquarian Acres Subdivision No. 9, along with concrete curb and gutters, storm sewer structures, piping, storm water management facility and engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 6 through 10, Block B;
Lot 1, Block C;
Lot 16, Block E;
Lots 1 and 15 through 20, Block F;
All in Aquarian Acres Subdivision No. 9, City of Topeka, Shawnee County, Kansas.

C. ESTIMATED OR PROBABLE COST:

\$465,000

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

Unit Basis.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF SIGNERS OF THE PETITION:

We understand, agree and certify:

- (i) That we own 100% of the property of properties included in the Improvement District; and

- (ii) That this Petition is one submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto; and
- (iii) That the proposed Improvement District does not include all properties which may be deemed to benefit from the proposed improvements; and
- (iv) That we may not withdraw our signature from this Petition after the City Council commences consideration of this Petition or later than seven (7) days after such filing, whichever occurs first; and
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. *et seq.*, Further we request that the City Council adopt a Resolution authorizing the above described improvement; and
- (vii) That the parcels of property contained within the Improvement District may not be altered by replatting or other means until assessments have been levied unless the developer submits a new Petition signed by all property owners with the changes or modifications to the parcels within the Improvement District. Provided, however, no new petition will be required if all owners of the parcel(s) to be altered provide the City Engineer written notice specifying the allocation of the project costs among the new parcels to be created through the replat. Said written notice of the allocation of project costs shall accompany the application for the replat and also shall be filed with the Register of Deeds and shall be a covenant running with the land and binding on the subsequent owners of said parcels; and
- (viii) That, in addition to the costs for the improvement, we will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management; and
- (ix) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office, and we have been duly authorized to execute this Petition on behalf of the entity.

<i>Name of Property Owner</i>	<i>Name, Title and Signature of Person Executing Petition</i>	<i>Legal Description of Property Owned</i>	<i>Date</i>
-------------------------------	---	--	-------------

White Drive
Drippe Development, LLC
1219 Pawnee Dr.
St. Marys, KS 66536

7/13/18
Lots 6 through 10, Block B;
Lot 1, Block C;
Lot 16, Block E;
Lots 1 and 15 through 20, Block F;
All in Aquarian Acres Subdivision No. 9,
City of Topeka, Shawnee County, Kansas.

CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

7/13/18

Date

[Signature]

Signature of Person Carrying Petition

CERTIFICATION OF DEVELOPER

I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (i) That I have no financial interest in any properties with delinquent special assessments anywhere within the City or the City's three mile extraterritorial jurisdiction; and
- (ii) That I will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is subject to special assessments to pay for the

Improvement; and

- (iii) That I will notify in writing each and every purchaser of parcels of property within the Improvement District that in addition to the costs for the Improvement, the property owners will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management.

7/13/18

Date

Wht. Di -

Signature

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6

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10

1

storm water sewer improvements without a petition or notice and public hearing, as set forth in K.S.A. 12-6a04.

c. Petition Information. Should a benefit district be initiated by petition, all benefit district petitions submitted for consideration shall contain the information required by K.S.A. 12-6a04 or K.S.A. 12-6a19 if applicable.

d. Costs and Methods of Assessment. Benefit district project costs shall include all required reports and studies, preliminary and final engineering, design, land acquisition, construction, inspection, financing, professional analysis, and administrative costs. Determination of all benefit district costs shall occur prior to construction of any benefit district improvements. All petitions for creation of a benefit district must utilize one of the following methods of assessment in accordance with K.S.A. 12-6a08.

1. Unit. If the assessments are to be determined by unit, the total number of lots included in the district will be assigned a number of units per lot. The total cost to be assessed is then divided by the total units. This figure multiplied by the number of units per lot or parcel would determine the assessment costs.
2. Frontage. If the assessments are to be determined by front foot along the improvement, the footage of each lot or parcel must be determined. The total cost to be assessed is then divided by the total footage to fix the amount per foot. This figure multiplied by the footage of the lot or parcel determines the assessment on the lot or parcel.
3. Area. If the assessments are to be determined according to area, the total number of square feet in the benefit district and the number of square feet of each lot and parcel must be determined. The total cost to be assessed divided by the total number of square feet of the district gives the charge per square foot. This amount multiplied by the square foot of a lot or parcel gives the assessment to be charged.
4. Value. If the assessments are to be determined according to appraised value or assessed value, the values of all the lots and parcels are added to get the total value of property within the benefit district. The total cost to be assessed divided by the total appraised or assessed value of the benefit district gives the amount to be paid per dollar value. This amount multiplied by the appraised or assessed value of each lot or parcel gives the amount of the assessment.
5. Other Method. If some other method is used, the assessment method must meet the standard of reasonableness. Examples of alternative assessment plans include determining the assessments according to zoning classifications or decreasing the assessment levels on the basis of proximity from the improvement on the theory that the land nearest to the improvement receives the greatest benefit from the improvement.

82 The Governing Body, upon the recommendation of the City's Benefit District
83 Committee, may determine the proper method of assessment for a benefit district
84 improvement.

85
86 e. Petitions. The City may facilitate new development by providing for the installation
87 of public improvements upon submission of a sufficient petition of the property
88 owners.

89
90 f. Signatures of Owners. The City favors benefit districts that have the signature of
91 100% of the property owners within a proposed district and are funded 100% by the
92 landowners in the proposed district. Pursuant to K.S.A. 12-6a01, the City at-large
93 may, at its sole discretion, pay up to 95% of the benefit district cost. However, the
94 City will, at its sole discretion, give preference to benefit district projects that either
95 are funded entirely by the benefit district or by no more than 5% from the City at-
96 large, subject to the limitations of the City's debt management policy and availability
97 of funds allocated within the City's annual Capital Improvements Program ("CIP").
98

99 g. Benefit District Committee. A Benefit District Committee comprised of the City
100 Manager or their appointee, Finance Director, Planning Director, Public Works
101 Director, Neighborhood Relations Director and the City Engineer, will meet to review
102 and make recommendations to the Governing Body consistent with this policy.
103

104 h. Maximum Term. General Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et seq.*, the
105 Governing Body may authorize the financing of benefit district improvements by the
106 issuance of general obligation bonds to finance benefit district improvements. The
107 general obligation bond term cannot exceed twenty (20) years. The Benefit District
108 Committee shall review the impact of each proposed benefit district in light of the
109 debt management policy.
110

111 i. Maximum Term. Special Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et. seq.*, the
112 Governing Body may authorize the financing of benefit district improvements by the
113 issuance of special obligation bonds to finance benefit district improvements. The
114 special obligation bond term may extend up to twenty (20) years. The Benefit District
115 Committee shall review the financial feasibility of each benefit district proposed to be
116 financed by special obligation bonds.
117

118 j. Financial Due Diligence. The Benefit District Committee will conduct due diligence
119 on developer finances in order to ensure developers have the financial capacity and
120 wherewithal to support the development. Financial due diligence will include:
121

- 122 1. Delinquent Tax Obligations. Benefit district financing will not be approved if
123 any signator to a petition has a financial interest in an existing development
124 with delinquent tax obligations. All petitioners for new development
125 (including anyone with a material ownership interest in the Developer's parent
126 organization or any single purpose entity created for the subject development)

127 will be required to certify, under oath, that they have no financial interest in
128 any property with delinquent special assessments, ad valorem taxes, or other
129 federal or state tax liens anywhere within the State of Kansas.

130 2. Review of Finances. Developers desiring to create benefit districts for new
131 housing developments shall be required to provide financial statements and
132 shall be required to document ownership or control of the land. The City
133 recognizes that many developments are constructed under single-purpose legal
134 entities; the City requires financial statements to demonstrate the ability of the
135 Developer, its single-purpose entity or any of its members or shareholders to
136 complete the project as proposed and to make special assessment payments in
137 full and on time, should development not materialize according to the
138 development plan.

139 3. Special Assessment Monthly Payments. The developer shall provide a
140 certification from a reputable real estate broker with knowledge of the Topeka
141 market that the anticipated annual assessments for the development for which
142 special assessments are granted are not inconsistent with assessments imposed
143 on comparable properties in the market and will not materially impair the
144 salability of the properties benefitted in the current real estate market.

145 4. Cost Benefit Analysis. A cost-benefit analysis shall be prepared by the
146 Department of Finance to ensure that a public benefit exists for utilizing
147 special assessment financing.

148

149 k. Financial Sureties. Any petitioner requesting the creation of a benefit district shall
150 pledge financial commitments guaranteeing payment of assessments levied to pay
151 principal and interest on bonds issued for the improvement project. Financial
152 guarantees shall be in place with the City prior to the construction contract being
153 awarded. Financial guarantees shall equal at least 30% of the estimated costs of the
154 project, except for items i through iii, which would require 20%.

155

156 1. A financial guarantee may consist of:

157 i. Cash

158 ii. Cashier's Check

159 iii. Escrow Account, held in trust for the City's benefit by a financial
160 institution approved by the City in its sole discretion, funded with high
161 quality securities approved at the discretion of the City's Director of
162 Finance, where the principal balance along with the project interest is
163 sufficient to satisfy the full amount of the guarantee.

164 iv. Irrevocable letter of credit for up to ten (10) years from a reputable
165 bank, subject to the City's Director of Finance approval.

166 v. Surety bond. Surety bonds will be on a form approved by the City,
167 from a company authorized to sell insurance in the State of Kansas,
168 and have a rating of at least A – (excellent) from A&M Best.
169 Developers will be responsible for costs incurred by the City to verify
170 the rating for the proposed surety provider.

171

Project costs shall include, but not be limited to, engineering design, construction, inspection, temporary note interest (which will be calculated by the City), and the City's administrative cost in creating and administering the district. In the event that any special assessment is not paid when due, the financial guarantee will be applied by July 1 of each year to satisfy the principal and interest costs and any additional costs, such as penalties, occasioned by delinquent payment of the bonded public improvements.

Upon request of the developer, the financial guarantee shall be released on the following conditions:

1. Improvements on at least thirty (30%) of the properties (by lot) within the benefit district have been completed and issued an occupancy permit; or
2. The appraised value of improvements located within the benefit district is equal to seven (7) times the amount of the special assessments.

The Director of Finance or designee will approve the release, when the above conditions have been met and proof of evidence has been provided.

1. Phase of Lots. In order to ensure orderly development and limit the potential of too many lots on the market at any given time, the maximum number will be 45 lots per development. Consideration also will be given to the accumulation of lots resulting from multiple benefit districts; and therefore, the City reserves the right to withhold approval of a benefit district if the lots created by said benefit district are anticipated to result in excess market supply. The City may give preference to the use of benefit districts as an incentive to support infill and redevelopment of existing neighborhoods in order to implement the goals and policies of the City's Land Use and Growth Management Plan.

- m. Termination. Benefit districts may be terminated by the Governing Body at the Governing Body's sole discretion at any time prior to the issuance of temporary notes in support of the project. Prior to termination, the Governing Body will endeavor to provide regular mail notice to all property owners within the district. The Governing Body may consider the following factors when considering whether to terminate a benefit district:

1. Construction of the improvements described in the petition have not commenced within five (5) years after approval of the petition, or acquisition of all rights-of-way and/or easements necessary for construction of the improvements has not been secured within five (5) years of approval of the petition;
2. Changes in ownership and/or land development patterns in the area have reduced or eliminated the need for the improvements described in the petition; and/or
3. The City's share of the total costs to construct the improvements in the benefit area exceeds the amount described in the resolution creating the benefit district.

- 218 n. Development Agreement. Upon submission of a sufficient petition, which is
219 approved by the Governing Body, a development agreement will be submitted
220 acknowledging the terms of this policy by the developer.
221
222 o. Foreclosure. Properties with special assessments that are delinquent for a period of at
223 least three years will be subject to a judicial tax foreclosure sale.
224
225

226 SECTION 2: COST DISTRIBUTION POLICIES.
227

228 a. Cost Distribution Policies for Streets.
229

- 230 1. Benefit district financing is allowable for the construction of arterial streets,
231 collector streets and local streets in commercial or industrial developments
232 and new residential developments.
233 2. All streets shall be designed in accordance with the City's technical design
234 criteria for public improvements.
235 3. One hundred percent (100%) of the construction costs of local streets,
236 including related drainage facilities and sidewalks, shall be funded by the
237 developer or, if by benefit district, shall be assessed to property within the
238 benefit district.
239 4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the
240 owners of property that benefits from such improvement but that was not
241 included within the original improvement district, to pay a benefit fee at the
242 time the owners of such property request, by petition, will be served by such
243 improvement.
244 5. Pursuant to K.S.A. 12-692, the owner or owners or predecessors with title to
245 all lots or tracts of land abutting upon any existing or proposed street or
246 highway that have dedicated or conveyed property necessary for the opening,
247 widening or extending of such street or highway, may, at the discretion of the
248 Governing Body, be exempt, in whole or in part, from the payment of special
249 assessment to pay the cost of acquiring land necessary for such opening,
250 widening or extension from owners of lots or tracts of land abutting upon such
251 existing or proposed street or highway and failing or refusing to dedicate or
252 convey such property.
253

254 b. Cost Distribution Policies for Water Lines
255

- 256 1. Benefit district financing shall generally be limited to the construction or
257 extension of water mains along arterial, collector and local streets within
258 commercial and industrial developments.
259 2. Benefit districts shall not be established for the purpose of financing distribution
260 or service line improvements in residential subdivisions.
261 3. Water main sizes shall be determined in accordance with the City's technical
262 design criteria for public improvements.
263 4. Construction costs of all water mains up to and including 12" diameter shall be
assessed 100% to the property within the benefit district. However, if water

264 demands caused by the development to be served by the benefit district or unique
265 hydraulic or topographic conditions require construction of a distribution main in
266 excess of 12" to meet building and fire codes, the Governing Body, at its sole
267 discretion, may require all costs of the main in excess of 12" to be assessed and
268 paid 100% by the benefit district.

- 269 5. When the City determines that a water transmission main in excess of the size
270 determined in Subsection b. 4., above, is needed to benefit the overall water
271 transmission system, construction costs shall be distributed so that property within
272 the benefit district pays the cost equivalent of the required distribution main and
273 the City-at-large pays the cost differential between the transmission and
274 distribution sized main.
- 275 6. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the
276 owners of property that benefits from such improvement but which was not
277 included within the original improvement district, to pay a benefit fee at the time
278 the owners of such property request, by petition, will be served by such
279 improvement.

280

281 c. Cost Distribution Policies for Sanitary and Storm Sewers.

- 282 1. Benefit district financing is available for the construction or extension of sewer
283 main and sub-main district lines, as well as lateral lines within commercial and
284 industrial developments and new residential subdivisions.
- 285 2. Sanitary sewer mains shall be sized to carry flows from the ultimate tributary
286 population in accordance with the City's technical design criteria for public
287 improvements. At the discretion of the Governing Body, if improvements are
288 required to downstream receiving sewers, the cost of paralleling or upsizing
289 existing downstream sewer mains may be included in the benefit district.
- 290 3. Construction costs of all sanitary sewer improvements shall be assessed 100% to
291 the property within the benefit district.
- 292 4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the
293 owners of property that benefits from such improvement but which was not
294 included within the original improvement district, to pay a benefit fee at the time
295 the owners of such property request, by petition, will be served by such
296 improvement.

297

298 d. Cost Distribution Policies for Other Improvements.

299

300 In addition to the public improvements described above in this Section, the Governing
301 Body may use benefit district financing for other types of public improvements as
302 authorized by law. The Governing Body shall distribute the costs of these improvements
303 to the benefit district in accordance with its determination of the special benefits accruing
304 to the district from the improvement.

305

306 SECTION 3: FEES. City may charge up to 5% of the total costs of an improvement or the cost of
307 work done by the City to reimburse for administration and supervision of the improvement by its
308 employees.

309

310 SECTION 4: NOTICE. Except in the case of a benefit district petition proposed by a single
311 owner, the Governing Body shall notify all property owners within a proposed benefit district
312 that certain improvements have been proposed, and the date, time, and place the Governing Body
313 will consider authorizing said improvements. In the case of improvements proposed by petition,
314 the petitioner shall provide the City with a current mailing list of property owners within the
315 proposed benefit district, including those not signing the petition.

316
317 SECTION 5: AUTHORITY OF GOVERNING BODY. The Governing Body reserves the right
318 to deviate from any policy or practice set forth in this Resolution when it considers such action to
319 be in the best interests of the City.

320
321 SECTION 6: EFFECTIVE DATE. This Resolution shall take effect upon passage.

322
323 ADOPTED and APPROVED by the Governing Body on this 13th day of October, 2015.

324

325

326

327

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329

330

331 ATTEST:

332

333

334

335

Brenda Younger
Brenda Younger, City Clerk



CITY OF TOPEKA, KANSAS

Larry E. Wolgast
Larry E. Wolgast, Mayor



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Nick Hawkins, Budget and Performance Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: 2018 Budget Amendments
PROJECT #:
CATEGORY/SUBCATEGORY: 018 Public Hearings / 006 Budget
CIP PROJECT: No
ACTION OF COUNCIL: Set Public Hearing 11-13-18.
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2018 Operating Budget.

Voting Requirement: No vote required.

(The Notice of Public Hearing was in the November 19, 2018, edition of the Topeka Metro Newspaper. The amendment would increase the expenditure level of the 2018 Adopted Budget in the specified funds from \$6,747,886 to \$7,321,886, a \$574,000 increase.)

VOTING REQUIREMENTS:

No vote required by the Governing Body.

POLICY ISSUE:

K.S.A. 79-2929 allows for governing bodies to amend a budget based upon a standard process outlined in statute that follows a similar process for the budget adoption. Any amended budgets for proposed increases in expenditures are required to be balanced by previous unbudgeted revenues or balances other than ad valorem property taxes. At no time after setting the maximum taxes levied can the governing body increase the ad valorem property taxes.

During budget planning, staff are planning for budgets typically eight months in advance of the beginning of the upcoming fiscal year. The governing body typically will adopt the budget four months in advance of the upcoming fiscal year. Amendments are needed due to the changing nature of the City's budget, especially if

more revenues are received than estimated.

As required by State law, the governing body must hold a public hearing to consider amendments to the 2018 Operating Budget. On November 13th the Governing Body set a public hearing date of December 4, 2018, and authorized the publication of the public hearing notice in the Topeka Metro Newspaper on November 19, 2018. Approval of the amendments will be considered on December 11th.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing. The ordinance will be presented to the Governing Body for consideration on December 11, 2018.

BACKGROUND:

Tax Increment Financing Fund (220) – The 2018 adopted budget was \$190,000, and is recommended to increase to \$250,000. These funds were established to monitor the amount of property taxes received for tax increment financing districts created for redevelopment of blighted areas. The City currently has one district: College Hill. Revenues from the fund are transferred to the Debt Service fund to pay for capital projects within the College Hill district. Revenues have been higher than anticipated due to growth within the district.

Special Alcohol Fund (228) – The 2018 adopted budget was \$535,970, and is recommended to increase to \$641,970, which would come from the existing cash balance in the fund. Revenue is generated from the liquor tax and is allocated per recommendations by the Topeka-Shawnee County Alcohol-Drug Abuse Advisory Council. The amendment is needed due to a prior year encumbrance which was not anticipated to be expended in the 2018 budget.

Law Enforcement Fund (232) – The 2018 adopted budget was \$690,921 and is recommended to increase to \$713,921. The Police Department needs to replace the current response team/K9 unit rifles due to manufacture defect that impacts the operational system of the rifle. It is outside the time frame to be covered by warranty. The Police Department is utilizing the Law Enforcement Fund for several large projects in 2018 including the LEC Fence Project. The department is including the full amount of the fence in 2018 projections but some of these expenses will not hit the fund until 2019.

SE 29th Community Improvement District Fund (297) – Due to the timing of the approval of the SE 29th Community Improvement District (CID) after budget adoption, the 2018 adopted budget did not include budget authority for this fund. These funds provide for the use of public financing to fund projects within a prescribed district to strengthen economic development and employment opportunities, enhance tourism or upgrade dated real estate. The budget amendment would allow for payment to the developer if requested before year end. The amendment will set the 2018 budget to \$85,000.

Information Technology Fund (613) – The 2018 adopted budget was \$4,270,995 and is recommended to increase to \$4,570,995. This fund provides for the information technology needs of the City and is funded by charging departments annual IT fees. A budget amendment is being needed due to potential expenses that may cause the budget to exceed adopted expenditure authority.

BUDGETARY IMPACT:

The amendment would increase the expenditure level of the 2018 Adopted Budget from \$6,747,886 to \$7,321,886, a \$574,000 increase.

SOURCE OF FUNDING:

The following source of funding includes:

Tax Increment Financing Fund (220) – Revenue
Special Alcohol Fund (228) – Fund Balance
Law Enforcement Fund (232) – Fund Balance
SE 29th Community Improvement District Fund (297) – Revenue
Information Technology Fund (613) – Fund Balance

ATTACHMENTS:

Description

Notice of Public Hearing
2018 Budget Amendment Summary
2018 State Forms - Budget Amendments

2018

**Notice of Budget Hearing for Amending the
2018 Budget**

The governing body of
City of Topeka

will meet on the day of December 4, 2018 at 6:00 p.m. at City Council Chambers at 214 E Eighth Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

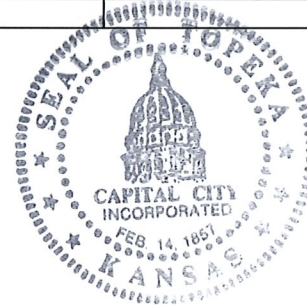
Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Tax Increment Financing			690,000	750,000
Special Alcohol			535,970	641,970
Law Enforcement			690,921	713,921
SE 29th CID			560,000	645,000
Information Technology			4,270,995	4,570,995


Official Title: City Clerk

Page No.

6



2018 Budget Amendment Summary

Below is a summary of each of the proposed amendments to the 2018 budget.

Tax Increment Financing Fund (220) – The 2018 adopted budget was \$190,000, and is recommended to increase to \$250,000. These funds were established to monitor the amount of property taxes received for tax increment financing districts created for redevelopment of blighted areas. The City currently has one district: College Hill. Revenues from the fund are transferred to the Debt Service fund to pay for capital projects within the College Hill district. Revenues have been higher than anticipated due to growth within the district.

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Law Enforcement Fund (232) – The 2018 adopted budget was \$690,921 and is recommended to increase to \$713,921. The Police Department needs to replace the current response team/K9 unit rifles due to manufacture defect that impacts the operational system of the rifle. It is outside the timeframe to be covered by warranty. The Police Department is utilizing the Law Enforcement Fund for several large projects in 2018 including the LEC Fence Project. The department is including the full amount of the fence in 2018 projections but some of these expenses will not hit the fund until 2019.

SE 29th Community Improvement District Fund (297) – Due to the timing of the approval of the SE 29th Community Improvement District (CID) after budget adoption, the 2018 adopted budget did not include budget authority for this fund. These funds provide for the use of public financing to fund projects within a prescribed district to strengthen economic development and employment opportunities, enhance tourism or upgrade dated real estate. The budget amendment would allow for payment to the developer if requested before year end. The amendment will set the 2018 budget to \$85,000.

Information Technology Fund (613) – The 2018 adopted budget was \$4,270,995 and is recommended to increase to \$4,570,995. This fund provides for the information technology needs of the City and is funded by charging departments annual IT fees. A budget amendment is being needed due to potential expenses that may cause the budget to exceed adopted expenditure authority.

2018

**Amended
Certificate
For Calendar Year 2018**

To the Clerk of Shawnee, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Topeka
certify that: (1) the hearing mentioned in the attached publication was
held;(2) after the Budget Hearing this Budget was duly approved and
adopted as the maximum expenditure for the various funds for the year.

			2018 Amended Budget		
			Amount of 2017 Tax that was Levied	Adopted 2018 Expenditures	Proposed Amended 2018 Expenditures
Table of Contents:		Page No.			
Fund	<u>K.S.A.</u>				
Tax Increment Financing	12-1775 (b)(2)	1		690,000	750,000
Special Alcohol	79-41A04	2		535,970	641,970
Law Enforcement	City Code 2-334	3		690,921	713,921
SE 29th CID	Administrative	4		560,000	645,000
Information Technology	City Code Sec. 2-144	5		4,270,995	4,570,995
Totals		xxxxxxx	0	6,747,886	7,321,886
Summary of Amendments		6			

Attested date: _____

County Clerk

Assisted by:

Address:

Email:

Governing Body

Tax Increment Financing	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
College Hill	190,000	250,000
Wheatfield	500,000	500,000
Interest on Idle Funds		
Total Receipts	690,000	750,000
Resources Available:	690,000	750,000
Expenditures:		
Contractual Services	500,000	500,000
Other	190,000	250,000
Total Expenditures	690,000	750,000
Unencumbered Cash Balance December 31	0	0

[illegible]

City of Topeka

2018

Adopted Budget

Law Enforcement	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	1,506,204	1,506,204
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Revenue	282,000	282,000
Interest on Idle Funds		
Total Receipts	282,000	282,000
Resources Available:	1,788,204	1,788,204
Expenditures:		
Contractual	429,000	452,000
Commodities	121,000	121,000
Other	140,921	140,921
Total Expenditures	690,921	713,921
Unencumbered Cash Balance December 31	1,097,283	1,074,283

City of Topeka

2018

Adopted Budget

SE 29th CID	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Sales Tax	560,000	645,000
Interest on Idle Funds		
Total Receipts	560,000	645,000
Resources Available:	560,000	645,000
Expenditures:		
Payment to Developer	560,000	645,000
Total Expenditures	560,000	645,000
Unencumbered Cash Balance December 31	0	0

City of Topeka

2018

Adopted Budget

Information Technology	2018 Adopted Budget	2018 Proposed Budget
Unencumbered Cash Balance January 1	1,145,189	1,145,189
Receipts:		
Ad Valorem Tax		
Delinquent Tax		
Motor Vehicle Tax		
Recreational Vehicle Tax		
16/20M Vehicle Tax		
Department Fees	3,921,044	3,921,044
Franchise Fees	10,000	10,000
Interest on Idle Funds		
Total Receipts	3,931,044	3,931,044
Resources Available:	5,076,233	5,076,233
Expenditures:		
Personnel	1,649,024	1,649,024
Contractual	2,105,221	2,405,221
Capital	340,000	340,000
Commodities	176,750	176,750
Total Expenditures	4,270,995	4,570,995
Unencumbered Cash Balance December 31	805,238	505,238

2018

**Notice of Budget Hearing for Amending the
2018 Budget**

The governing body of

City of Topeka

will meet on the day of December 4, 2018 at 6:00 p.m. at City Council Chambers at 214 E Eighth Street for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at Office of the City Clerk at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2018 Adopted Budget			2018 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Tax Increment Financing			690,000	750,000
Special Alcohol			535,970	641,970
Law Enforcement			690,921	713,921
SE 29th CID			560,000	645,000
Information Technology			4,270,995	4,570,995

Brenda Younger
Official Title: City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Doug Gerber, Deputy City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: PROJECT #:
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 138 Taxation
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, levying an additional special purpose city retailers' sales tax in the amount of five-tenths of one percent (0.5%) within the City of Topeka effective October 1, 2019, amending City of Topeka Code Section 3.50.010 and repealing original section.

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would continue the levy of the half cent city retailers' sales tax approved by the electorate on November 6, 2018.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body is required.

POLICY ISSUE:

Whether to levy the 0.5% citywide sales tax approved by the voters at the general election.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

A majority of the voters at the November 6, 2018 election voted to continue the half cent retailers' sales tax for improvements to existing city streets, gutters, curbs, sidewalks, alleys and street lighting. The existing tax is set to expire on October 1, 2019. K.S.A. 12-187 requires the governing body to enact an ordinance levying a sales tax that has been approved by the electorate.

BUDGETARY IMPACT:

The 2019 Adopted Budget for the 0.5% citywide sales tax is \$21,090,466, including contingency. The city is

forecasting to receive \$14,765,801 in sales tax in 2019.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

2018 Election Certification

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout, levying an additional
6 special purpose city retailers' sales tax in the amount of five-tenths
7 of one percent (0.5%) within the City of Topeka effective October 1,
8 2019, amending City of Topeka Code § 3.50.010 and repealing
9 original section.

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

12 Section 1. That section 3.50.010, of The Code of the City of Topeka, Kansas,
13 is hereby amended to read as follows:

14 3.50.010 Levy.

15 (a) General. A majority of the electors voting thereon having approved, at a
16 special question election held on August 3, 1982, the levying of an additional retailers'
17 sales tax in the city, as authorized by K.S.A. 12-187 et seq., as amended, there is
18 hereby levied a retailers' sales tax in the amount of one percent to take effect on
19 November 1, 1982.

20 (b) Special Purpose. A majority of the electors voting thereon having
21 approved, at a special question election held on the seventh day of April, 2009, the
22 levying of an additional special purpose retailers' sales tax in the city of Topeka, for the
23 purpose of paying the costs of certain improvements within the city exclusively for costs
24 of maintenance and improvements of existing city streets, gutters, curbs, sidewalks,
25 alleys and street lighting, as authorized by K.S.A. 12-187, et seq., and amendments
26 thereto, there is hereby levied an additional special purpose city retailers' sales tax in
27 the amount of five-tenths of one percent to take effect on the first day of October, 2009,
28 and shall expire 10 years after the date the tax is first collected.

29 (c) Special Purpose. A majority of the electors having approved, at the
30 general election held on November 6, 2018, the levying of an additional special
31 purpose retailers' sales tax in the City for the purpose of paying the costs of certain
32 improvements within the city exclusively for costs of maintenance and improvements of
33 existing city streets, gutters, curbs, sidewalks, alleys and street lighting, as authorized
34 by K.S.A. 12-187, et seq., and amendments thereto, there is hereby levied an additional
35 special purpose city retailers' sales tax in the amount of five-tenths of one percent
36 (0.5%) to take effect on October 1, 2019 and expire on October 1, 2029.

37 Section 2. That original § 3.50.010 of The Code of the City of Topeka, Kansas,
38 is hereby specifically repealed.

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

41 Section 4. Pursuant to K.S.A. 12-189, the City Clerk is directed to submit to
42 the Kansas Department of Revenue a certified copy of this ordinance within 30 days
43 after adoption.

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

46 Section 6. Should any section, clause or phrase of this ordinance be declared
47 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
48 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



Shawnee County Commissioner of Elections

Andrew Howell
Election Commissioner
Mark A. Stock
Asst. Election Commissioner

3420 S.W. Van Buren Street
Topeka, Kansas 66611
TEL (785) 251-5900
FAX (785) 251-5999

CERTIFICATION

State of Kansas }
County of Shawnee } ss:

I, Andrew Howell, Commissioner of Elections of Shawnee County, do hereby certify the attached is a true and complete copy of the original Final Abstract of the Election Returns for City of Topeka Sales Tax Ballot Question for the General Election held on the 6th day of November, 2018, as canvassed by the Shawnee County Board of Canvassers on November 15, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Topeka, Kansas, this 15th day of November, 2018.





Andrew Howell
Commissioner of Elections



Shawnee County Commissioner of Elections

Andrew Howell
Election Commissioner
Mark A. Stock
Asst. Election Commissioner

3420 S.W. Van Buren Street
Topeka, Kansas 66611
TEL (785) 251-5900
FAX (785) 251-5999

CERTIFICATION

State of Kansas }
County of Shawnee } ss:

I, Andrew Howell, Commissioner of Elections of Shawnee County, Kansas, do hereby certify that the following totals are the official results of the question submitted for the City of Topeka Sales Tax Question in the 2018 General Election held on the 6th day of November, 2018,

PASSED

Yes votes	27,101
No votes	17,043

as appears from the official canvass by the Shawnee County Board of Canvassers made on the 15th day of November, 2018.

In testimony thereof, I have hereunto set my hand and caused to be affixed my official seal, this 15th day of November, A.D. 2018.



Andrew Howell
Commissioner of Elections

Statement of Votes Cast (SOVC)
FINAL Official Results - City of Topeka Sales Tax Question

2018 General Election
November 6, 2018

PRECINCT NAME	REGISTERED VOTERS - CERTIFIED TOTALS	OVERALL BALLOTS CAST - TOTAL	OVERALL VOTER TURNOUT - PERCENTAGE	City of Topeka Sales Tax Question	
				Ballot Question	
	VOTERS	BALLOTS CAST	TURNOUT	Yes	No
Ward 1 Precinct 1	496	173	34.88%	96	75
Ward 1 Precinct 2	506	237	46.84%	113	118
Ward 1 Precinct 3	376	197	52.39%	94	98
Ward 1 Precinct 4	536	268	50.00%	152	101
Ward 1 Precinct 5	763	423	55.44%	226	188
Ward 1 Precinct 6 & Wd 1 Pct 7 *	886	520	58.69%	299	209
Ward 2 Precinct 1	521	297	57.01%	170	120
Ward 2 Precinct 2	442	250	56.56%	154	88
Ward 2 Precinct 3	419	238	56.80%	137	93
Ward 2 Precinct 4	382	219	57.33%	127	87
Ward 2 Precinct 5	361	215	59.56%	114	94
Ward 2 Precinct 6	487	195	40.04%	109	78
Ward 2 Precinct 7	330	145	43.94%	86	52
Ward 2 Precinct 8	343	144	41.98%	78	57
Ward 2 Precinct 9	528	269	50.95%	138	122
Ward 2 Precinct 10	537	326	60.71%	204	115
Ward 2 Precinct 11 & Wd 2 Pct 12 *	406	203	50.00%	133	65
Ward 3 Precinct 1	501	274	54.69%	160	111
Ward 3 Precinct 2	396	271	68.43%	169	97
Ward 3 Precinct 3	453	174	38.41%	89	76
Ward 3 Precinct 4	438	223	50.91%	138	81
Ward 3 Precinct 5	368	158	42.93%	83	70
Ward 3 Precinct 6	348	173	49.71%	98	67
Ward 3 Precinct 7	582	208	35.74%	126	79
Ward 3 Precinct 8	481	250	51.98%	147	96
Ward 3 Precinct 9	650	255	39.23%	151	95
Ward 3 Precinct 10	73	29	39.73%	19	10
Ward 4 Precinct 1	454	212	46.70%	111	91
Ward 4 Precinct 2	622	216	34.73%	104	102
Ward 4 Precinct 3	353	154	43.63%	84	67
Ward 4 Precinct 4	660	277	41.97%	150	115
Ward 4 Precinct 6	559	251	44.90%	156	91
Ward 4 Precinct 7	383	182	47.52%	85	95
Ward 4 Precinct 8	510	230	45.10%	104	120
Ward 4 Precinct 9	478	234	48.95%	112	114
Ward 4 Precinct 10	530	291	54.91%	161	120
Ward 4 Precinct 11	171	97	56.73%	55	40
Ward 4 Precinct 14	46	28	60.87%	12	16
Ward 4 Precinct 15	331	167	50.45%	96	64
Ward 5 Precinct 1	422	221	52.37%	132	83
Ward 5 Precinct 2	442	217	49.10%	125	88
Ward 5 Precinct 3	441	229	51.93%	134	91
Ward 5 Precinct 4	412	242	58.74%	151	86
Ward 5 Precinct 5	518	273	52.70%	152	116
Ward 5 Precinct 6	418	202	48.33%	115	80
Ward 5 Precinct 7	418	230	55.02%	114	106
Ward 5 Precinct 8	329	198	60.18%	116	79
Ward 5 Precinct 9	628	418	66.56%	256	157
Ward 5 Precinct 10	738	505	68.43%	313	185
Ward 5 Precinct 11	593	422	71.16%	265	152
Ward 5 Precinct 14	354	261	73.73%	156	102
Ward 5 Precinct 15	110	80	72.73%	53	24
Ward 5 Precinct 91	208	129	62.02%	74	50
Ward 6 Precinct 1	458	187	40.83%	92	88
Ward 6 Precinct 2	517	188	36.36%	101	80
Ward 6 Precinct 3	485	359	74.02%	252	90
Ward 6 Precinct 4	540	283	52.41%	150	127
Ward 6 Precinct 5	541	333	61.55%	205	116

Statement of Votes Cast (SOVC)
FINAL Official Results - City of Topeka Sales Tax Question

2018 General Election
November 6, 2018

PRECINCT NAME	REGISTERED VOTERS - CERTIFIED TOTALS	OVERALL BALLOTS CAST - TOTAL	OVERALL VOTER TURNOUT - PERCENTAGE	City of Topeka Sales Tax Question	
				Ballot Question	
	VOTERS	BALLOTS CAST	TURNOUT	Yes	No
Ward 6 Precinct 6	367	180	49.05%	95	81
Ward 6 Precinct 7	322	123	38.20%	52	66
Ward 6 Precinct 8	595	328	55.13%	188	128
Ward 6 Precinct 9	1,224	727	59.40%	393	319
Ward 7 Precinct 1	472	355	75.21%	250	102
Ward 7 Precinct 2	495	288	58.18%	166	114
Ward 7 Precinct 3	579	319	55.09%	208	102
Ward 7 Precinct 4	566	352	62.19%	197	142
Ward 7 Precinct 5	436	275	63.07%	168	106
Ward 7 Precinct 6	394	252	63.96%	151	94
Ward 7 Precinct 7	377	232	61.54%	138	90
Ward 7 Precinct 9	356	240	67.42%	147	86
Ward 7 Precinct 10	396	279	70.45%	176	101
Ward 7 Precinct 11	636	408	64.15%	259	140
Ward 8 Precinct 1	464	230	49.57%	127	97
Ward 8 Precinct 2	465	284	61.08%	184	94
Ward 8 Precinct 3	591	376	63.62%	259	106
Ward 8 Precinct 4	513	341	66.47%	215	114
Ward 8 Precinct 5	727	513	70.56%	321	186
Ward 8 Precinct 6	372	287	77.15%	195	88
Ward 8 Precinct 7	547	289	52.83%	209	74
Ward 8 Precinct 8	442	301	68.10%	191	107
Ward 8 Precinct 9	500	376	75.20%	247	120
Ward 8 Precinct 10	380	291	76.58%	197	89
Ward 8 Precinct 11	565	412	72.92%	255	144
Ward 9 Precinct 1	122	82	67.21%	59	22
Ward 9 Precinct 2	422	228	54.03%	133	82
Ward 9 Precinct 3	690	463	67.10%	306	153
Ward 9 Precinct 4	551	403	73.14%	256	140
Ward 9 Precinct 5	574	331	57.67%	192	127
Ward 9 Precinct 6	570	350	61.40%	208	133
Ward 9 Precinct 8	768	423	55.08%	241	178
Ward 9 Precinct 9	400	302	75.50%	184	102
Ward 9 Precinct 10	814	554	68.06%	346	201
Ward 9 Precinct 11	479	362	75.57%	247	111
Ward 9 Precinct 12	297	166	55.89%	90	74
Ward 10 Precinct 1	533	337	63.23%	221	109
Ward 10 Precinct 2	450	331	73.56%	212	113
Ward 10 Precinct 3	813	554	68.14%	359	181
Ward 10 Precinct 4	504	342	67.86%	199	133
Ward 10 Precinct 5	452	326	72.12%	204	111
Ward 10 Precinct 6	405	278	68.64%	175	99
Ward 10 Precinct 7	526	352	66.92%	196	147
Ward 10 Precinct 8	480	297	61.88%	177	114
Ward 10 Precinct 9	323	220	68.11%	129	81
Ward 10 Precinct 10	525	344	65.52%	197	133
Ward 10 Precinct 11	800	502	62.75%	291	200
Ward 10 Precinct 13	25	17	68.00%	13	4
Ward 10 Precinct 14	513	354	69.01%	233	120
Ward 11 Precinct 1	362	225	62.15%	130	85
Ward 11 Precinct 2	485	308	63.51%	181	114
Ward 11 Precinct 3	374	254	67.91%	159	89
Ward 11 Precinct 4	610	416	68.20%	227	173
Ward 11 Precinct 5	521	344	66.03%	201	140
Ward 11 Precinct 6	519	328	63.20%	194	121
Ward 11 Precinct 7	499	308	61.72%	167	136
Ward 11 Precinct 8	436	307	70.41%	181	119
Ward 11 Precinct 9	544	357	65.63%	211	135

Statement of Votes Cast (SOVC)
FINAL Official Results - City of Topeka Sales Tax Question

2018 General Election
November 6, 2018

PRECINCT NAME	REGISTERED VOTERS - CERTIFIED TOTALS	OVERALL BALLOTS CAST - TOTAL	OVERALL VOTER TURNOUT - PERCENTAGE	City of Topeka Sales Tax Question	
				Ballot Question	
	VOTERS	BALLOTS CAST	TURNOUT	Yes	No
Ward 11 Precinct 10	361	225	62.33%	141	77
Ward 12 Precinct 1	583	344	59.01%	201	134
Ward 12 Precinct 2	473	235	49.68%	134	93
Ward 12 Precinct 3	538	400	74.35%	247	141
Ward 12 Precinct 4	593	430	72.51%	263	155
Ward 12 Precinct 5	519	408	78.61%	286	116
Ward 12 Precinct 6	678	477	70.35%	294	170
Ward 12 Precinct 7	696	428	61.49%	262	155
Ward 12 Precinct 8	647	428	66.15%	241	182
Ward 12 Precinct 9	912	643	70.50%	399	235
Ward 12 Precinct 11	877	655	74.69%	406	233
Ward 12 Precinct 13	583	455	78.04%	290	155
Ward 12 Precinct 14	508	375	73.82%	223	146
Ward 12 Precinct 15	944	662	70.13%	414	238
Ward 12 Precinct 16	1,001	692	69.13%	418	252
Ward 12 Precinct 19 & Wd 13 Pct 10 *	118	84	71.19%	45	39
Ward 12 Precinct 20	782	501	64.07%	297	192
Ward 12 Precinct 31	450	327	72.67%	192	130
Ward 13 Precinct 2	258	139	53.88%	83	55
Ward 13 Precinct 5	45	23	51.11%	15	4
Ward 13 Precinct 6	176	147	83.52%	91	50
Ward 13 Precinct 9	143	134	93.71%	94	36
Ward 13 Precinct 12	890	631	70.90%	400	221
Ward 13 Precinct 21	119	65	54.62%	38	26
Ward 13 Precinct 22	134	79	58.96%	48	30
Ward 13 Precinct 30 Wd 13 Pct 8 *	302	172	56.95%	107	61
Ward 14 Precinct 1	933	632	67.74%	353	267
Ward 14 Precinct 2	757	562	74.24%	322	233
Ward 14 Precinct 3	473	364	76.96%	216	139
Ward 14 Precinct 4	977	736	75.33%	479	246
Ward 14 Precinct 5	487	370	75.98%	244	120
Ward 15 Precinct 1	823	540	65.61%	327	205
Ward 15 Precinct 2 & Wd 15 Pct 4 *	544	359	65.99%	208	144
Ward 15 Precinct 3	55	36	65.45%	20	16
COUNTY TOTALS	73,824	45,231	61.27%	27,101	17,043
* Reporting per K.S.A. 25-2701(c)	Ballots Cast on Question		44,144	61.39%	38.61%



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Bill Fiander **DOCUMENT #:** SNC18/1
SECOND PARTY/SUBJECT: ADR Enterprises **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 010 Street Name Change
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, relating to designation of street names, more specifically changing the name of NW Cat Court in ADR Industrial Park Subdivision to NW Stina Court. (SNC18/1) (Council District No. 2)

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

(Approval would change the official name of the street to NW Stina Court and allow the City to install street signs for the new street.)

VOTING REQUIREMENTS:

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

State law enables the mayor to veto ordinances passed under the City's home rule powers ('ordinary ordinances.') 'Ordinary ordinances' are rare. They cover local matters not addressed in state law (e.g. special events; merchant police licenses). The City's charter ordinance - Sec. A2-24(ix) and A2-30 – preserves the mayor's veto rights but removes the ability of the mayor to vote on an ordinance for which the mayor has a veto. When the Council is considering an 'ordinary ordinance,' Sec. A2-30 requires a minimum of 5 votes of the Council.

POLICY ISSUE:

There are no policy issues. The street has been recently constructed and the original developer desires to change the name of its platted street.

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

The subdivision was platted in 2007 with the name NW Cat Court, but the street was not constructed until recent development in the subdivision.

The Planning Department waived its requirement that the owner conduct a neighborhood information meeting due to the undeveloped nature of the surrounding area and the fact the applicant still owns all lots, but one property in the subdivision (i.e. Hoyt's Trailer). This additional owner agrees to the name change as indicated by the attached letter of acknowledgement. Changing the name of this street creates no burden to the public.

The Topeka Planning Commission and Topeka Planning Department are recommending approval.

BUDGETARY IMPACT:

There is no budgetary impact to the City. The street was recently installed and the signs will be part of the street project.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

Staff Report

Map

Plat

Letter of Support

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, relating to designation of street names, more specifically changing the name of NW Cat Court in ADR Industrial Park Subdivision to NW Stina Court.
(SNC18/1) (Council District No. 2)

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

Section 1. The official name of NW Cat Court within the City of Topeka, Kansas running north/south commencing from the point NW Cat Court intersects with NW 25th Street and ending at its terminus is hereby changed to NW Stina Court. Provided, that this ordinance shall not be construed to alter the dimensions of said street nor the setback requirements provided in other ordinances of the City of Topeka. Provided further, that this ordinance shall not be construed to affect the designation of said street as may be provided in other ordinances of the City of Topeka.

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

PASSED AND APPROVED by the Governing Body of the City of Topeka, _____, 2018.

Michelle de la Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X

CITY OF TOPEKA PLANNING DEPARTMENT

STAFF REPORT

RE: SNC18/1 Street Name Change – ADR Industrial Park Subdivision (NW Stina Court)

Proposal: A request by ADR Enterprises Inc. to change the “platted” street name from NW Cat Court to NW Stina Court.

Location: NW Cat Court is a cul-de-sac that intersects with NW 25th Street on its south end and runs north to a dead-end. The street has recently been constructed and new street signs have not yet been installed. The owner desires to change the name of the “platted” street name, which requires approval of an Ordinance by City Council to change the official name before a sign can be installed for the newly constructed street.

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

The Planning Department waived its requirement that the owner conduct a neighborhood information meeting due to the undeveloped nature of the surrounding area and the fact the applicant still owns all lots, but one property in the subdivision (i.e. Hoyt's Trailer). This additional owner agrees to the name change as indicated by the attached letter of acknowledgement. Changing the name of this street creates no burden to the public.

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

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

Recommendation: The Topeka Planning Department recommends APPROVAL of the name change from NW Cat Court to NW Stina Court.

Prepared by:

Annie Driver, AICP

Planner II

Attachments:

- Ordinance
- Map
- Application Proposal/Acknowledgment from one adjoining owner
- TMC12.05.110 – Procedures for changing street names or designating memorial streets

↓ street names



SNC 18/01



April 24, 2018

Annie Driver
Topeka, KS

Dear Ms. Driver,

This letter is to inform you that we do not have any objections to RDR Excavating changing the name of the street from Cat Ct. to Slinn's Court.

If you need anything further please let us know.

Sincerely,

Hoyt Moore
Hoyt Moore
Owner

4425 N.W. Hwy 24 Topeka, KS 66618 785-235-3131 Fax 785-232-7772



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018		
CONTACT PERSON:	Sylvia Davis	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Grease and Septic Tank - Liquid Waste Reporting	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 146 Utilities		
CIP PROJECT:	No		
ACTION OF COUNCIL:	Discussion 11-20-18.	JOURNAL #:	2018
		PAGE #:	

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, concerning liquid waste hauling, amending City of Topeka Code Sections 13.20.560, 13.20.570, 13.20.600 through 13.20.670, 13.20.830, 13.20.840, 13.20.890, 13.20.900, 13.20.920 and Section 13.20.940 and repealing original sections.

Voting Requirement: At least five (5) votes of the City Council. The Mayor does not vote.

(Approval would require conversion to paperless (e-forms) in an effort to conserve paper, reduce waste and eliminate redundant data entry. This will be required by any liquid waste hauler discharging liquid waste into city wastewater disposal facilities or providing pumping or servicing of residential or commercial facilities.)

VOTING REQUIREMENTS:

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

State law enables the mayor to veto ordinances passed under the City's home rule powers ('ordinary ordinances.'). 'Ordinary ordinances' are rare. They cover local matters not addressed in state law (e.g. special events; merchant police licenses). The City's charter ordinance - Sec. A2-24(ix) and A2-30 – preserves the mayor's veto rights but removes the ability of the mayor to vote on an ordinance for which the mayor has a veto. When the Council is considering an 'ordinary ordinance,' Sec. A2-30 requires a minimum of 5 votes of the Council.

POLICY ISSUE:

Modifying the ordinance to reflect a change to paperless documents for haulers and commercial establishments. Reporting documentation is being converted from paper reports to online (e-forms) which will translate to making it more easily accessible to stakeholders.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Grease and Septic Hauler Program reports submitted to the City of Topeka are hard copies sent via fax, email or mail. The conversion to paperless (e-forms) is in an effort to conserve paper, reduce waste and eliminate redundant data entry.

The e-forms will be more easily accessible to end users and removes the need to have a vendor produce hard copy forms; saving the City of Topeka approximately \$300-\$600 annually.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

Ordinance

Presentation - November 20, 2018 Governing Body Meeting

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout, concerning liquid waste
6 hauling, amending City of Topeka Code § 13.20.560, § 13.20.570,
7 § 13.20.600 through § 13.20.670, § 13.20.830, § 13.20.840, §
8 13.20.890, § 13.20.900, § 13.20.920 and § 13.20.940 and repealing
9 original sections.

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

12 Section 1. That section 13.20.560, Liquid waste haulers, discharge permit
13 required, of The Code of the City of Topeka, Kansas, is hereby amended to read as
14 follows:

15 **Liquid waste haulers, discharge permit required.**

16 Any liquid waste hauler ~~desiring to discharge~~ing liquid waste into city wastewater
17 disposal facilities ~~of the city~~ or providing pumping or servicing of residential or
18 commercial facilities shall be required to obtain a liquid waste discharge permit from the
19 Water Pollution Control division (WPCD) for each vehicle owned or operated by the
20 liquid waste hauler prior to discharge.

21 Section 2. That section 13.20.570, Liquid waste hauler discharge permit
22 application, application fee, of The Code of the City of Topeka, Kansas, is hereby
23 amended to read as follows:

24 **Liquid waste hauler discharge permit application, application fee.**

25 (a) Applications for a liquid waste hauler discharge permit shall be made to
26 the WPCD and shall contain the following information:

27 (1) Name and address, including business address of liquid waste hauler.

28 (2) Quantity, capacity, license plate number, and type of all vehicles
29 operated by hauler, for the purpose of hauling liquid waste.

(3) Types of materials pumped by hauler including a waste characterization profile on each type of material.

(4) Proof of insurance in the following types and amounts:

(i) Bodily injury, nonvehicular: \$300,000 each occurrence.

(ii) Property damage, nonvehicular: \$100,000 each occurrence.

(iii) Automobile insurance: \$100,000 single occurrence, \$300,000 aggregate, \$50,000 property damage.

(5) Any other information deemed necessary by the utilities director in order to review the application.

(b) An application must be accompanied by the appropriate fee before it will be considered by the utilities director. Permit application fees ~~are as follows:~~ shall be set forth in a fee schedule promulgated by the utilities director and approved by the city manager.

~~(1) Payment of a \$50.00 application fee (nonrefundable), for those haulers operating only within Shawnee County, shall accompany the application in addition to a \$20.00 permit fee per vehicle.~~

~~(2) Payment of a \$100.00 application fee (nonrefundable), for any hauler operating outside Shawnee County, shall accompany the application in addition to a \$20.00 permit fee per vehicle.~~

(c) The utilities director may issue a permit if, after review of the application, the utilities director finds:

(1) The liquid waste is domestic generated waste or commercial/food waste with the exception of grease trap waste; and

(2) The liquid waste may be discharged into the WPCD disposal facility

54 without causing pass-through or interference; and

55 (3) The liquid waste meets all applicable federal, state, and city
56 requirements. Any permit issued shall be valid for a period of one year following
57 issuance.

58 Section 3. That section 13.20.600, Liquid waste discharge location, fees,
59 manifest, of The Code of the City of Topeka, Kansas, is hereby amended to read as
60 follows:

61 **Liquid waste discharge location, fees, manifest.**

62 The utilities director shall designate the disposal facility to receive permitted
63 hauled liquid waste. Disposal of hauled liquid waste at any location or site other than the
64 designated disposal facility is prohibited. The utilities director also shall designate the
65 hours of operation of the disposal facility and establish procedures by which the
66 disposal facility may be used. Disposal of hauled liquid waste at any other time than the
67 designated hours of operation or in violation of the established procedures of usage is
68 prohibited.

69 The disposal charge for hauled liquid waste shall be calculated at a rate adjusted
70 to the current documented waste strength. The disposal charge will be evaluated every
71 two years thereafter and adjusted, if necessary, to reflect changes in the excess
72 strength commercial rate charge, the current documented waste strength, and the
73 WPCD's percent of expenses related to treatment of the liquid waste. Such charge will
74 be billed by the WPCD and payable on a monthly basis.

75 Each liquid waste load which is presented for discharge shall ~~be accompanied~~
76 ~~by~~ require the submission of a load manifest on ~~forms prepared by the WPCD~~ the
77 electronic form available on the City of Topeka's Utilities webpage which contains the

following information:

(a) ~~Permit holder name, permit number and truck license number~~Certification statement, date, hauler's first and last name, business name and email address.

(b) Originating location of liquid waste.

(c) Volume of liquid waste pumped.

(d) Liquid waste characterization (i.e., industrial/domestic waste).

~~(e) Signature and telephone number of a legal representative of the waste generator certifying to the above information.~~

~~(f) Signature of liquid waste hauler certifying the above information to be true and accurate.~~

A manifest shall be prepared for each location where the hauler receives liquid waste. Failure to ~~present~~provide the manifest electronically to the WPCD ~~at the time of discharge for each load~~ shall be cause to deny access to the designated disposal facility. Manifest records shall be maintained by the hauler for a period of three years.

Section 4. That section 13.20.610, Discharge of contents from holding tanks, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Discharge of contents from holding tanks.

The contents from holding tanks ~~of~~ for domestic waste only shall be allowed with the approval of the utilities director ~~or designee~~, at a rate ~~of \$15.00 per 1,000 gallons discharged. Holding tank waste shall be accompanied by a manifest which has been signed by the generator~~set forth in the fee schedule established by the utilities director and approved by the city manager. There shall be no mixing of holding tank wastewater with waste of any other type. A "holding tank" is defined as a nondischarging, storage structure for sanitary wastewater of domestic origin with no connection to a lateral field

or any other type of discharge point from the storage tank.

Section 5. That section 13.20.620, Change in liquid waste profile, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Change in liquid waste profile.

A permitted waste hauler shall notify the utilities director at least seven (7) days prior to any planned significant change in waste profile. In the event a liquid waste hauler desires to discharge industrial liquid waste then the hauler shall contact the WPCD for a separate permit and ~~rate~~fee schedule. Any industrial waste shall meet categorical pretreatment standards, if applicable.

Section 6. That section 13.20.630, Rights of refusal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Rights of refusal.

Notwithstanding any provision to the contrary, the utilities director or designee may refuse any liquid waste load. Further, the utilities director may order the testing of the waste load by the hauler prior to disposal. Designated staff of the WPCD may also conduct sampling of any liquid waste to confirm compliance with the permit.

Section 7. That section 13.20.640, Enforcement, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Enforcement.

Any liquid waste hauler permit may be revoked by the utilities director upon the occurrence of any of the following:

(a) Failure to pay disposal charges for a period of sixty (60) days.

(b) Failure to electronically provide or maintain manifest records.

(c) Submission of inaccurate or false information concerning waste

126 characterization.

127 (d) Attempted disposal or disposal of hazardous waste.

128 (e) Disposal of waste into the city's system at any site other than the designated
129 site.

130 Section 8. That section 13.20.650, Liquid waste hauler – Regulatory penalty,
131 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

132 **Liquid waste hauler – Regulatory penalty.**

133 If any public state or federal agency imposes or threatens to impose any penalty
134 upon the WPCD, the utilities director will immediately notify the person(s) or agency
135 reasonably believed to be causing the WPCD to be in violation by virtue of their
136 discharge to the city sewer. If a penalty is subsequently assessed against the WPCD,
137 the person(s) or agency causing the WPCD to be in violation shall be held liable for the
138 penalty. All fines imposed as a result of a violation of this chapter shall be paid by the
139 person(s) or agency causing the violation to the city and credited to the WPCD.

140 Section 9. That section 13.20.660, Liquid waste hauler – Damage to facilities,
141 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

142 **Liquid waste hauler – Damage to facilities.**

143 When it has been determined that a discharge of hauled liquid waste causes an
144 obstruction, damage, or any other impairment to the wastewater disposal facilities, the
145 WPCD may assess a charge for the work required to clean or repair the facility against
146 the liquid waste hauler responsible for the discharge.

147 The repairs may be made by a private contractor or by personnel of the WPCD at
148 the option of the utilities director. Where applicable, the WPCD may add such charge to
149 the liquid waste hauler's wastewater service charges.

150 Section 10. That section 13.20.670, Liquid waste hauler - Criminal, of The Code
151 of the City of Topeka, Kansas, is hereby amended to read as follows:

152 **Liquid waste hauler – Criminal.**

153 Any person found to discharge at the WPCD disposal facility any waste not
154 compatible with this article shall be in violation of this article and guilty of a
155 misdemeanor.

156 Section 11. That section 13.20.830, Quarterly reporting, of The Code of the City
157 of Topeka, Kansas, is hereby amended to read as follows:

158 **Quarterly reporting.**

159 Each grease generator shall submit a quarterly grease report on ~~such forms~~
160 ~~provided by the city to the utilities director~~ the electronic form available on the City of
161 Topeka Utilities webpage. The quarterly grease report shall be submitted on or before
162 the last calendar day of March, June, September, and December in each year.

163 Each quarterly grease report shall provide the following information, including,
164 but not limited to, a record of the dates the grease trap and/or grease interceptor was
165 cleaned, the name and contact information for the grease hauler, if applicable, and
166 grease generator contact information. Failure to submit a quarterly grease report or
167 failure to submit a complete report within 30 days of the due date may result in the
168 issuance of a notice of violation and enforcement under Article II of Chapter 13.15 TMC.

169 Section 12. That section 13.20.840, Record keeping, of The Code of the City of
170 Topeka, Kansas, is hereby amended to read as follows:

171 **Record keeping.**

172 Each grease generator shall maintain a grease trap/interceptor maintenance log
173 on such forms ~~provided by the division~~ available for downloading on the City of Topeka

Utilities webpage that shall indicate all dates of trap/interceptor cleaning, disposal method, quantity removed, and the name of the grease hauler that pumped the interceptor or the individual who cleaned the trap. The grease trap/interceptor maintenance log shall indicate the cleaning dates for at least the previous 12 months and shall be available for inspection and review by the utilities director. Failure to maintain a maintenance log shall result in the issuance of a notice of violation and enforcement in accordance with this chapter.

Section 13. That section 13.20.890, License fee, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

License fee.

The license fee for a grease hauler ~~shall be \$300.00 for the license term~~ shall be set forth in the fee schedule established by the utilities director and approved by the city manager. ~~Additionally, each grease hauler shall pay for each license term a fee of \$20.00 for each vehicle used to haul grease.~~

Section 14. That section 13.20.900, Grease hauler license renewal, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Grease hauler license renewal.

A license may be renewed by submitting to the ~~division~~ WPCD a renewal form together with the renewal fee at least thirty (30) days prior to the expiration date of the current license.

Section 15. That section 13.20.920, Record keeping, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Record keeping.

Grease haulers who service, pump, or provide any related services to grease

interceptors shall submit electronically the grease interceptor service inspection reports
~~on forms provided by the division~~available on the City of Topeka Utilities webpage. An
inspection record shall be made for each grease interceptor serviced during the
reporting period.

Section 16. That section 13.20.940, Suspension or revocation of license, of The
Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Suspension or revocation of license.

Failure of any grease hauler to comply with the requirements of this chapter shall
be subject to the following enforcement procedures:

(a) Notice of Violation. A notice of violation will be issued to any grease hauler
that is found to be in noncompliance with the requirements of this chapter. The notice
shall state the violation and shall give the grease hauler 10 business days to remedy or
otherwise correct the violation. The grease hauler shall have 10 calendar days from the
receipt of notice by the grease hauler to correct or otherwise remedy the violation.

(b) Grounds for Notice of Violation. A grease hauler may be issued a notice of
violation for any one of the following grounds:

(1) Falsification of any information submitted as part of the application for
the LGH.

(2) Failure to comply with any requirements or regulations concerning
grease traps/interceptors as provided for in this chapter.

(3) Failure to pay required fees, or any other assessed fees.

(4) Failure to comply with any other license condition.

(5) Discharging any liquid waste into a nonauthorized location.

(6) Falsifying information required for a discharge manifest, or any other

applicable forms, applications or reports required under this chapter.

(7) Disposal of waste into the municipal sewer system at any site other than the designated disposal site.

(8) Any other violation which constitutes an imminent or substantial damage to the health or welfare of persons or the environment.

(c) License Suspension/Revocation.

(1) In the event that a grease hauler shall fail to remedy a violation within the time frame set forth in the notice, the license shall be suspended as follows:

(i) Upon the first failure to remedy a violation, the grease hauler license will be suspended by the division until such time as the violation has been remedied.

(ii) Upon the second failure to remedy a violation, the grease hauler's license shall be suspended for a period of three months.

(iii) Upon the third failure to remedy a violation, the grease hauler's license shall be suspended for a period of one year. The license suspension shall only be lifted after expiration of the one-year period and the grease hauler has applied for a new grease hauler license meeting all requirements of TMC 13.20.870.

(2) During any period of any license suspension, a grease hauler may not engage in any grease hauling activities.

(3) Upon receipt of a notice of suspension issued by the division, the grease hauler ~~shall have 10 days to file a written notice of appeal of the license suspension with the utilities director~~ may appeal the suspension in accordance with Chapter 2.145 TMC. ~~An administrative hearing shall be set within 10 days of~~

246 ~~the receipt of the appeal. The suspension of the license shall be stayed until the~~
247 ~~hearing before the city's administrative hearing officer.~~

248 Section 17. That original § 13.20.560, § 13.20.570, § 13.20.600 through §
249 13.20.670, § 13.20.830, § 13.20.840, § 13.20.890, § 13.20.900, § 13.20.920 and §
250 13.20.940 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

251 Section 18. This ordinance shall take effect and be in force from and after its
252 passage, approval and publication in the official City newspaper.

253 Section 19. This ordinance shall supersede all ordinances, resolutions or rules,
254 or portions thereof, which are in conflict with the provisions of this ordinance.

255 Section 20. Should any section, clause or phrase of this ordinance be declared
256 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
257 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

258 PASSED AND APPROVED by the City Council on _____.

259 CITY OF TOPEKA, KANSAS

260 _____
261 Michelle De La Isla, Mayor
262

263
264
265
266 ATTEST:

267
268
269
270 _____
271 Brenda Younger, City Clerk

City of Topeka

Fats, Oil & Grease

Program

KEY POINTS

User Fee Provisions
Paperless Reporting
Articles V, VII & VIII
TMC Sections
13.20.560 – 13.20.950

Who, What, Why

- Who does it affect ?
- What impact does it have on stakeholders ?
- Why are these changes necessary?



Grease Trap Service Inspection Report

Reports must be submitted to the City of Topeka by the end of the week in which services were completed. A new report must be submitted for each service completed.

Please contact the Grease Trap Program Manager at 785-285-2111 with reporting questions.

Grease Hauler Name or Company Name *

Facility Name *

Facility Street Address *

Facility Zip Code *

Date of cleaning *

 / /

MM DO YYYY

Interceptor or trap pumped entirely? *

☒ No

☐ Yes

Disposal Location *

Pumping / Cleaning Frequency *

Size of Interceptor or Trap *

Thickness of grease cap (inches) *

Raffles / Tee's, ect intact? *

☒ No

☐ Yes

Foreign Material Present? *

☒ No

☐ Yes

Additional Inspection Comments

Grease Hauler Representative (enter initials to verify report information is correct) *

Enter your email address to receive a copy of this report.

Paperless Forms

[https://www.topeka.org/utilities/
popular-forms](https://www.topeka.org/utilities/popular-forms)



For Businesses ▾

For Residents ▾

Government ▾

Career ▾

Popular Forms

City of Topeka Official Website > Utilities > Popular Forms

Utilities

Water & Sewer Utility Services

Installation Standards (PDF)

Drinking Water Quality

Franchise / Utility Refund Program

Utility Rates

Water Leaks

Online Bill Payment

Online Payment Portal

How To Create a PayOnline Account

- Backflow Assembly Test Form (PDF)
- Grease Hauler License Application
- Grease Trap Maintenance Log (Printable)
- Grease Trap Quarterly Report
- Grease Trap Service Inspection Report
- Monthly Grease Disposal Manifest Report
- Lawn Sprinkler Application (PDF)
- Licensed Grease Haulers
- Septic Hauler Liquid Waste Manifest

Efficiencies

Abolishes:

- Duplication of Data Entry
- Printing Costs (\$600-\$900 annual savings)
- Paper Use & Handling/Storing Paper

Deliverables:

- Real-Time Reporting by Stakeholders
- Up-To-Date Program Activity
- Proactive; Not Reactive



Thank You!



Any questions?

You can reach me at:
785.368.4237
abloom@topeka.org



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Thomas Allen/Mary Feighny
DOCUMENT #:
SECOND PARTY/SUBJECT: Sam's Club
PROJECT #: T-701014.01
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: Published Resolution
JOURNAL #: 9061 on 11-22-18.
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary and permanent easements for the Arvonja and Winding Road Improvement Project No. T-701014.01. (Council District No. 9)

Voting Requirement: At least six (6) votes of the Governing Body is required.

(Approval would authorize the City Attorney to initiate eminent domain (condemnation) proceedings in the district court to acquire easements for the project.)

VOTING REQUIREMENTS:

At least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to authorize condemnation proceedings.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

Staff has determined that it is necessary to acquire temporary and permanent easements from Sam's Club for the realignment of Winding Road. The representative for Sam's Club has not been responsive to staff. As time is of the essence, staff would like to pursue condemnation. If condemnation is authorized, the City Attorney will file a petition in the district court. The court will appoint three appraisers who will determine the fair market value of the property interests. The appraisers will view the property, hold a public hearing and issue a report to the

court with their determination. Upon payment of the amount to the court, the City will acquire the property interests. The court will disburse the proceeds to the property owner.

BUDGETARY IMPACT:

Estimated value of the property interests is \$111,045.

SOURCE OF FUNDING:

Project Budget

ATTACHMENTS:

Description

Ordinance

Resolution 9061

Parcel Map

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation
6 proceedings to acquire temporary and permanent easements for the Arvonja
7 and Winding Road Project – Project No. T-701014.01.
8

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

11 Section 1. That it is hereby declared necessary to condemn and appropriate for the use of
12 the City of Topeka certain property within the corporate limits of the City of Topeka for construction
13 and permanent maintenance of a new alignment of SW Winding Road, said property being described
14 as follows:

15 **Parcel 7**

16
17 Owner of Record: Sam's Real Estate Business Trust
18 P.O. Box 8050
19 Bentonville, AR 72717
20

21 Contract Purchaser: NONE

22
23 Lienholder of Record: NONE

24
25 Party in Possession: Owner

26
27 Party of Interest: NONE
28

29 PROPERTY TO BE ACQUIRED:

30
31 **Temporary Easements:**

32
33 AREA N0.1: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE
34 NORTH 87 DEGREES 53 MINUTES 33 SECONDS EAST, (BEARINGS BASED ON NAD-
35 83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE
36 NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET; THENCE SOUTH 51

DEGREES 06 MINUTES 50 SECONDS WEST, A DISTANCE OF 10.02 FEET; THENCE SOUTH 01 DEGREE 51 MINUTES 06 SECONDS EAST, BEING 12.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 51.47 FEET; THENCE ON A CURVE TO THE RIGHT, BEING 12.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE, HAVING A RADIUS OF 964.50 FEET, A CENTRAL ANGLE OF 06 DEGREES 56 MINUTES 22 SECONDS, (WHOSE CHORD BEARS SOUTH 01 DEGREE 56 MINUTES 20 SECONDS WEST, 116.75 FEET), AN ARC LENGTH OF 116.82 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 73 DEGREES 01 MINUTE 14 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 12.25 FEET TO THE WEST LINE OF SAID LOT 1; THENCE COINCIDENT WITH SAID WEST LINE ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 952.50 FEET, A CENTRAL ANGLE OF 06 DEGREES 47 MINUTES 30 SECONDS, (WHOSE CHORD BEARS NORTH 01 DEGREE 51 MINUTES 54 SECONDS EAST, 112.84 FEET), AN ARC LENGTH OF 112.91 FEET; THENCE NORTH 01 DEGREE 51 MINUTES 06 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 57.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2,091 SQUARE FEET, MORE OR LESS.

AREA N0.2: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 185.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 234.12 FEET; THENCE NORTH 00 DEGREES 12 MINUTES 51 SECONDS EAST, A DISTANCE OF 14.00 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 234.12 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3,278 SQUARE FEET, MORE OR LESS.

Parcel 8

Owner of Record:	Sam's Real Estate Business Trust P.O. Box 8050 Bentonville, AR 72717
Contract Purchaser:	NONE
Lienholder of Record:	NONE
Party in Possession:	Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 325.28 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 3.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 31.93 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, BEING 35.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 178.00 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 80.51 FEET; THENCE SOUTH 11 DEGREES 35 MINUTES 38 SECONDS WEST, A DISTANCE OF 85.75 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 50 SECONDS WEST, A DISTANCE OF 139.24 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 10 SECONDS WEST, A DISTANCE OF 37.87 FEET; THENCE SOUTH 34 DEGREES 17 MINUTES 33 SECONDS WEST, A DISTANCE OF 132.45 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 13 DEGREES 21 MINUTES 45 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 48.03 FEET; THENCE NORTH 10 DEGREES 55 MINUTES 04 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 63.82 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 177.50 FEET, A CENTRAL ANGLE OF 21 DEGREES 15 MINUTE 50 SECONDS, (WHOSE CHORD BEARS NORTH 40 DEGREES 00 MINUTES 15 SECONDS EAST, 65.50 FEET), AN ARC LENGTH OF 65.87 FEET; THENCE NORTH 29 DEGREES 42 MINUTES 46 SECONDS EAST, A DISTANCE OF 11.70 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 185.50 FEET, A CENTRAL ANGLE OF 19 DEGREES 59 MINUTES 30 SECONDS, (WHOSE CHORD BEARS NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST, 64.40 FEET), AN ARC LENGTH OF 64.72 FEET; THENCE NORTH 10 DEGREES 03 MINUTES 41 SECONDS EAST, A DISTANCE OF 53.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 167.50 FEET, A CENTRAL ANGLE OF 80 DEGREES 09 MINUTES 08 SECONDS, (WHOSE CHORD BEARS NORTH 50 DEGREES 08 MINUTES 15 SECONDS EAST, 215.67 FEET), AN ARC LENGTH OF 234.32 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, BEING 3.07 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 97.33 FEET TO THE POINT OF BEGINNING. CONTAINING 16,233 SQUARE FEET, MORE OR LESS.

Permanent Easement

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 325.28 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 3.07 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, BEING 3.07 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 97.33 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 167.50 FEET, A CENTRAL ANGLE OF 80 DEGREES 09 MINUTES 08 SECONDS, (WHOSE CHORD BEARS SOUTH 50 DEGREES 08 MINUTES 15 SECONDS WEST, 215.67 FEET), AN ARC LENGTH OF 234.32 FEET; THENCE SOUTH 10 DEGREES 03 MINUTES 41 SECONDS WEST, A DISTANCE OF 53.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 185.50 FEET, A CENTRAL ANGLE OF 19 DEGREES 59 MINUTES 30 SECONDS, (WHOSE CHORD BEARS SOUTH 20 DEGREES 03 MINUTES 26 SECONDS WEST, 64.40 FEET), AN ARC LENGTH OF 64.72 FEET; THENCE SOUTH 29 DEGREES 42 MINUTES 46 SECONDS WEST, A DISTANCE OF 11.70 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 177.50 FEET, A CENTRAL ANGLE OF 21 DEGREES 15 MINUTES 50 SECONDS, (WHOSE CHORD BEARS SOUTH 40 DEGREES 00 MINUTES 15 SECONDS WEST, 65.50 FEET), AN ARC LENGTH OF 65.87 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 10 DEGREES 55 MINUTES 04 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 85.56 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 54 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 231.64 FEET TO THE POINT OF BEGINNING. CONTAINING 22,515 SQUARE FEET, MORE OR LESS.

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

RESOLUTION NO. 9061

A RESOLUTION introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire temporary and permanent easements for the Arvonía and Winding Road Project – Project No. T-701014.01

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, specifically temporary and permanent easements, for the purpose of realigning Winding Road and any other public purpose 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.

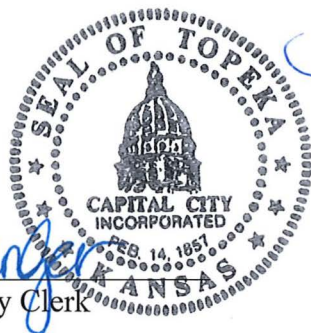
ADOPTED and APPROVED by Governing Body November 20, 2018.

CITY OF TOPEKA, KANSAS

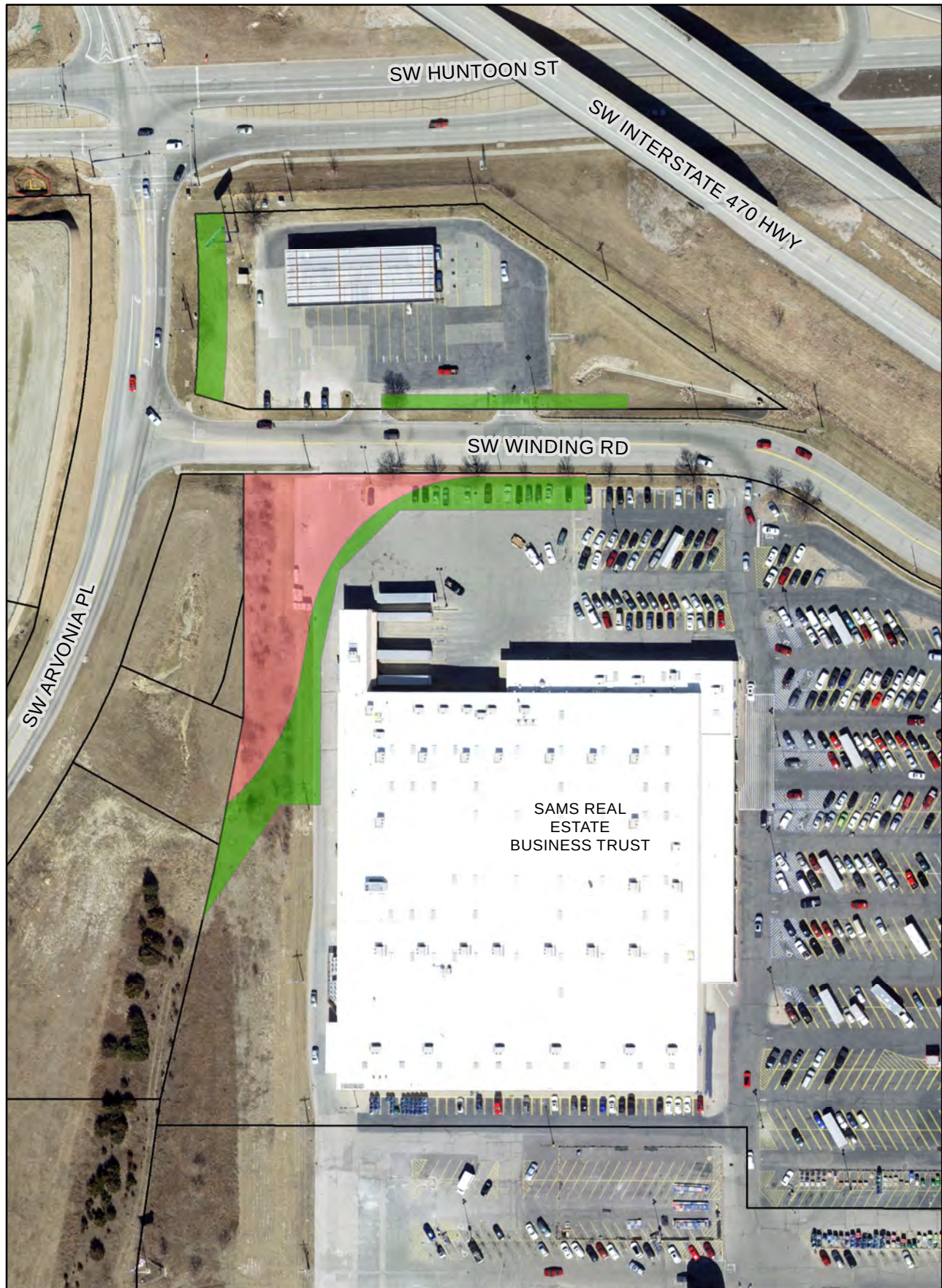
Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



SW Arvonía PL and SW Winding RD Project



Legend

- Permanent ROW Easement
- Temporary Easement
- Tax Parcel

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: 11/19/2018



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Bill Fiander DOCUMENT #: Z55/43K
SECOND PARTY/SUBJECT: Kevin Holland, Cook PROJECT #:
Flatt and Strobel
Engineers/BLEM
Development Co./Haag
Express LLC
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 007 Zoning
CIP PROJECT: No
ACTION OF COUNCIL: JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Gage Center to allow an “Automobile Service Station, Type I” at 1301 SW Gage Boulevard, contained on property bounded by SW Huntoon and SW 15th Streets and SW Woodhull and SW Gage Boulevard. (Z55/43K) (Council District No. 9)

Voting Requirements: (1) Approve Planning Commission's recommendation, 6 votes required (2) Reject or Amend Planning Commission's recommendation, 7 votes required; or (3) Remand back to Planning Commission, 6 votes required.

(Approval would allow a 7,600 square foot gas station and convenience store to be redeveloped within Gage Shopping Center.)

VOTING REQUIREMENTS:

1. Approve the Planning Commission's recommendation. A minimum of 6 votes of the Governing Body is required.
2. Amend or reject the Planning Commission's recommendation. A minimum of 7 votes of the Governing Body is required.
3. Remand to the Planning Commission for further consideration, with a statement specifying the basis for the governing body's failure to approve or disapprove. A minimum of 6 votes of the Governing Body is required.

POLICY ISSUE:

The key issues of this major amendment to the PUD Master Plan relate to achieving compatibility between the gas station and convenience store with the surrounding character of the commercial center and neighborhood versus how best to accommodate a new commercial use that has the potential to upgrade the appearance and increase activity within an underperforming shopping center. The PUD Master Plan Amendment addresses these issues by:

- Providing a 15 foot landscape setback planted with a combination berm and landscaping, including trees, along the property's frontage of Gage Boulevard.
- Revising the driveway medians that will improve internal circulation on the site and not impact the safe flow of traffic on Gage Boulevard.
- Requiring a well designed new building that satisfies City of Topeka non-residential building design standards and restricts any visible light sources to only be seen from within the property.
- Upgrade the appearance of a vacant and deteriorated portion of the shopping center along Gage Blvd which also fronts a healthy Westboro neighborhood.

STAFF RECOMMENDATION:

Staff recommends the Governing Body adopt the ordinance.

BACKGROUND:

The proposed revision to the PUD Master Plan for Gage Center will accommodate a new 7,600 square foot gas station and convenience store and demolition of one-third of the building at 1301 SW Gage Boulevard within the 18-acre Gage Shopping Center. This includes eight (8) gas pump islands.

The proposed revision to Building site "F" on the PUD Master Plan will allow an "*Automobile Service Station, Type I*" (gas station/convenience store) and requires a major amendment since this change is considered a "*change to the use and character of the development*". The PUD master plan only permitted a "retail store or restaurant" on Building site "F".

The applicant conducted a Neighborhood Information Meeting on Wednesday, September 26, 2018. The key concerns mentioned at the meeting were related to traffic from the development cutting through the Westboro neighborhood, lighting on the site and lack of activity and tenants in the current shopping center. Staff believes the PUD Master Plan's conditions have adequately addressed concerns of the neighbors who attended this meeting.

The Planning Commission recommended approval by a vote of 9-0-0 at its October 15, 2018 public hearing as well as the Planning Department recommends approval. Two residents spoke in opposition to the project as indicated in the minutes.

BUDGETARY IMPACT:

The rezoning will have no impact on the City's adopted budget.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

Ordinance

Staff Report

Aerial Map

Zoning Map

Future Land Use Map

Neighborhood Information Meeting Minutes October 2018

Gage Center PUD Site Plan

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, approving a major amendment to the Planned Unit Development (PUD) Master Plan for Gage Center to allow an “*Automobile Service Station, Type I*” at 1301 SW Gage Blvd, contained on property bounded by SW Huntoon and SW 15th Streets and SW Woodhull and SW Gage Blvd. **(Z55/43K) (Council District No. 5)**

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

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be, and the same is hereby amended, by reclassifying the following described property:

Part of the Northeast of Section 3, Township 12 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, more particularly described as follows:
Beginning at the Northeast corner of the Northeast Quarter; thence West 40 feet and South 40 feet to the point of beginning; thence West 910 feet; thence South 556 feet; thence East 10 feet; thence South 114.15 feet; thence East 250 feet; thence South 150 feet; thence East 660 feet; thence North 900 feet to the point of beginning.

subject to:

- 1. Use and development of the site in accordance with the Planned Unit Development (PUD) Master Plan for Gage Center –Revision K.**

Section 2. The PUD Master Plan for Gage Center – Revision K (Z55/43K) shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the PUD Master Plan and prior to building permit and/or land development on the site, site development plans shall be submitted for review and administrative approval by the Planning Director.

Section 3. This Ordinance Number shall be fixed upon the “District Map”.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 Council of the City of Topeka, _____, 2018

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X

**STAFF REPORT – PLANNED UNIT DEVELOPMENT
TOPEKA PLANNING DEPARTMENT**

PLANNING COMMISSION DATE: Monday, October 15, 2018

APPLICATION CASE NO

Z55/43K Gage Center Master Planned Unit Development Plan

**REQUESTED ACTION / CURRENT
ZONING:**

Amendment to PUD Master Plan for Gage Center to allow a gas station and convenience store (*“Automobile Service Station, Type I”*), located in the building on the easternmost end of the strip center. The revision to the PUD applies to Building site “F” only.

The proposed revision to Building site “F” on the PUD Master Plan that allows an *“Automobile Service Station, Type I”* (gas station/convenience store) requires a major amendment to the PUD pursuant to provisions in TMC 18.190.070(1) since this change is deemed by the Planning Director as a *“change to the use and character of the development”*. The PUD master plan permitted a “retail store or restaurant” on Building site “F”. An *“Automobile Service Station, Type I”* is considered an increase in commercial intensity under the zoning matrix uses as described in TMC18.60.

APPLICANT / PROPERTY OWNER:

Haag Express LLC (developer)/ BLEM Development Co. (owner)

APPLICANT REPRESENTATIVE:

Kevin Holland, Cook, Flatt, and Strobel Engineers

PROPERTY ADDRESS & PARCEL ID:

1301 SW Gage Blvd/PID: 1420301001006000 (Approximately 500 ft. south of the intersection of Huntoon and Gage)

PHOTO:



East end of Gage center – Driveway 1

PARCEL SIZE:

1.78 acre property within an 18 acre total area that is encompassed by the PUD master plan boundary

CASE PLANNER:

Annie Driver, AICP, Planner

RECOMMENDATION:

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to conditions listed on Pg. 6-7.**

RECOMMENDED MOTION:

Based on the findings and analysis in the staff report, I move that the

Topeka Planning Commission forward to the Governing Body a recommendation of **APPROVAL** of the proposed PUD Master Plan along with all conditions.

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:

The applicant proposes a 7,600 sq. ft. gas station and convenience store and pump islands with four rows of two pumps per row (*“Automobile Service Station, Type I”*) that will replace 1/3 of the existing building located on the easternmost end of Gage Center and will front on SW Gage.

DEVELOPMENT / CASE HISTORY:

Gage Shopping Center was originally developed for neighborhood shopping in 1959 (Case #Z55/43). The center has undergone various changes in use and ownership since that time and was remodeled substantially in the early 2000s. Throughout its history, the center has contained retail shops, hardware store, department stores (Woolworth's), restaurants, entertainment establishments, offices/banks, bars, and even a movie theater at one point. The PUD master plan has undergone approximately seven revisions for various alterations and additions since its inception. The last major revision added a new building for an Osco Drug Store (i.e. Family Video/Marco's Pizza) around 2000 that is directly south of this site.

The proposed development site was historically the location of a restaurant, Show Biz Pizza Place and prior to that a, Safeway grocery store. Most recently, the building contained a tanning salon/fitness center and part of the building contains a hair salon that will remain after demolition of 1/3 of the building.

ZONING AND CHARACTER OF SURROUNDING AREA:

North: Gage Center – Zoning is PUD with uses containing fast food restaurant, bank, and parking.

South: Gage Center – Zoning is PUD with uses containing movie rental and carry-out pizza restaurant.

East: Zoning is “R-1- NCD” single family dwelling district (Westboro neighborhood)

West: Gage Center PUD – Zoning is PUD and comprised of retail shops, and office tenants.

PUD MASTER PLAN ELEMENTS (PROPOSED):

PARKING, CIRCULATION &

Building site “F”: A convenience store (*“Automobile Service Station, Type I”*) requires 1 parking stall per 4 gas pumps. (16 stalls plus 1 ADA stall are provided). An accessible ADA pedestrian route and connection to the public sidewalk on Gage will be provided. Shared parking and cross access are provided

throughout the boundary of the PUD Master Plan as indicated by note on the master plan.

TMC 18.240 Off-street parking regulations require bicycle parking at a ratio of 5% of the required automobile parking stalls and within 120 ft. of the main entry.

LANDSCAPE:

PUD Note for Building site "F": A landscape plan demonstrating consistency to TMC 18.235 will be reviewed at the time of site plan review. In addition to the standards indicated in TMC18.235 Landscape Regulations, the PUD establishes additional parameters for this site, including providing a 15' parking lot setback for trees, 2-3' tall shrub and berm combination along this frontage of Gage.

BUILDING AND STRUCTURE:

PUD Note: The PUD indicates new construction will comply with "Type B" standard of the City of Topeka Commercial Building Design Standards (pending) or as submitted with the PUD application.

SIGNAGE:

PUD Note for Building site "F":

- 1 monument sign 6' tall, 40 sf maximum
- Wall signs: 20% of wall face per building side
- Awning signs: 1 sign per side of the canopy, maximum of 20 sq. ft. per sign

The remainder of the building sites within the PUD are allowed signage pursuant to the C-4 District except that no further free-standing signs are permitted except as shown on the PUD master plan.

COMPLIANCE WITH DEVELOPMENT STANDARDS AND GUIDELINES

The Master PUD Plan establishes development standards and guidelines, as indicated above.

OTHER FACTORS

SUBDIVISION PLAT:

The property is platted as a portion of Gage Subdivision. A re-plat to that subdivision is required for the development site at or prior to site plan review to comply with subdivision regulations and to address the vacation of a sanitary sewer easement underneath the proposed gas canopy.

TRAFFIC/TRANSPORTATION:

SW Gage Blvd is classified a major arterial street (including five lanes plus sidewalks and center turning lane without a raised median) adjacent to this location. The site proposes to use the existing driveways on to Gage (Driveway 1 and 2 as shown on aerial map).

The existing traffic count on Gage is 20,500 ADT (KDOT, Dec 2016) at its south intersection with Huntoon. City of Topeka traffic accident indicates there were 21 accidents (non-fatal) on Gage in 2017-2018 (to date), which occurred at or near the Gage/Huntoon intersection.

FLOOD HAZARDS, STREAM
BUFFERS:

Not Applicable

HISTORIC PROPERTIES:

Not Applicable

NEIGHBORHOOD MEETING:

The applicant conducted a Neighborhood Information Meeting on Wednesday, September 26, 2018 at 6:00 pm located on-site at 1301 SW Gage Blvd. Approximately 30 people attended the meeting. The key concerns expressed related to access, lighting, and hours of operation. The attendees are very concerned about the lack of retail tenants within Gage Center and poor lighting on the current site. They also have concerns about cut-through traffic travelling through the Westboro neighborhood.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

ENGINEERING/STORMWATER:

A Stormwater Report to address water quantity and runoff will be reviewed at the time of subdivision plat and site plan review applications. Stormwater quality treatment is not required since the net increase in new impervious area is less than 1 acre.

ENGINEERING/TRAFFIC:

The applicant's consultant submitted a Traffic Impact Statement at the request of the City Engineer. The statement was required by the City to address the impact of the new use as compared to previous the uses as well as to verify the new use will not create hazards at the existing driveways caused from turning movements on and off Gage Blvd.

The traffic statement addresses new trip generation (including peak hour volumes) for the convenience store as compared to the previous use, performed an analysis of existing crashes on Gage and reviewed on-site circulation and queuing lengths at the existing driveways. The statement does not recommend any new traffic control on Gage. The City Engineering Division accepted the findings of the traffic statement. The applicants propose to extend the peninsula at Driveway 1 to better accommodate queues on their site so as to not impact safe flow of traffic on Gage.

ENGINEERING/UTILITIES:

Water: There is an existing 6" water main along Gage with existing 1" water meter line and 6" fire service line already serving this building.

Sanitary sewer: 18" sanitary sewer line crossing the site and serves existing building. Line may need to be truncated and the easement vacated where it is underneath the proposed gas canopy

FIRE:

There were no issues from the Fire Department related to the PUD

amendment. Future plans will be reviewed at the site plan development stage.

DEVELOPMENT SERVICES:

No issues with the PUD Amendment

**METROPOLITAN TOPEKA TRANSIT
AUTHORITY (TMTA):**

TMTA has no comment regarding bus stops. There are existing bus stops at Huntoon/Gage and 17th/Gage.

KEY DATES

SUBMITTAL:

Complete Application submitted - August 17, 2018

**NEIGHBORHOOD INFORMATION
MEETING:**

September 26, 2018

LEGAL NOTICE PUBLICATION:

September 24, 2018

**PROPERTY OWNER NOTICE
MAILED:**

September 24, 2018

STAFF ANALYSIS

CHARACTER OF THE NEIGHBORHOOD: The character of the area and surrounding area is *Commercial* in nature to the north, south, and west. The property is bordered by SW Gage Blvd (major arterial) on the east, which has five lanes and sidewalks on both sides and has sufficient capacity to accommodate the proposed use. The subject site is included within Gage Center, a commercial shopping center that has historically contained neighborhood and community retail uses, restaurants, offices, and banks and is located at the intersection of Gage and Huntoon (arterial streets). The neighborhood west of Gage is comprised entirely of single-family dwellings (Westboro neighborhood). The proposed gas station and convenience store increase activity at Gage Center and in some ways improve and update its appearance. The change in activity and appearance is generally positive except for the potentially increased vehicular traffic from the last prior use contained in the building.

ZONING AND USES OF PROPERTY NEARBY: The zoning of surrounding properties is zoned Planned Unit Development (C-4 Commercial uses) and intended for a mix of neighborhood commercial retail and office-related uses. The neighborhood east of Gage Blvd is zoned "R-1" Single-Family Dwelling District with a Neighborhood Conservation Overlay District that comprises the Westboro neighborhood. The amended Master PUD Plan potentially increases the intensity of commercial use at the east edge of Gage Center.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER THE PRESENT CLASSIFICATION: The building located on the subject site still contains a hair salon. The last prior use in this section of the building was a tanning salon/fitness center. Prior to the tanning salon, a sit down restaurant was in the building. Historically, the building has housed various commercial retail uses since 1959, including originally a Safeway grocery store and then a Show Biz Pizza, but this section of the building has been vacant for at least 10 years.

SUITABILITY OF USES TO WHICH THE PROPERTY HAS BEEN RESTRICTED: The subject property is still suitable for the uses of retail and a restaurant as restricted by the PUD Master Plan. The community shopping center was remodeled around 2000, but in recent years has begun to decline, which is becoming evident by its vacancies and lack of retail or shopping tenants. This half of the existing subject building has remained vacant since last tenant moved out nearly ten years ago. A vacant and unused building that is declining in its appearance, and not being maintained is a detriment to the

goal of achieving a thriving retail center. The construction of a new gas station and convenience store is a viable use for the site and is likely to attract visitors as well as contribute to upgrading the appearance of the shopping center by adding a new, well-designed building and landscaping along the frontage of SW Gage Blvd.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The subject property lies within an area that has developed in a nodal pattern and is designated *Commercial* in the Topeka Land Use and Growth Management Plan – 2040 (LUGMP). The proposed commercial re-use of the existing site for a gas station and convenience store is consistent with the Comprehensive Plan since it lies within the community commercial center that is located at the intersection of two arterial streets, which is appropriate for the development of a commercial shopping center. In this instance, the proposal is consistent with the policies in the LUGMP-2040 for Nodal development since this is infill development that does not create new access openings on the arterial street. “Nodal” development is preferred to “Strip” development because it terminates commercial uses at or near the intersection and employs cross access with adjoining properties to limit new driveways on the arterial. The proposed site demonstrates conformance to “Nodal” commercial development policies of the Comprehensive Plan.

THE EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTAL AFFECT NEARBY PROPERTIES: The overall site is commercial in character and the proposed development is compatible with surrounding properties since it is an infill development within an existing commercial center and uses the existing driveways for access on to Gage. The changes to the site are mitigated through the use of landscape setbacks as proposed by the PUD master plan. The PUD proposes a 15' parking lot setback for the placement of a combination of trees, berm and 2-3' tall shrubs along Gage for this site.

The building's exterior elevations shall satisfy the Type B standard of the proposed City of Topeka Non-Residential Building Design Standards. The applicant proposes exterior lighting so as to not further create a nuisance upon adjoining properties and indicated lighting will be downward directed. The applicant's traffic statement indicates the use will have an insignificant impact on traffic compared to the most recent use of the building. The PUD Master Plan will change the internal circulation so as to not create further queuing issues at the driveways. The City's Engineering Division does not recommend additional traffic control measures on Gage and has concluded the street system is adequate to serve the new development.

Currently, the site contains an unoccupied and vacant commercial building that is not maintained adequately, which is visually unappealing to surrounding property owners and tenants. This creates a potential detriment effect upon adjoining properties because the site is a poorly lit and lacks use by customers thereby contributing to public safety hazards.

Further, the use being considered allows only an “*Automobile Service Station Type I*” as classified by the zoning regulations in TMC 18.60 Use Matrix. The PUD Master Plan Amendment will not permit the more intensive “*Automobile Service Stations, Type II or III*” (i.e. Those facilities providing service and repair shops or garages that may be associated with a gas station/convenience store).

THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE OWNER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNER: The proposed change to add the new gas station and convenience store to the existing commercial shopping center will have an overall positive impact on the surrounding area and should be harmonious with the surrounding properties because of the added site design and landscaping components. The change will have little impact on the public health, safety and welfare as compared to the current use of the building, which is vacant and not maintained by the current owner. Without the amendment to the PUD Master Plan, the hardship upon the landowner is evident as seen from the decline of center over the course of recent years and its inability to lease all units for retail uses. The new construction, with recommended design conditions, should have positive impact by adding another retail component to the site that is likely to attract additional customers to the once thriving retail community shopping center.

AVAILABILITY OF PUBLIC SERVICES:

All essential public utilities, services and facilities are presently available to this property with connections being made at the expense of the developer.

COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS:

The Master PUD Plan establishes development standards and guidelines as indicated and stated herein.

STAFF RECOMMENDATION

Based upon the above findings and analysis Planning Staff recommends **APPROVAL** of this proposal, **subject to:**

1. Use and development of the site in accordance with the **Master Planned Unit Development Plan for Gage Center – Revision K** as recorded with the Office of the Shawnee County Register of Deeds.
2. Revising the use for Building site “F” under PUD Building and Use Information, to state: *“Retail, Restaurant, or Automobile Service Station, Type I”*.
3. Adding note: *“The peninsulas at both driveways on to SW Gage for Building site ‘F’ shall be extended further west as determined by the City Traffic Engineer at the time of Site Plan Review Application.”*
4. Revising Note #14 to indicate: *“. . . and all exterior lighting shall be downward directed with the light source not visible so as not to create a nuisance for neighbors and surrounding properties.”*
5. Revising Note #15 to state: *“New construction of any new principal buildings shall comply with the Type B standard of the City of Topeka Non-Residential Building Design Standards. The exterior elevations submitted as an exhibit to the PUD Master Plan Amendment (Revision K) are conceptual in nature and shall be further reviewed by staff at the time of Site Plan Review Application for consistency to those standards.”*
6. Revising Note #9 to state: *“The building footprints and their orientation on the PUD Master Plan are conceptual in nature and minor adjustments to the building footprints, orientation, and/or sq. ft. may be made at the time of Site Plan Review and Building Permit review and approval.”*
7. Revising misspellings in Notes #1, 10, and 12b.
8. Revising Note #12b to remove segment: *“related to size and height”*.
9. Adding a “C” in Note #12 for Building site “F” signs.
10. Revising title to include: “Revision K”

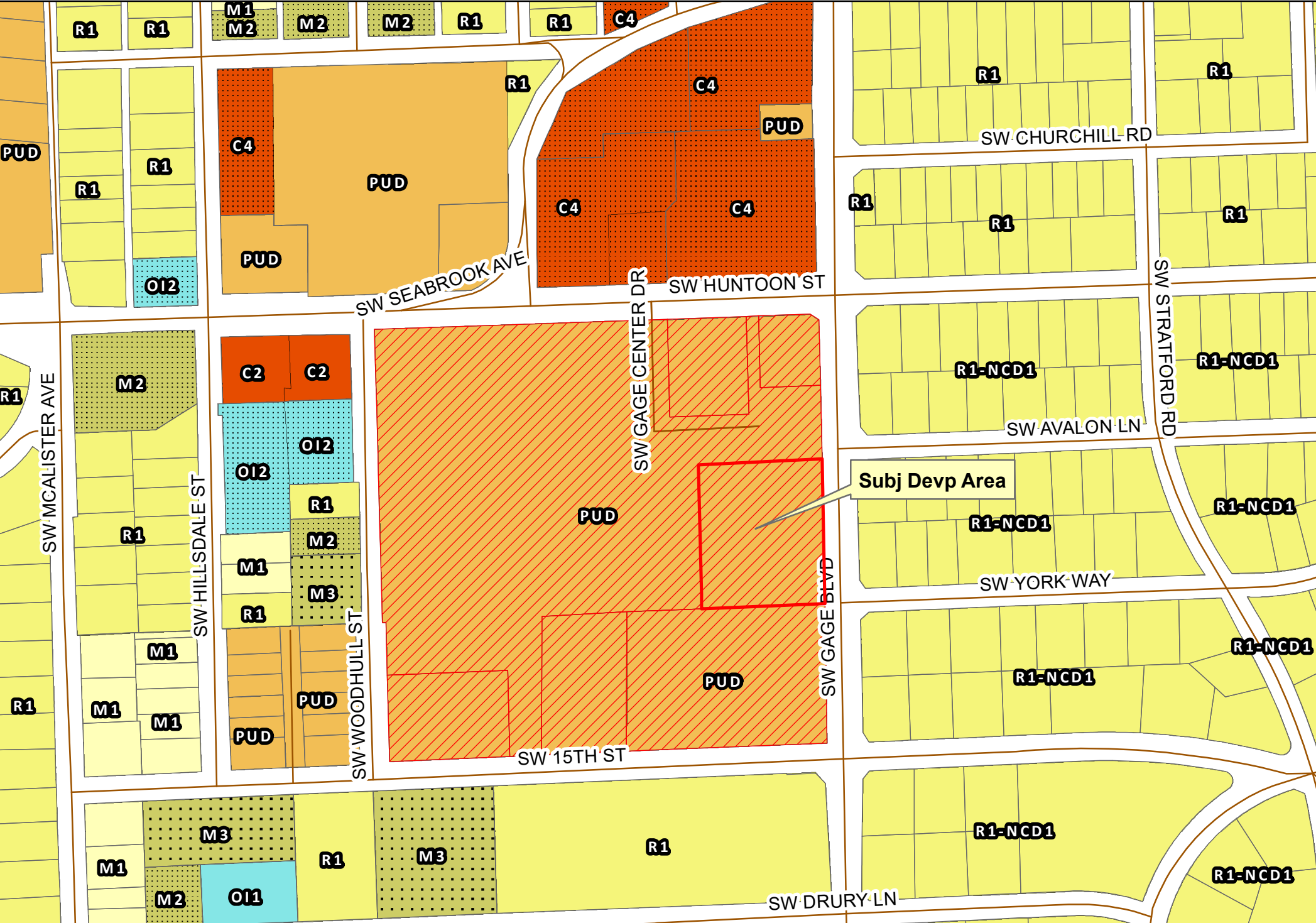
ATTACHMENTS:

Aerial Photo
Zoning Map
Master PUD Plan
Exterior Elevations Exhibit



Z55/43K Gage Shopping Center PUD Amendment



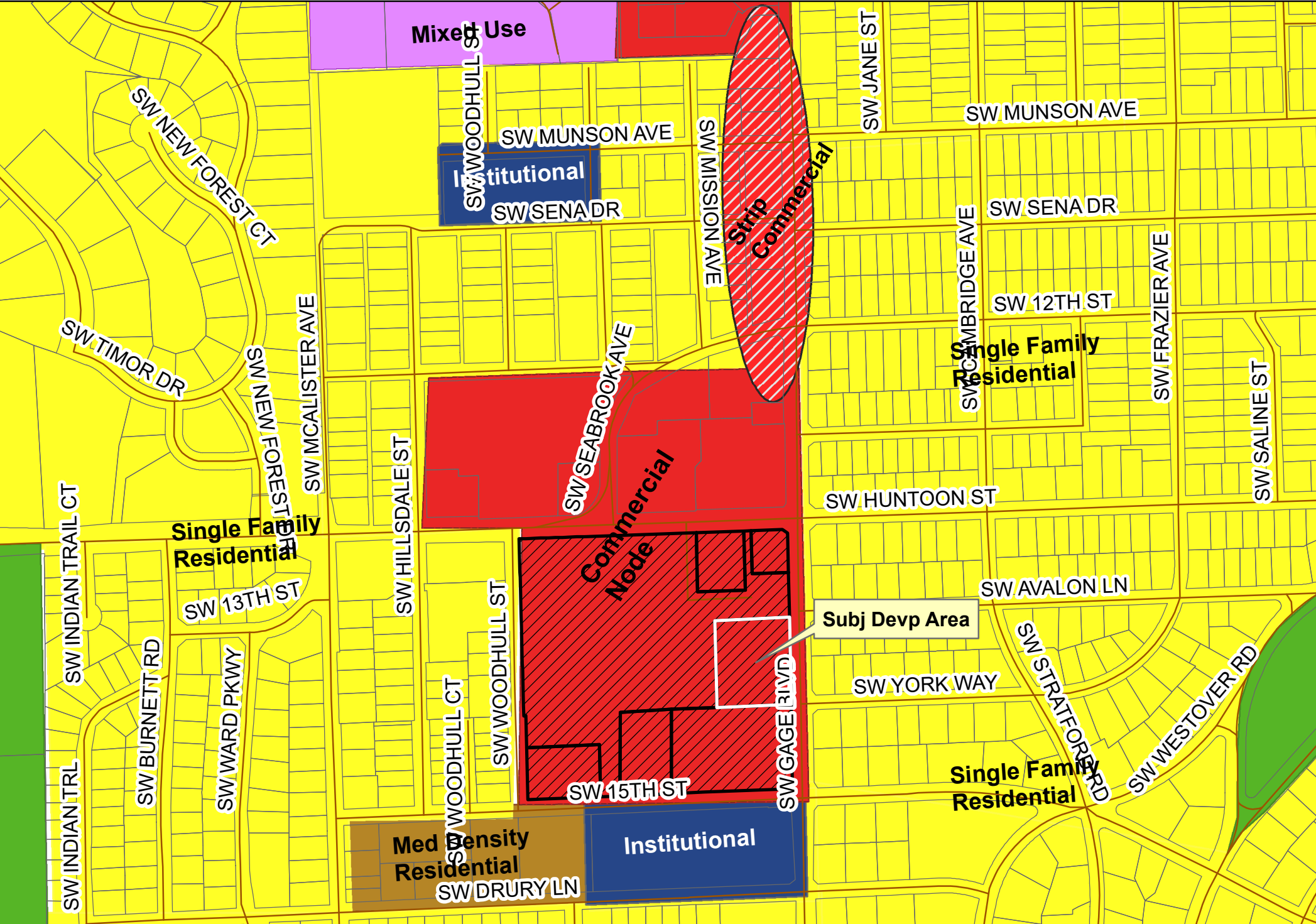


Z55/43K Gage Center Master PUD Plan by: BLEM Development Co.

 Gage Center PUD



Topeka Planning Department



Z55/43K- Future Land Use





One Vision. One Team. One Call.

Memorandum

To: Annie Driver

CC:

From: Kevin Holland

Date: October 1, 2018

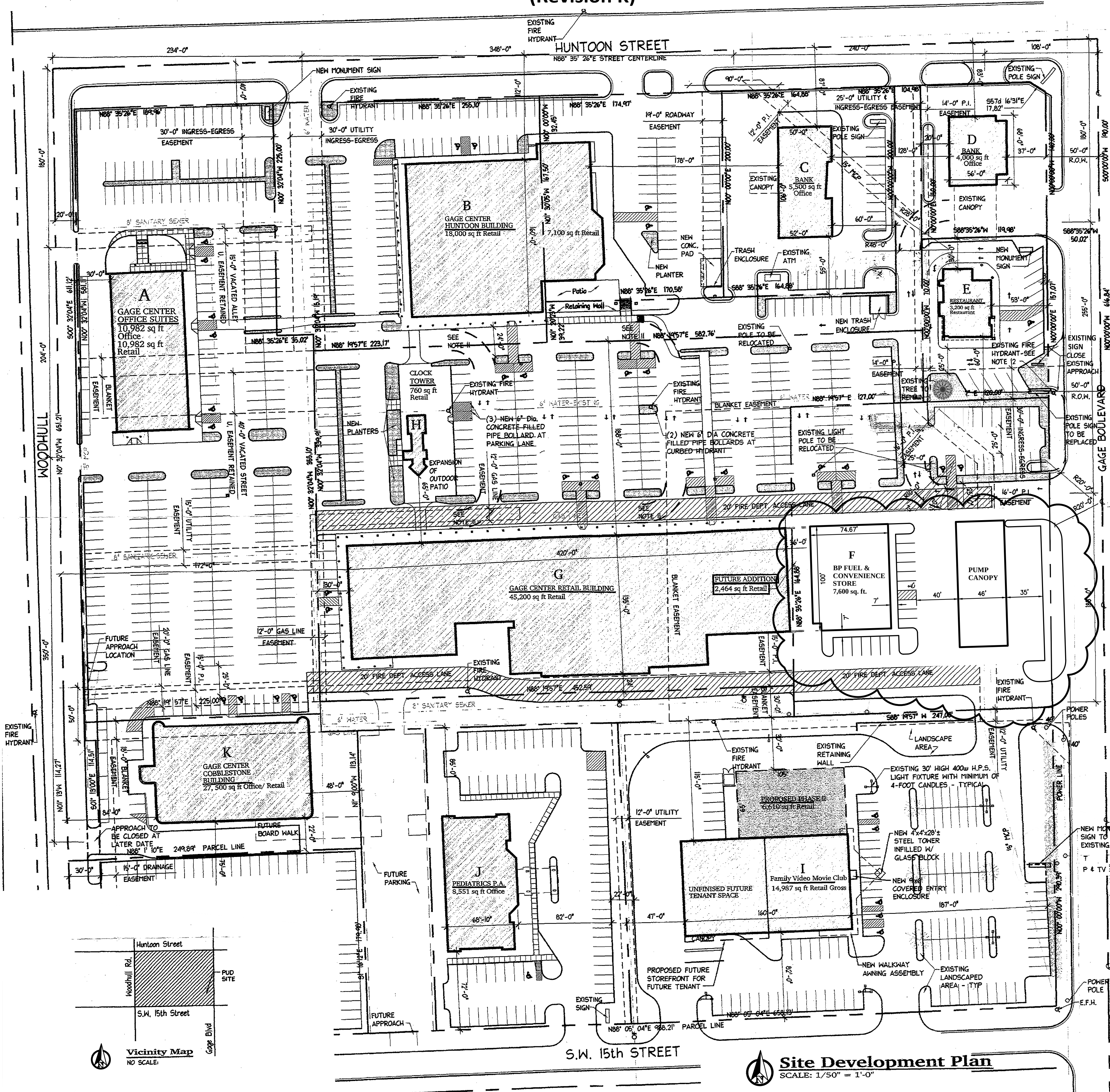
Re: Public Meeting for PUD Amendment for Gage Center

A public information meeting was held Wednesday, September 26th, 2018 from 6:00 PM until 7:15 PM at the 1301 SW Gage Boulevard for the PUD Amendment of Gage Center.

The following points of interest were discussed in detail at the meeting:

- Residents were concerned with their property values. Our team answered that new development would not decrease property values and could help.
- Residents were concerned with traffic along 15th Street and vehicle parking on both sides of the street.
- Residents were concerned with traffic increasing on cut through streets east of Gage to avoid the traffic signals.
- Residents were concerned with lighting for the site and how the lighting would impact adjacent neighborhoods.
- Residents were concerned with traffic increasing on Gage. Traffic projections from the traffic report were provided.
- Residents were concerned with the remaining pieces of Gage Center and the amount of vacancies.

GAGE SHOPPING CENTER PLANNED UNIT DEVELOPMENT MASTER PLAN (Revision K)



CERTIFICATION OF MASTER PUD PLAN APPROVAL

This Planned Unit Development (PUD) Master Plan has been reviewed and approved in accordance with the provisions of Chapter 18.190 of the Comprehensive Zoning Regulations of the City of Topeka, Shawnee County, Kansas and may be amended only as prescribed in TMC 18.190.070 of said Chapter and as set forth on this document or as may subsequently be approved and recorded.

Bill Flander, Planning Director Date

Pursuant to TMC 18.190, the applicant must record the Master PUD Plan with the Shawnee County Register of Deeds within sixty (60) days upon approval of the Governing Body. Failure by the applicant to record the plan within the prescribed time period and provide the planning department with the required number of copies of the recorded plan within ninety (90) days of the date of action by the Governing Body shall render the zoning petition null and void.

OWNER'S CERTIFICATION

BLEM Development Co. Inc., Owner, agrees to comply with the conditions and restrictions as set forth on the Master PUD plan.

In testimony whereof: The owners of the above described property, BLEM Development Co. Inc., has signed these presents this ____ day of ____, 2018.

BLEM Development Co., Inc.

State of Kansas ss
County of Shawnee ss

Be it remembered that on this ____ day of ____, 2018, before me, a notary public in and for said county and state, came
BLEM Development Co. Inc., who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In witness whereof, I hereby set my hand and affix my seal on the day and year last written above.

Notary public
My commission expires: ____

OWNER'S CERTIFICATION

Family Video Movie Club Inc., Owner, agrees to comply with the conditions and restrictions as set forth on the Master PUD plan.

In testimony whereof: The owners of the above described property, Family Video Movie Club Inc., has signed these presents this ____ day of ____, 2018.

Keith Hoogland, President
Family Video Movie Club Inc.

State of Kansas ss
County of Shawnee ss

Be it remembered that on this ____ day of ____, 2018, before me, a notary public in and for said county and state, came Keith Hoogland, President, Family Video Movie Club Inc., who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In witness whereof, I hereby set my hand and affix my seal on the day and year last written above.

Notary public
My commission expires: ____

OWNER'S CERTIFICATION

Haag Express, LLC, Owner, agrees to comply with the conditions and restrictions as set forth on the Master PUD plan.

In testimony whereof: The owners of the above described property, Haag Express, LLC, has signed these presents this ____ day of ____, 2018.

Gary Haag, Owner
Haag Express, LLC

State of Kansas ss
County of Shawnee ss

Be it remembered that on this ____ day of ____, 2018, before me, a notary public in and for said county and state, came Gary Haag, Owner, Haag Express, LLC, who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In witness whereof, I hereby set my hand and affix my seal on the day and year last written above.

Notary public
My commission expires: ____

OWNER'S CERTIFICATION

Lindemuth, Inc., Owner, agrees to comply with the conditions and restrictions as set forth on the Master PUD plan.

In testimony whereof: The owners of the above described property, Lindemuth Inc., has signed these presents this ____ day of ____, 2018.

Jim Lloyd, Owner's Representative
Lindemuth Inc.

State of Kansas ss
County of Shawnee ss

Be it remembered that on this ____ day of ____, 2018, before me, a notary public in and for said county and state, came Jim Lloyd, Owner's Representative, Lindemuth Inc., who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

In witness whereof, I hereby set my hand and affix my seal on the day and year last written above.

Notary public
My commission expires: ____

BOOK _____ PAGE _____

TIME _____ DATE _____

PUD - REVISION DATE ARCHIVE

May 18, 1990 Original Site Development plan
September, 1990
October, 1990
March, 1993
April, 1993
December, 1995
February, 1996
September 03, 1996
September 04, 2001
June 18, 2003
September 27, 2013
November 21, 2018

(I) New Osco Bldg (w/landscape Design & Legend)
New paid site (E); Revised Landscaping for center; overall site update
(I) Remodel & Sign for New Family Video Movie Club
Building "I" Site - Sign Revision - New 66" x 144" Monument Sign in front of Family Video Movie Club
Building "F" Site - Remodel for BP Fuel & Convenience Store.

MAJOR AMENDMENT SUMMARY 11/21/18

This Major Amendment for the Gage Center PUD is for the following purposes:

- The remodel of Building "F" to accommodate a BP Gas Station & Convenience Store.
- Modifications to parking areas in the immediate vicinity of Building "F" to accommodate BP customers.

PUD SITE INFORMATION

Part of the Northeast of Section 3, Township 12 South, Range 15 East of te 6th P.M. in the City of Topeka, Shawnee County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of the Northeast Quarter; thence West 40 feet and South 40 feet to the point of beginning; thence West 910 feet; thence South 556 feet; thence East 10 feet; thence South 114.15 feet; thence East 250 feet; thence South 150 feet; thence East 660 feet; thence North 900 feet to the point of beginning.

Zoning: PUD C-4
Total Area: 767, 950 sq. ft. more or less. (17.63 acres)

PUD BUILDING/USE INFORMATION

A.	2-Story	21,964	Office/Retail/Restaurant
B.	1-Story	25,100	Retail/Restaurant
C.	1-Story	5,500	Bank Office
D.	1-Story	4,000	Bank Office
E.	1-Story	3,200	Fast Food
F.	1-Story	7,600	Retail/Restaurant, or Automobile Service Station, Type I
G.	1-Story	45,200	Retail/Restaurant
H.	1-Story	700	Retail
I.	1-Story	14,987	Retail
J.	1-Story	8,551	Office
K.	2-Story	27,500	Office/Retail
L.	1-Story	9,216	Government

Total Square Feet: 173,578sq

PUD NOTES

- All drives, streets, parking areas, approaches and walks to be to City of Topeka Standards. All drives, lanes, and privately owned access ways providing accessibility to structures, buildings, and uses within the planned unit development shall be considered and serve as mutual rights of access for owners, tenants, invited guests, clients, customers, supports and utility service personnel and emergency service providers, including law enforcement, fire protection, and ambulance services. All access ways providing general accessibility to, and circulation among, the uses within the planned unit development shall be maintained at all times in good serviceable condition with the maintenance of said access ways being the responsibility of the Lot Owner.
- All sanitary sewer and water main installations, extensions, or relocations as required by the City of Topeka Engineering Department will be paid for by the Lot Owner.
- All storm water runoff to be directed to the storm systems as approved by the City Engineer at the time of site development. No building permits shall be issued until Stormwater Management Plans and requirements are met and approved, including granting of any necessary stormwater management easements.
- No building within development shall exceed 60' in height.
- Building uses in this Planned Unit Development shall be limited to the uses indicated above as taken from Comprehensive Zoning Regulations of the City of Topeka and unincorporated Shawnee County, Kansas.
- Drive thru lanes must be a minimum of 12'-6" wide.
- No temporary or tent structure will be erected on the premises without first notifying and receiving approval from the fire dept. and all other applicable agencies w/jurisdiction.
- Base zoning use group shall apply unless otherwise stated herein.
- The building footprints and their orientation on the PUD Master Plan are conceptual in nature and minor adjustments to the building footprints, orientation, and/or sq. ft. may be made at the time of Site Plan Review and Building Permit review and approval.
- No building permits shall be issued until a Site Plan Review Application has been reviewed and approved by the Planning Director and other City agencies prior to submittal for building permits. These site plans shall address individual building site locations, off-street parking, bicycle racks, and internal circulation, fire hydrants and fire access lanes, landscaping, fencing, pedestrian and ADA accessible connectivity, external lighting, signage, architectural exterior elevations, CPED, utilities, stormwater, relationship to adjacent lots, etc.
- Landscapes Plans pursuant to TMC18.235 Landscape Regulations shall be submitted and approved at the time of Site Plan Review Application. For Building Site "F" Landscaping including the addition of street trees and a combination of 24" tall shrubs shall be provided and emphasized along the frontage of SW Gage. A 15 ft. minimum parking lot setback is required along the frontage of SW Gage Blvd setback including a 24" tall landscaped berm or combination berm and landscaping maintained to this height.
- Signage:
 - Signs shall be approved by separate Sign Permit Application submitted to the Development Services Division.
 - There shall be no additional free-standing signs except as stated herein on said PUD Master Plan. Unless otherwise stated, signage shall comply with the "C-4" District sign standards
 - Building Site F:
 - Free-standing signs - One monument sign limited to 6' tall and 40 sq. ft.
 - Wall signs Limited to 20% of wall face per building side;
 - Awning signs - One sign per canopy side limited to 20 sq. ft. (or use a comparative awning signage to the 29th and Topeka station)
- The location of trash and recycling receptacles shall be determined at the site development stage to ensure trash areas are not overly concentrated, are effectively screened from public areas, and provide adequate circulation within the overall development. All said receptacles shall have enclosures that screen the receptacles from view and are constructed with materials compatible with the architectural features of the principal building.
- The intensity of all exterior building and parking lot lighting shall not exceed three foot-candles as measured at the property line and the source of illumination shall not be visible from adjacent residential properties or the public right-of-way. All exterior lighting shall also be directed downward with the light source not visible so as to not create a nuisance for neighbors and surrounding properties.
- New construction of new principal buildings shall comply with the Type B' standard of the City of Topeka Non-Residential Building Design Standards. The exterior elevations submitted as an exhibit to the PUD Master Plan Amendment (Revision K) are conceptual in nature and shall be further reviewed by staff at the time of Site Plan Review Application for consistency to those standards.
- The peninsulas at both driveways on to SW Gage for Building Site "F" shall be extended further West as determined by the City Traffic Engineer at the time of Site Plan Review Application.

Plans prepared by:

CFS ENGINEERS
cfs.com
2930 SW Woodside Dr., Topeka, KS 66614
P: 785-272-4706 F: 785-272-4736

Revision Date: 11/21/2018

Z55/43K



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Councilmember Ortiz **DOCUMENT #:**
SECOND PARTY/SUBJECT: Camping Ordinance **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: Defer to PHS **JOURNAL #:**
Committee 05-08-18.
Discussion (90- Day
Update) 08-07-18. Defer
(until Sept 4th) 08-21-
18. Discussion (90- Day
Update) 09-04-18
PAGE #:

DOCUMENT DESCRIPTION:

UPDATE and possible **ACTION** on the proposed camping ordinance. (90 day update from the meeting of September 4, 2018.)

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

(Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The Public, Health and Safety Committee Chair will provide an update to the Governing Body on the proposed camping ordinance as required by Governing Body Rules and Procedure 8.5(c).

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

On May 8, 2018, a proposed ordinance addressing camping was referred to the Public Health and Safety Committee with a report due back to the governing body on September 1, 2018. Since that time, several committee meetings have been conducted for the purpose of discussing the ordinance as well as updates to the Governing Body.

The ordinance will be discussed at the next Public, Health and Safety Committee meeting scheduled for November 30, 2018.

Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Proposed Camping Ordinance May 8, 2018
Riverfront Map - May 8, 2018 Governing Body Meeting Packet
Question and Answer Summary - May 8, 2018 Governing Body Meeting Packet
Homeless Outreach Presentation - June 15, 2018 PHS Committee Meeting
June 15, 2018 PHS Committee Meeting Minutes
July 20, 2018 PHS Committee Meeting Minutes (DRAFT)
August 27, 2018 PHS Committee Meeting Minutes (DRAFT)
Governing Body Meeting Minutes - Excerpts

1 (Published in the Topeka Metro News _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by Brent Trout City Manager, creating Article III of
6 Chapter 9.45 of the Topeka Municipal Code concerning Camping.

7
8 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

9 Section 1. That The Code of the City of Topeka, Kansas, is hereby amended
10 by adding a section, to be numbered 9.45.340, which said section reads as follows:

11 **Purpose.**

12 (a) Camping on public and private property. The streets and public areas
13 within the city should be readily accessible and available to residents and the public at
14 large for their intended uses. The use of these areas for camping purposes or storage of
15 personal property interferes with the rights of others to use the areas for which they
16 were intended. Such activity can constitute a public health and safety hazard which
17 adversely impacts neighborhoods and commercial areas. Camping on private property
18 without the consent of the owner, proper sanitary measures and for other than a
19 minimal duration adversely affects private property rights as well as the public health,
20 safety, and welfare of the residents of the city. The purpose of this chapter is to maintain
21 streets and other public and private areas within the city in a clean, sanitary and
22 accessible condition and to adequately protect the health, safety and public welfare of
23 the community.

24 (b) Personal property stored on public property. The unauthorized use of
25 public areas for the storage of personal property interferes with the rights of other
26 members of the public to use public areas for their intended purposes and can create a
27 public health or safety hazard that adversely affects residential and commercial areas.

The purpose of this chapter is to maintain public areas in clean, sanitary and accessible condition to prevent the misappropriation of public areas for personal use, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.45.350, which said section reads as follows:

Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this section.

“Camp” means to reside in or use any public or private property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping); or storing personal property (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material); or making any fire, regularly cooking meals, using any tents, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using public or private property as a living accommodation.

“Personal property” means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, personal items such as luggage, backpacks, clothing, documents and medication, and household items.

51 “Public property” means public parks and all property that is owned, managed or
52 maintained by the City, including but not limited to streets, sidewalks, alleys,
53 easements, and public right-of-way.

54 “Store, stored or storing” means to put aside or accumulate for use when
55 needed, to keep for safekeeping, and/or to place or leave in a location.

56 “Street” includes every highway, avenue, lane, alley, court, place, parkway,
57 curbs, bikeway or other public way which is open to public use.

58 “Tent” includes any tarp, cover, structure or shelter, made of any material that is
59 not open on all sides and which hinders an unobstructed view behind or into the area
60 surrounded by the tarp, cover, structure or shelter.

61 Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
62 by adding a section, to be numbered 9.45.360, which said section reads as follows:

63 **Unlawful camping.**

64 (a) It is unlawful and a public nuisance for any person to camp in the following
65 areas:

66 (1) Any public property; or

67 (2) Any private property without the consent, in writing, of the property
68 owner.

69 (b) Nothing in this chapter is intended to prohibit or make unlawful, activities
70 of an owner of property that are normally associated with, and incidental to, the use of
71 the property.

72 Section 4. That the Code of the City of Topeka, Kansas, is hereby amended
73 by adding a section, to be numbered 9.45.370, which said section reads as follows:

74 **Enforcement.**

75 A law enforcement officer shall not issue a citation or make an arrest unless all of
76 the following conditions apply:

77 (a) The person fails to comply with the officer's order to leave the
78 property immediately and remove the person's personal property.

79 (b) The person is not in need of medical or human services assistance.

80 (c) Upon a determination by the officer that the person may be in need
81 of medical or human services assistance, the person declines the opportunity to
82 be transported to either a hospital or public shelter.

83 Section 5. That The Code of the City of Topeka, Kansas, is hereby amended
84 by adding a section, to be numbered 9.45.380, which said section reads as follows:

85 **Disposition of personal property.**

86 (a) It shall be unlawful to fail to remove attended stored personal property
87 within 24 hours of receiving written notice pursuant to this section.

88 (b) All stored personal property on public property may be impounded by the
89 city in accordance with this section.

90 (c) Personal property placed on public property shall be deemed to be stored
91 personal property if it has not been removed within 24 hours of service of written notice,
92 requiring such removal. Moving personal property to another public property location or
93 returning personal property to the same block on a daily or regular basis shall not be
94 considered to be removing the personal property from public property. A law
95 enforcement officer may remove and impound such stored personal property after
96 providing 24 hours written notice.

97 (d) Personal property placed on public property located within ten feet of any
98 entrance, exit, driveway or loading dock may be removed and impounded at any time
99 without prior notice. Post-removal notice shall be provided as set forth in TMC
100 9.45.390.

101 (e) Personal property placed on public property which has a clearly posted
102 closure time may be removed and impounded after the closure time, without prior
103 notice. Post-removal notice shall be provided as set forth in TMC 9.45.390.

104 (f) In the event personal property placed on public property poses an
105 immediate threat to the health or safety of the public, it may be removed without prior
106 notice and discarded.

107 (g) Evidence of a crime or contraband may be removed from public property
108 without prior notice.

109 Section 6. That The Code of the City of Topeka, Kansas, is hereby amended
110 by adding a section, to be numbered 9.45.390, which said section reads as follows:

111 **Notice.**

112 (a) Pre-removal notice. The written notice required by TMC 9.45.380 shall be
113 deemed to have been served if a written notice is served on the person storing the
114 personal property, or is posted conspicuously on or near the personal property. The
115 written notice shall contain the following:

116 (1) A general description of the personal property to be removed.

117 (2) The location from which the personal property will be removed.

118 (3) The date and time the notice was posted.

119 (4) A statement that the personal property will be impounded if not

120 removed from public areas within 24 hours.

121 (5) A statement that moving stored personal property to another
122 location on public property shall not be considered to be removing personal
123 property from public property.

124 (6) The location where the removed personal property will be stored,
125 including a telephone number and the internet website of the city through which a
126 person may receive information as to impounded personal property.

127 (7) A statement that impounded personal property may be discarded or
128 otherwise disposed of if not claimed within 90 days after impoundment.

129 (b) Post-removal notice. Upon removal of stored personal property, written
130 notice shall be conspicuously placed in the area from which the personal property was
131 removed. The written notice shall contain the following:

132 (1) A general description of the personal property removed.

133 (2) The date and approximate time the personal property was
134 removed.

135 (3) A statement that the personal property was stored on public
136 property in violation of TMC 9.45. 380.

137 (4) The location where the removed personal property will be located,
138 including a telephone number and internet website of the city through which a
139 person may receive information as to impounded personal property.

140 (5) A statement that impounded personal property may be discarded or
141 otherwise disposed of if not claimed within 90 days after impoundment.

142 Section 7. That The Code of the City of Topeka, Kansas, is hereby amended

by adding a section, to be numbered 9.45. 400, which said section reads as follows:

Storage and disposal.

(a) Except as specified herein, impounded personal property shall be moved to a place of storage.

(b) Except as specified herein, impounded personal property shall be stored by the city for 90 day after which time, if not claimed, it may be discarded or otherwise disposed of. The city shall not be required to undertake any search for, or return, any impounded personal property stored for longer than 90 days.

(c) The city shall maintain a record of the date any impounded personal property was received and discarded or disposed of.

(d) The owner or any other person entitled to the impounded personal property may repossess the personal property prior to its disposal upon submitting satisfactory proof of ownership. A person may establish proof of ownership by, among other methods, describing the location and date when the personal property was impounded from the public property, and providing a reasonably specific and detailed description of the personal property.

Section 8. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.45.410, which said section reads as follows:

Penalty.

Any person who violates the provisions of this article is guilty of a misdemeanor. Upon conviction, a person shall be sentenced to a fine not to exceed four hundred and ninety-nine dollars (\$499) and/or imprisonment not to exceed thirty (30) days.

Section 8. This ordinance shall take effect and be in force from and after its

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

167 Section 9. This ordinance shall supersede all ordinances, resolutions or rules,
168 or portions thereof, which are in conflict with the provisions of this ordinance.

169 Section 10. Should any section, clause or phrase of this ordinance be declared
170 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
171 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

172 PASSED AND APPROVED by the City Council on _____.

173
174 CITY OF TOPEKA, KANSAS

175
176
177
178 _____
179 Michelle De La Isla, Mayor

180
181
182 ATTEST:

183 _____
Brenda Younger, City Clerk



City of Topeka Property (Riverfront)

source: Shawnee County Appraiser

Camping Ordinance Questions and Answers

Q: *What does the ordinance do?*

A: The ordinance prohibits individuals from camping on public property; or on private property without having in their possession the owner's express written consent.

Q: *What is 'camping?'*

A: The primary intent of the ordinance is to keep people from living on sidewalks, alleys, and other public areas. 'Camping' is broadly defined to include bedding, sleeping bags, blankets, luggage, cookware, and tents, which, taken as a whole, make it appear that the person is using the property as a living area.

Q: *What is 'public property?'*

A: 'Public property' means public parks and all property that is owned, managed, or maintained by the City, including streets, sidewalks, alleys, public right of way, and easements; and, thus subject to City enforcement efforts.

Q: *Does 'public property' include the levees and areas close to the Kansas River?*

A: Yes. The City owns a portion of the property (located along the levee units located on the Kansas River and Shunga Creek), and is responsible for the operation and maintenance of other portions of the property that comprises these levee units.

Q: *Would the ordinance apply to parks since those are owned by the County now?*

A: Yes. As part of the transfer of ownership to the County, the City agreed to continue to enforce City ordinances on these properties.

Q: *Would the ordinance apply to a person sleeping in a car or camper parked on the street?*

A: Yes. Sleeping in a vehicle parked on a public street is included in the definitions of 'camp' and 'public property.'

Q: *Would the ordinance prohibit a parent/child weekend campout at the Zoo, Black Friday campouts in retail parking areas, campouts along City-owned property along the Kansas River, or other similar activities?*

A: No. The ordinance will not prohibit activities that may typically occur in association with the particular property involved. Common sense and good judgment will be applied. There will likely be designated camping areas established for camping along the Kansas River, for which a corresponding permit will be required.

Q: ***How will the ordinance be enforced?***

A: A citation may be issued, or an arrest may be made, only if:

- (1) the person fails to comply with TPD's order by leaving and taking his or her personal property with him or her; and
- (2) the person is not in need of medical or social service assistance; or
- (3) if it appears that the person is in need of medical or social service assistance, the person declines TPD's offer to transport the person to either a hospital or shelter.

Q: ***What is the time frame within which personal property must be removed?***

A: This ordinance requires that personal property be removed from public property within 24 hours of receiving 'pre-removal notice,' as provided in the ordinance. A pre-removal notice would not be required for removing unauthorized personal property from privately-owned property, due to trespass.

Q: ***What will the 'pre-removal notice' say?***

A: It will contain a general description of the personal property and the location from which such property will be removed; the date and time the notice was posted; a warning that the property will be impounded if not removed from public areas within 24 hours and that simply moving the property to another location on public property will not suffice; a warning that the property will be discarded if not claimed within 90 days, accompanied by information related to where the property is being stored and instructions, including contact information on how it can be retrieved.

Q: ***What if the person just moves the property to another location?***

A: This is not considered 'removing' the property - so the person would still be in violation.

Q: ***What happens if the 24 hour period has expired and the property is still there?***

A: TPD will take photos of the property, then remove it; taking it to the impound lot for storage. TPD will leave a 'post-removal notice,' as provided in the ordinance. A post-removal notice would not be required for removing unauthorized personal property from privately-owned property, due to trespass.

Q: ***What will the 'post-removal notice' say?***

A: It will contain a general description of the personal property removed; the date an approximate time it was removed; a statement of that violation (personal property stored on public property); a warning that the property will be discarded if not claimed within 90 days, accompanied by information related to where the property is being stored and instructions, including contact information on how it can be retrieved.

Q: ***How are these notices served if the person is not present at the time?***

A: If the apparent owner of the personal property is gone, pre-removal notice will be posted conspicuously on or near the personal property and post-removal notice will be posted conspicuously in the area from which the personal property was removed.

Q: ***How can an owner get his or her personal property back?***

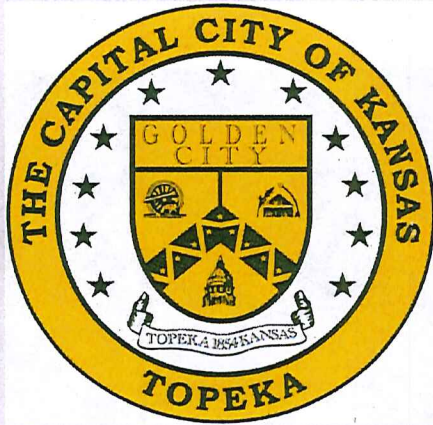
A: Both the 'pre-removal notice' and the 'post-approval notice' will provide appropriate contact information, via telephone numbers or emails or City website. The person will need to show some proof of ownership by indicating the location and date that property was seized, as well as a description of the property.

Q: ***What happens to the personal property if it is not retrieved by the owner?***

A: This ordinance requires that personal property be moved within 24 hours of receiving the 'pre-removal notice' provided for in the ordinance. If the property is not moved, TPD will remove it, leave a 'post-removal notice' and subsequently hold the property for 90 days. If the property is not claimed within this 90-day period of time, TPD may dispose of the property by discarding it or selling it at auction.

Q: ***What's the penalty if convicted?***

A: Misdemeanor. Fine of up to \$499 and 30 days in jail.



HOMELESS OUTREACH TEAMS

COORDINATION OF SERVICES



Challenges



Challenges



Challenges



Challenges



Challenges



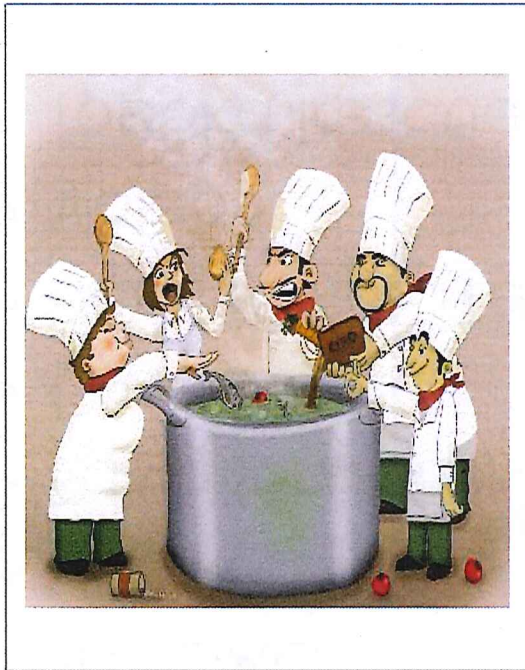
Challenges

- On a single night in 2017, 553,742 people were experiencing homelessness in the United States.
- Approximately two thirds (65%) were staying in emergency shelters or transitional housing programs, and about one third (35%) were in unsheltered locations.

Challenges

- 2018 Topeka Point-In-Time Count
 - 419 People experiencing homelessness (Increased from 356 in 2017)
 - 66% of people were in an emergency shelter
 - 17% of people were in transitional housing
 - **15% of people were unsheltered**
- **$419 \times 15\% = 62.85$**

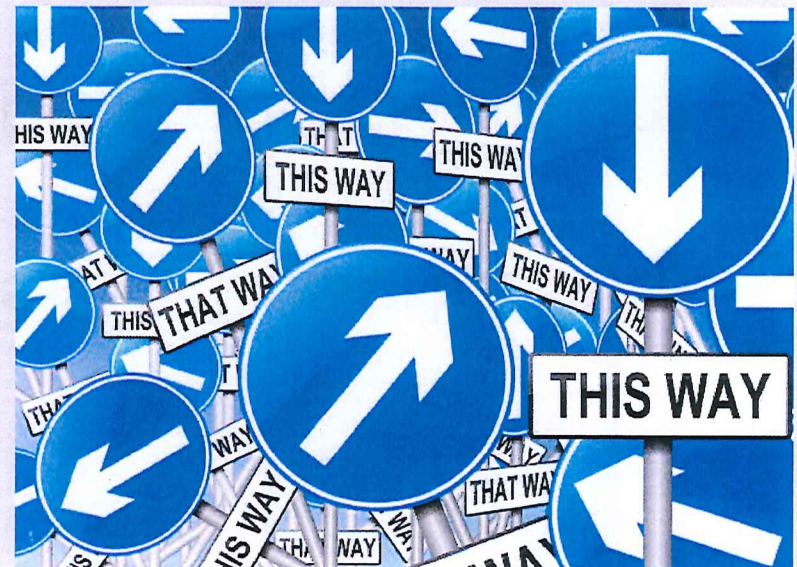
Complexity



- Multiple City Departments
- Municipal Code Limitations
- Numerous Social Service Organizations
- Policy and Advocacy Groups
- Neighborhood and Business Groups

Resources & Services

- HRADAC
- VA
- Salvation Army
- GraceMed
- HOPE/CABHI Team
- Valeo
- Topeka Rescue Mission
- Topeka/Shawnee County Homeless Task Force
- Continuum of Care
- Many, many others ...



Compliance Measures

Unlawful Camping – Enforcement Limitations

Being homeless cannot be criminalized.

- **Ability** to comply vs. **willingness** to comply



Legal Obstacles

- **Eighth Amendment – Cruel & Unusual Punishment**
- **Fundamental Right to Travel**
- "...[E]nforcement of laws that prevent homeless individuals who have no place to go from sleeping, lying down, eating, or performing other harmless life-sustaining activities burdens their right to travel." Pottinger, 810 F.Supp. at 1580
- "arresting the homeless for the harmless acts which they are forced to perform in public infringes on their fundamental right to travel." Id.

Legal Obstacles

- “It should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment – **if a person literally has nowhere else to go**, then enforcement of an anti-camping ordinance against that person **criminalizes them for being homeless.**”

Pottinger Protocols

Pursuant to a settlement finalized in 2013, the City of Miami agreed to adopt certain law enforcement protocols that:

1. Apply to government interaction with homeless and their personal property.
2. Define “homeless” person” as an individual who “lacks a fixed, regular, and adequate night time residence and has a primary residence that is:
 - A public or private shelter;
 - A place of institutionalization; or
 - A public or private place not designed as a regular sleeping accommodation for human beings.

Pottinger Protocols

3. Require documentation of government contacts with homeless persons, specifically:

- Document outreach efforts, transports to shelter, refusals of shelter, etc. in a “field information (FI) card” or equivalent.
- Document arrests in an arrest affidavit.
- File all records with Police Department.

Pottinger Protocols

4. Defined “life sustaining conduct misdemeanors” as:

- Misdemeanors “which a homeless individual commits by the mere fact that he or she is without shelter, and must conduct life sustaining activities, such as **eating, sleeping, sitting, congregating** or **walking in public.**”

5. Defined “available shelter” as:

- At least 24 hours, with “dignity and respect”,
- A bed or mat at least 3 inches thick,
- At no cost to the homeless person,
- Within the city. (Or county, if person agrees),
- No mandatory religious or therapeutic programming.

Pottinger Protocols

6. Require “available shelter” in order for the government to enforce “life sustaining conduct misdemeanors” against a homeless person.
 - No “available shelter” = no enforcement.
 - “Available shelter” + acceptance = no enforcement.
 - “Available shelter” + refusal = enforcement.
7. Establishes protections for personal property.
 - If a homeless person is arrested, police must secure their property.

Pottinger Protocols

8. Requires training of law enforcement personnel

- The settlement required the city of Miami to implement training to ensure that police officers and other city officials who deal with homeless individuals are sensitive to the “unique struggle and circumstances of homeless persons.”
- Specialized mission (H.O.T.)

Pottinger Exceptions

- Nothing in *Pottinger* precludes an arrest for any felony or any misdemeanor that is not “life-sustaining conduct” regardless of whether there is available shelter.
- Nothing in *Pottinger* says how many available shelter beds must be acquired in your jurisdiction or who must own and operate them.



SEARCHING OUT SOLUTIONS

Constructive alternatives to the criminalization of homelessness.

JUNE 2012

Three Recommendations:

1. Creation of Comprehensive and Seamless Systems of Care
2. Collaboration among Law Enforcement and Behavioral Health and Social Service Providers
3. Alternative Justice System Strategies

SOLUTION 2:

Collaboration between law enforcement and behavioral health and social service providers results in tailored interventions that connect people with housing, services, and treatment and meet the community's goal of reducing the number of people inhabiting public spaces.

- Outreach and engagement involving police and service provider collaboration to link people with supportive housing and avoid their arrest.

SOLUTION 2:

- Cross-training of police officers and service providers to facilitate information sharing and promote ongoing coordination.
- Crisis Intervention Teams (CIT) with specially trained police officers working with behavioral health professionals to respond to crises involving people with mental illness.

H.O.T. Program - Architecture

System to operationalize and document all of these recommendations

- Outreach Efforts – referrals to social services
- Diversion – avoid entering criminal justice system
- Case Management – documenting efforts
- Local Code – ensure safety and rule of law

H.O.T. Program - Architecture

- ***Educate*** about social services (resource guide).
- ***Encourage*** referral to those services through outreach and diversion.
- ***Enforce*** the criminal code as a last resort (camping ordinance).



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: June 15, 2018
Time: 3:30 p.m.
Location: Holliday Building, 1st Floor Conference Room – 620 SE Madison

Committee members present: Councilmembers Sandra Clear, Sylvia Ortiz (Chair) and Mike Padilla

City staff present: Brenda Younger, City Clerk; Luther Ganieany, Topeka Police Legal Advisor; Lisa Robertson, City Attorney; Brent Trout, City Manager; Sergeant Joshua Klamm, Topeka Police Department; Sasha Haehn, Director of Department of Neighborhood Relations; and Corrie Wright, Division Director of Housing Services.

Call to Order

Councilmember Ortiz called the meeting to order.

Appoint Committee Chair

Councilmember Clear moved to appoint Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously (3-0-0)

Approve Minutes from September 28, 2017 meeting

Councilmember Clear moved to approve the minutes. The motion seconded by Councilmember Padilla carried unanimously. (3-0-0)

Introduction of TMC 9.45 Article III: Camping on Public and Private Property

Lisa Robertson, City Attorney, reported staff presented two separate ordinances to the Governing Body on May 8, 2018. She stated the ordinance relating to camping on public and private property was referred to the Public Health and Safety Committee; and the ordinance relating to traffic and pedestrian safety was referred to a Special Committee appointed by the Deputy Mayor that will work independently from the Public Health and Safety Committee. She stated Luther Ganieany, Topeka Police Legal Advisor, has performed extensive research on the matter and will provide a presentation to the Committee. She requested Committee members discuss what was important to them and what they would like to be included in the ordinance.

Luther Ganieany, Topeka Police Legal Advisor, reported the camping ordinance presented to the Committee for consideration would serve as (1) an enforcement piece of camping on public or private property without permission of the property owner; and (2) establish protections for personal property. He highlighted the challenges, complexity, resources and services available to assist with the issue; compliance measures as well as the legal obstacles outlined in the Pottinger Protocols and Exceptions. He stated staff was recommending a collaboration of agencies including law enforcement as well as behavioral health and social service providers resulting in tailored interventions that connect people with housing, social services and treatment. He reported

the agency partnership would meet the community goal of reducing the number of people inhabiting public spaces. He continued discussion on the Homeless Outreach Team (H.O.T) a program created for the purpose of educating and serving as a resource guide for social services offered through outreach and diversion. He noted enforcement of the proposed camping ordinance would serve as a last resort in dealing with homelessness.

Councilmember Clear questioned if the ordinance could be approved without having the H.O.T. Program in place; how the proposed ordinance would influence property rights of business owners; and what efforts are being made by the current Homeless Task Force in regards to addressing camping on public property.

Luther Ganieany stated the ordinance could be approved without the program being in place and business owners would still have their traditional property rights.

Corrie Wright, Division Director of Housing Services, reported the Homeless Task Force currently has several outreach teams that are involved in the community. She stated with regard to the homeless campsites and how it relates to criminalization the Homeless Task Force would welcome the opportunity to discuss the issue in more detail at their next meeting and report back to the Committee with what they believe may be viable options to address the matter. She noted the Homeless Task Force consists of approximately 40 members representing various organizations in the community with the goal to address homelessness in Topeka.

Councilmember Ortiz encouraged the Homeless Task Force to get involved in the process as they will be crucial to the success of the program and helping to manage the homeless community.

Corrie Wright reported the goal of the Homeless Task Force was to help homeless people get into a shelter no matter what; however, there is only one shelter in Topeka and not all individuals are allowed in the shelter for various reasons such as behavioral and medical issues or substance abuse.

Councilmember Clear asked if a homeless person could be sent to a shelter located in another city.

Luther Ganieany reported a homeless person from the Topeka community would need to be placed in a local shelter as it would become a problem to try and transport homeless people to other communities.

Councilmember Ortiz noted many times the services offered to homeless people are refused.

Corrie Wright reported recently the Homeless Task Force has implemented a coordinated assessment of the individuals included in their database receiving resources in the community for the purpose of providing additional services to individuals as needed.

Councilmember Ortiz questioned how the ordinance would address repeat offenders and how long would personal possessions be held.

Luther Ganieany reported the repeat offenders would not be able to establish a camp because outreach efforts will be documented and if they pursue staying at the campsite then the enforcement piece would take effect. He noted personal property would be held for 90 days from the date seized.

Councilmember Clear asked if the Mission refuses people due to lack of available space and if the Mission enforces mandatory therapeutic or religious programming for their occupants.

Mike Foster, Topeka Rescue Mission, reported homelessness was a problem throughout the city and the Mission works to accommodate any person who seeks their services and would not reject a person due to lack of space. He stated he would need clarification on the term “therapeutic” and the Mission has no religious requirements; however, they do offer a voluntary chapel service. He stated they do require repeat offenders to participate in therapy programs.

Luther Ganieany clarified that therapeutic and religious requirements could be offered; however, these requirements could not be a mandatory condition for a person to receive shelter.

Councilmember Ortiz questioned if the Mission would consider serving as a bed site if the H.O.T. program was implemented.

Mike Foster reported the Mission would welcome the opportunity to work with the City in addressing homeless efforts; however, the Topeka Rescue Mission was not considered a public shelter.

Councilmember Padilla referenced businesses located west of Wannamaker and reported the business owners have problems with homeless people camping on their private property. He questioned if this would be considered criminal trespassing.

Luther Ganieany stated a person must have written permission from the property owner to occupy the area; however, the same protocol would apply in regards to offering outreach services and encourage the person to vacate the area without requiring enforcement or arrest.

Councilmember Clear questioned if they should include language in the ordinance that would address camping permits issued by other agencies along the river and in other areas of the city.

Lisa Robertson stated initially there were discussions relating to the City implementing a permitting process; however, it would be ideal if another agency implements a permitting process and that process could be referenced in the ordinance.

Councilmember Ortiz requested City Attorney Robertson determine if the Kansas Department of Wildlife, Parks and Tourism was in the process of implementing a permitting system as mentioned by Councilmember Hiller and report back at the next Committee meeting. She requested Corrie Wright gather input from the Homeless Task Force and report back at the next Committee meeting.

Topeka Police Sgt. Joshua Klamm, Behavior Health - Crisis Intervention Team (CIT), reported TPD has been working to create a Homeless Outreach Team that will fall under the umbrella of the CIT. He stated officers will receive mandatory training to become CIT Certified. He provided an overview of the program and noted it should be fully implemented by August or September; however, the biggest obstacle will be sufficient manpower.

Councilmember Padilla stated he was encouraged by the creation of the Homeless Outreach Team; however, proper training and selection of officers will be crucial in the success of the program.

Topeka Police Sgt. Klamm questioned enforcement of the ordinance as it relates to individuals that are intoxicated and would not be allowed to stay at the Topeka Rescue Mission as well as those individuals that

are banned indefinitely from the Topeka Rescue Mission.

Councilmember Ortiz expressed the importance of creating a public-private partnership that could address special circumstances such as those described by Sgt. Klamm.

Councilmember Lesser questioned where the burden would fall in regards to obtaining proof of permission for a person to camp on private property. He cautioned the Committee in creating language that would burden the property owner.

Luther Ganieany stated the proposed ordinance would require the person camping on private property to provide written permission to occupy the property.

Brent Trout, City Manager, stated he appreciates the deliberate process being used to consider the ordinance being proposed. He commended Committee members for involving all the necessary players to ensure a positive outcome. He expressed the importance of people feeling comfortable in their community while assisting those in need and taking personal rights into consideration.

Pat DeLapp expressed concern with the regulations of the Topeka Rescue Mission and suggested finding a federally funded alternative organization that could handle those individuals that are noncompliant with the regulations of the Topeka Rescue Mission. He suggested the City create a general form that could be signed annually by property owners prohibiting camping on private property. He noted it would be difficult to confirm if the written permission being presented was legitimate.

Councilmember Ortiz announced the Homeless Task Force would meet on July 11, 2018, and the next Public Health and Safety Committee meeting would be scheduled after that date.

Other Business

Councilmember Ortiz reported on an incident that occurred involving two large goats running at large in her neighborhood. She requested staff review the code section that would address the issue to avoid it from happening in the future.

Upon no other items being presented to the Committee for consideration, Councilmember Ortiz adjourned the meeting at 4:59 p.m.

Meeting video can be viewed at <https://www.topeka.org/citycouncil/public-health-safety-committee/>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
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Date: July 20, 2018
Time: 3:00 p.m.
Location: LEC, Classroom A; 320 S. Kansas Ave Ste 100

Committee members present: Councilmembers Sandra Clear, Sylvia Ortiz (Chair) and Mike Padilla

City staff present: Brenda Younger, City Clerk; Luther Ganieany, Topeka Police Legal Advisor; Lisa Robertson, City Attorney; Brent Trout, City Manager; Sergeant Joshua Klamm, Topeka Police Department; Sasha Haehn, Director of Department of Neighborhood Relations; and Corrie Wright, Division Director of Housing Services.

Call to Order

Councilmember Ortiz called the meeting to order.

Approve Minutes from June 15, 2019 meeting

Councilmember Clear moved to approve the minutes. The motion seconded by Councilmember Padilla carried unanimously. (3-0-0)

Presentations

Luther Ganieany showed a TED Talks video to the committee. The link to that video is provided below.

Councilmember Ortiz inquired with SGT Joshua Klamm about an upcoming program that is similar to the one introduced in the video. SGT Klamm confirmed that the Homeless Outreach Taskforce (HOT) program is in the finishing stages of completion and requires approval of Police Chief Bill Cochran.

Public Input

- Frank Anderson, Director of Homeless Services at the Topeka Rescue Mission (TRM), noted that TRM has a Street Reach program, however would be interested in partnering with the City of Topeka in an alternative program such as the one presented in the video. Mr. Anderson noted that TRM would have resources to assist with providing a staff member to drive a van and to provide sack lunches. Councilmember Ortiz inquired with Mr. Anderson about the requirement of having a place for individuals to sleep for the evening after completing a day's work. Mr. Anderson noted that he was aware of the regulations at TRM and that although TRM is not a public shelter, TRM would be willing to provide a bed for individuals who were within compliance of TRM's policies. Councilmember Sandra Clear referred to the letter provided to the committee by Barry Feaker, Director of TRM, and inquired if the Homeless Service Work Program (HSWP) is something that could be done in addition to the ordinance. Councilmember Clear also inquired if the ordinance could be in effect with the program coming into action

at a later time if it was not ready at the same time. Mr. Anderson noted that the program is not currently in place, but is a proposal of something to go in tandem with the ordinance. Lisa Robertson, City Attorney, commented that there are elements of the ordinance that would have to be met, however the entire plan would not have to happen at the time the ordinance would go into effect.

- Corrie Wright, Division Director of Housing Services with the City of Topeka and member of the Homeless Task Force, commented that she had been in attendance of recent Homeless Task Force meetings. Carrie Allen, Vice-Chair of the Homeless Task Force, read a letter to the committee introducing the organization and possible ways in which they could be of assistance. Ms. Allen also noted that there are questions that the task force had which were not currently being addressed by the proposed ordinance. Ms. Allen asked for a delay in voting on the ordinance, however noted that the request was not a dismissal of the ordinance altogether. Ms. Allen provided committee members a letter and asked that the decision of the ordinance be delayed an additional three (3) months to allow for more discussion to be had concerning feasibility issues. Councilmembers Clear and Padilla had a few inquiries but both shared a feeling of wanting to move the ordinance forward sooner rather than later.
- Tawny Stottlemire, with Community Action, provided Committee members with a letter that listed commends from Community Action members. Ms. Stottlemire stated that Community Action also supported the Homeless Task Force and requested more time to put a program in place prior to passing the ordinance. Community Action is working toward the same goal as the Governing Body is hoping to accomplish with this ordinance.
- Councilmember Clear inquired as to how past ordinances with public assistance has been handled, specifically to define what the roll of the City government is. Doug Gerber, Deputy City Manager, noted that there are many rolls in which the City could and should be involved with partnering to address this issue. Mr. Gerber noted that the Governing Body are the policy makers, and that the topic of public camping is at the forefront of being addressed in many cities. Many of the City's departments are directly effected by this issue as well as by the requirements listed in the ordinance. Mr. Gerber felt that input and participation from the committee as well as from the organizations that are in attendance are critical for this ordinance to be successful. Councilmember Clear inquired as to the depth of research that needed to be done prior to passing the ordinance. Deputy City Manager Gerber felt that once the major topics had been discussed, the ordinance could be passed. There will always be a potential for a lawsuit, however if circumstances can be mitigated to reduce the frequency and likeliness of this occurring, the Governing Body could feel comfortable passing the ordinance.
- Ximena Garcia inquired with committee members about the type of community they wanted Topeka to be. Ms. Garcia expressed disapproval of the ordinance as well as the tax increase. Councilmember Clear acknowledged Ms. Garcia's remarks and noted that there have been a number of businesses within the City that are being hurt by individuals who are camping on public property. There is a cost of cleaning up past campsites as well as health issues occurring within the sites.
- Councilmember Padilla inquired with City staff about the difference of private and public property, specifically wanting to address enforcing current ordinances that cover trespassing. Councilmember Padilla inquired if the trespass ordinance will be different from the proposed camping ordinance. Luther Ganieany noted that because it is public property, it would be interfering on the individual's Constitutional right to be in that space. Lisa Robertson noted that the trespassing ordinance could be enforced on private property, however unless there was an immediate danger, the trespass ordinance would not be able to be enforced on public property.
- Steve Schiffelbein, with Topeka JUMP, addressed the committee and advocated for a homeless employment program. Mr. Schiffelbein also suggested that the committee clearly state the intent of the ordinance.

- Councilmember Ortiz inquired about an update on a current permit process for camping on the river. Lisa provided committee members with an email as well as with a verbal update.
- Councilmember Ortiz felt that another public meeting should be held to develop a team to work on this camping ordinance.
- Councilmember Ortiz noted that anyone wishing to be on the committee to provide input should call the Liz Toyne in the Council Office at 785-368-1670. The following list are items to be reported on at the next Public Health and Safety Committee meeting:
 - Homeless Task Force to reach out to the residents who are currently camping under the Kansas Ave Bridge in North Topeka.
 - TPD report update on Homeless Outreach program
 - City Legal update or report on anything they may deem necessary
 - Topeka Rescue Mission report any detail of proposed program
 - Corrie Wright, meet with the Homeless Task Force President and bring back ideas about a sub-committee
 - Invitation for Community Action and Ms. Ximena Garcia to be at the next meeting.
 - Homeless Task Force to provide the number of beds and “Caring Shelters” that could be committed by agencies on the task force.
 - Doug Gerber and the City’s Finance Department follow up if an account could be set up to receive donations. If that is not a possibility, other ideas that could be done.
 - JUMP to follow up with definition of what specifically “affordable housing” means
 - SGT Klamm to report about the issue of storage
 - Homeless Task Force to provide update on what organization would provide medical assistance as needed and the round the clock supervision
- Lisa Robertson and Luther Ganieany expanded on the research that had been completed regarding the wording of the ordinance.
- Reverend Sarah Oglesby-Dungan provided a departing prayer

Set Next Meeting

Within a month

Adjourn

Councilmember Ortiz adjourned the meeting.

Meeting video can be viewed at: <https://youtu.be/VcY8vGAZe7A>

TED Talks Presentation can be viewed at:

https://www.ted.com/talks/richard_j_berry_a_practical_way_to_help_the_homeless_find_work_and_safety#t-728108



CITY OF TOPEKA

CITY COUNCIL COMMITTEE MEETING MINUTES

PUBLIC HEALTH AND SAFETY COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: August 27, 2018

Time: 3:00 p.m.

Location: Holliday 1st Floor Conference Room, Holliday Bldg 620 SE Madison

Committee members present: Councilmembers Sandra Clear, Sylvia Ortiz (Chair) and Mike Padilla

City staff present: Luther Ganieany, Topeka Police Legal Advisor; Lisa Robertson, City Attorney; Brent Trout, City Manager; Sergeant Joshua Klamm, Topeka Police Department; and Corrie Wright, Division Director of Housing Services

Call to Order

Councilmember Ortiz called the meeting to order.

Approve Minutes from July 20, 2018 meeting

Councilmember Padilla moved to approve the minutes. The motion seconded by Councilmember Ortiz. Councilmember Clear was absent for the vote. The motion carried unanimously. (2-0-1)

Reports and Follow-Ups from Organizations

- Councilmember Clear arrived
- Corrie Wright, Department of Neighborhood Relations and liaison for the Homeless Taskforce, provided committee members a letter and addressed the committee with the following highlights:
 - Suggested building a designated camping area, California has weather proof tents (link provided below). This idea would have access to water, restrooms, and the tents are roughly \$2,500 each and the Taskforce recommended having 20 tents to begin with. Community conversations would take place to help fund the program privately without using City tax dollars. Ms. Wright will speak with Luther Ganieany, Legal, to research legal matters that might come up.
 - Educate business owners about their legal rights regarding calling police.
 - Creating a day center in the downtown area which would provide a place out of the weather to socialize, have access to a light meal, and activities to keep individuals from loitering around the downtown area, which has been a concern from many citizens.

- Options for free bus passes, to hopefully entice individuals to travel for a job, or social services that they may be in need of.
- Funding for the Topeka Police Department to have homeless outreach officers.
- A group of members from the Homeless Taskforce went out and interviewed a number of homeless individuals to get their input. These interviews were videotaped and could be provided to the committee to view at a following meeting.
- Councilmember Padilla inquired about the interview with homeless individuals to find out what would be needed for living or what the holdup is as to why they are staying on the street.
 - Brett Martin with United Way discussed his interviews with homeless campers along the Kansas River and noted that many of the individuals were not generally transient, and were willing to gain assistance if it were made available. They would prefer a designated camping area with cover.
 - Council members were interested in watching the video of interviews.
 - No children were present and there are a total of 53 known households camping.
 - Sergeant Klamm: There may be camps on the west side, but not a large number. They conducted outreach with individuals prior to discussing their situation. Some they talked with were chronically homeless. Some have various barriers to finding alternative housing. A facility with water or designated area would be positive, but some issues within the community may have to be worked out. His team will be in charge of homeless outreach. This team would begin with one officer until more manpower/resources are dedicated. Another concern was what to do with belongings if the homeless individual is arrested, they are supposed to hold their stuff for 90 days. TPD is currently looking at a shipping container to keep at the impound lot. This option is cost effective. Councilmember Padilla asked how this population sustains themselves with food and other necessities. SGT Klamm noted the individuals go to the Mission, Let's Help and travel to get water and bring it back to the camp within walking distance.
 - Councilmember Clear queried if the individuals who were interviewed provided an accurate representation to the homeless camping community as a whole. SGT Klamm noted that in addition to the seven individuals who were interviewed, he had spoken to about four the week prior and all parties confirmed a similar response. They would be interested in living in a designated area as long as basic commodities would be available. SGT Klamm suggested doing a more in depth survey with more of the population to have a more rounded answer. Councilmember Clear noted that having a designated camping area would allow authorities to say "yes" instead of so many "no's" with regard to where homeless individuals could be or not be. SGT Klamm met with Barry Feaker of the Topeka Rescue Mission and the Mission is interested in having more conversations about having space near the Mission for an outdoor camping area.

- SGT Klamm stated another hurdle is the issue of identification. This process is difficult under current state requirements. Houston, Texas has a program that their police department set up which allows homeless individuals to obtain a Social Security card and birth certificate. SGT Klamm provided the committee with an example of the Identification Letter. SGT Klamm has more follow up to do with state organizations to inquire about the possibilities of TPD being able to run a similar program, but felt this program would be relatively easy to run and would not utilize a lot of resources or man power to do it. Councilmember Ortiz asked Legal to draft something for this project. Councilmember Ortiz also noted that individuals who were in need of a copy of their birth certificate, or social security card, if it is on file, could go to the Department of Child and Family Services and receive one free of charge.
- Councilmember Ortiz inquired with Luther Ganieany about the status of the MOU. Mr. Ganieany noted that the MOU is in the final stages, however is not ready to date.
- Councilmember Ortiz instructed SGT Klamm to send team information to Liz Toyne (Council Assistant).
- Mary Tibbitts with Stormont Vail addressed the committee and noted that health care services are not a high priority on homeless list. Ms. Tibbitts informed the individuals that the team met with about GraceMed, and offered it as a secondary option to going to the Emergency Room. Ms. Tibbitts noted that in her experience with working with homeless individuals, health care is not generally a priority unless there is an immediate emergent need. Councilmember Ortiz asked Ms. Tibbitts to provide Liz Toyne with her contact information.
- Councilmember Ortiz went down her check list
 - Legal Updates: Luther Ganieany noted a designated campground would be considered an alternative to housing but requested the committee to give thought to how this campground would remain clean/sanitary, as this would be a big issue.
 - Councilmember Clear and Ortiz asked Frank Henderson, with Topeka Rescue Mission and Liz Toyne to follow up with Barry Feaker to invite him to attend the next committee meeting.
 - Councilmember Ortiz asked Corrie Wright to reach out to Topeka Metro to see what they can offer.
 - Community Action - was not present at the meeting, but would be invited to attend the next meeting.
 - Beds and caring shelters - Corrie Wright noted that funding is an issue but had some ideas. Ms. Wright will be going to another community with Mary Tibbitts to see respite homes that hospitals run.
 - City Manager - Councilmember Ortiz asked Brent Trout to inquire with Doug Gerber and the Finance Department about setting up an account to receive funds from private sector
 - JUMP - Councilmember Ortiz inquired with the organization as to if they had determined a definition of what affordable housing was - no definition

was provided.

- Councilmember Ortiz noted that Chesney Park NIA and Stormont nurses offer blood pressure check, diabetic testing, etc for free and asked Corrie Wright to look into that resource as an option.
- Councilmember Ortiz commended all of the entities that attended the meeting noting that this process is long and appreciated their attendance and input.
- Councilmember Padilla inquired with City Legal as to if camping is allowed on any city easements. Luther Ganieany noted that yes, if the area is public/city property. If it is on private property, individuals can be asked to move. Councilmember Padilla suggested the campground as a better option and would urge homeless to go to that location.
- Councilmember Padilla inquired if the homeless know what resources are available to them and where to if they know how to access them. SGT Klamm responded that the individuals do have good networking and are very resourceful. The ID program would be easy to do for small amount of money.

Public Input

None

Adjourn

Councilmember Ortiz adjourned the meeting.

Meeting video can be viewed at: <https://youtu.be/L7JSC-ZUInc>

Link for referenced Tents: <http://worldshelters.org/shelters/u-dome>



CITY OF TOPEKA

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The following are the excerpt of the minutes of the Governing Body regarding the Traffic & Pedestrian Safety Ordinance and the Camping Ordinance.

MAY 8, 2018 MINUTES

ORDINANCE introduced by City Manager Brent Trout, creating Chapter 10.80 in Title 10 of the Topeka Municipal Code concerning Traffic and Pedestrian Safety was presented.

Brent Trout, City Manager, distributed a revised map of the arterial streets that would be affected by the ordinance.

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Clear.

Councilmember Lesser stated he supports the ordinance in theory. He reported that many constituents have contacted him about the issue as well as community stakeholders including the Topeka Fire Department, Topeka Police Department and Barry Feaker, Topeka Rescue Mission, would like to further discuss the issue before the Governing Body considers the ordinance. He suggested a special committee be created, made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments to discuss and research the issue for a period not to exceed three months, with a final report being presented to the Governing Body by September 1, 2018.

Councilmember Ortiz spoke in opposition of creating a special committee and suggested referring the ordinance to the Policy and Finance Committee which would allow input from community stakeholders and staff.

Councilmember Clear questioned what issues need to be considered in committee and noted the Governing Body sets policy to be implemented by staff.

Councilmember Lesser stated he believes consideration should be given to the legal ramifications of the ordinance; a concrete enforcement plan needs to be in place; and more input needs to be gathered from the agencies that would be directly impacted.

Councilmember Jensen stated a special committee would provide a good opportunity to partner with community organizations to help solve the issue.

Councilmember Lesser made a substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Mayor De La Isla spoke in support of referring the ordinance to a special committee to provide an opportunity to research and take an overall look at what should be considered to solve this serious issue in the community.

Councilmember Padilla expressed concern with the safety of firefighters and pedestrians soliciting in medians. He stated discussions should be held to consider what others offer in

regards to providing different perspectives and possible solutions. He spoke in support of referring the ordinance to a special committee.

Councilmember Emerson spoke in support of referring the ordinance to a council and/or special committee for further review.

The substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018, carried. Councilmembers Clear and Ortiz voted “no.” The Mayor does not vote. (5-2-0)

ORDINANCE introduced by City Manager Brent Trout, creating Article III of Chapter 9.45 of the Topeka Municipal Code concerning Camping was presented.

Councilmember Lesser moved to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Councilmember Clear spoke in opposition of referring the ordinance to a special committee as there are many local agencies that directly address the same issues outlined in the ordinance, including the Homeless Taskforce.

Councilmember Ortiz stated she concurs with Councilmember Clear; however, she suggested referring the ordinance to the Public Health and Safety Committee.

Councilmember Padilla spoke in support of referring the ordinance to a committee and expressed the importance of addressing the serious issue in Topeka.

Councilmember Lesser stated he believes this continues to be a complex issue that needs to be addressed and considered by experts in the community.

Councilmember Emerson made a friendly amendment to refer the ordinance to the Public Health and Safety Committee.

Councilmember Lesser accepted the friendly amendment. The second concurred.

The motion to refer the ordinance to the Public Health and Safety Committee with the intent of presenting a final report by September 1, 2018 carried. Councilmember Clear voted “no.” The Mayor does not vote. (6-1-0)

AUGUST 7, 2018 MINUTES

DISCUSSION regarding the Special Committee consideration of the proposed ordinance addressing Pedestrian/Traffic Safety was presented. *(This ordinance was referred to a Special Committee on May 8, 2018.)*

Councilmember Jensen, Special Committee Chair, provided an update on the process to date. He reported the Committee has taken a three phase approach to the issue (1) Review the language of the proposed ordinance to ensure it was clear and understandable; (2) What would the fallout be if the homeless are displaced; and (3) How long would it take to implement and enforce the ordinance. He referenced the Camping ordinance currently being reviewed by the Public Health and Safety Committee and how it relates to Pedestrian and Traffic Safety ordinance and would suggest the Governing Body discuss the two issues as a whole. He noted as a result of the discussions that have already taken place, it will be necessary to locate a funding source to help solve the issues if the ordinance was approved.

Councilmember Clear suggested the Governing Body determine if the issue should be considered a City priority and allocate funds to help solve the problem.

DISCUSSION regarding the Public Health and Safety Committee consideration of the proposed ordinance addressing Camping was presented. *(This ordinance was referred to the Public Health and Safety Committee on May 8, 2018.)*

Councilmember Ortiz, Public Health and Safety Committee Chair, provided an update on the committee meetings and discussions with area organizations to determine the needs of the community. She reported other opportunities are being discussed including private funding as well as the inclusion of State and local partners to help assist.

Lisa Robertson, City Attorney, stated the final report on both the Pedestrian/Traffic Safety ordinance and Camping ordinance are due September 1, 2018. She notified the Governing Body an item would be placed on the August 21, 2018, Governing Body agenda, for the purpose of providing the Governing Body an opportunity to consider how they would like to proceed with the ordinances.

Councilmember Ortiz stated she would prefer to allow time to fully evaluate and discuss the issue to have the most effective outcome in assisting individuals in the community.

Teresa Miller asked the Governing Body to address camping in residential areas, specifically tents, vans and mobile homes on residential backyard properties.

Councilmember Clear stated it was her goal to eliminate camping in residential areas.

AUGUST 21, 2018 MINUTES

ACTION regarding the Traffic and Pedestrian Safety Ordinance Final Report due on September 1, 2018, was presented.

Councilmember Jensen, Special Committee Chair, provided an update on the Committee process to date. He stated rather than set a date certain for completion of a report and review of the proposed Traffic/Pedestrian Safety Ordinance, the Special Committee's desire was to collaborate with the Public Health and Safety Committee, which was charged with reviewing the proposed Camping Ordinance. He also stated by doing this it would provide for a more coordinated effort and would allow Committee members, City staff and community partners to use their time in a more efficient manner; particularly since the underlying obstacles are similar and the ultimate end goals are virtually the same. He noted following the completion of the Public Health and Safety Committee meeting set for August 27, 2018, the joint committee could convene and elect a chairperson from among its members. He reported the joint committee would continue to report back every 90 days as set out in the Governing Body Rules, as progress was being made with possible anticipated action items. He stated he believes, given where both committees are in the process, this type of motion would seem appropriate and could be made following Councilmember Ortiz's report from the Public Health and Safety Committee.

Councilmember Clear reported the Homeless Task Force has expressed concern with combining the two issues. She questioned how the two issues are associated and encouraged the Governing Body to determine what problem they are trying to address.

Councilmember Jensen stated they need to solve the problem concerning the "displacement of people" whether it relates to panhandling or camping.

Councilmember Lesser stated there continues to be legal issues associated with these types of ordinances passed by other cities; therefore, they must have options in place for individuals who do not have the ability to comply with the ordinances.

Councilmember Ortiz asked Luther Ganieany, Topeka Police Legal Advisor, to provide comments on the legality of the ordinances. She reported the Public Health and Safety Committee will continue to work on finding a proper solution to the problem.

Luther Ganieany, Topeka Police Legal Advisor, reported staff conducted extensive research and drafted the ordinance based on cities that have been successful in how they enforce the ordinance. He expressed the importance of the activities not being criminalized and making certain there are alternatives in place to address the issue.

Councilmember Jensen stated he believes they all have the same goal - to provide individuals with assistance where needed.

Councilmember Jensen moved to defer the final report until September 4, 2018. The motion was seconded by Councilmember Clear.

Councilmember Hiller questioned the need for additional data on how traffic/pedestrian safety and panhandling are connected as well as additional data on the different situations associated with camping so the Governing Body could make informed decisions. She reminded the Governing Body that committees do not have to make a recommendation if more time was needed to research issues.

The motion to defer the final report until September 4, 2018, carried unanimously. (10-0-0)

ACTION regarding the Camping Ordinance Final Report due on September 1, 2018, was presented.

Councilmember Ortiz, Public Health and Safety (PHS) Committee Chair, announced the next PHS Committee meeting would be held on August 27, 2018, at 3:00 p.m. at the Holiday Building located at 620 SE Madison. She encouraged everyone to attend as there would be a report from the Homeless Task Force.

Pastor Marcus Clark expressed concern with how the homeless problems are affecting the overall aesthetics of the city as it relates to economic development and downtown revitalization. He encouraged those involved to have bigger conversations about how to help manage the problem through viable solutions instead of enabling the problem through tolerance.

Councilmember Ortiz stated the PHS committee was working with other organizations in the research of viable options for safe havens for those individuals struggling with drug, alcohol and mental health issues as well as homelessness.

Councilmember Hiller reported the same problems exist across the nation and in other countries. She encouraged people to give to the organizations that assist individuals in need by providing different types of resources instead of giving cash directly to the homeless or those that panhandle.

Councilmember Ortiz moved to defer the final report until September 4, 2018. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

SEPTEMBER 4, 2018 MINUTES

ACTION to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz, was presented.

Deputy Mayor Jensen reported the newly created committee would address the issue of homelessness and the displacement of persons as well as poverty. He stated the Special Committee and Public Health and Safety Committee would continue to act upon each ordinance as needed and provide an update regarding each committee's progress on each ordinance every 90 days as required by Governing Body Rule 8.5(c) until work has been completed.

Councilmember Ortiz stated she agrees with the proposal and the consolidation of efforts to address the issue.

Councilmember Lesser moved to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

ACTION regarding the Final Report due on September 1, 2018, for the proposed Traffic and Pedestrian Safety ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Deputy Mayor Jensen, Special Committee Chair, stated there was nothing further to report on the ordinance language at this time. He stated the Committee would report back in 90 days as required by the Governing Body Rules and Procedures.

Andy Fry expressed concern with using relevant data relating to the traffic and pedestrian safety ordinance as it relates to panhandling.

ACTION regarding the Final Report due on September 1, 2018, for the proposed Camping ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Councilmember Ortiz, Public Health and Safety Committee Chair, reported the Committee would need to meet again to gather additional information; consider designating camping areas, i.e. campgrounds through the inclusion of several organizations to help create a viable solution. She noted the Committee would report back in 90 days to the Governing Body.

Councilmember Padilla stated it was important to have different perspectives in solving the issues as there was no quick fix to the problem. He expressed his appreciation to all those involved in the process.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Deputy Mayor Brendan Jenson **DOCUMENT #:**
SECOND PARTY/SUBJECT: Traffic and Pedestrian Safety Ordinance **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: Defer to Special Committee 05-08-18.
Discussion (90-Day Update) 08-07-18. Defer (until Sept 4th) 08-21-18. Discussion (90- Day Update) 09-04-18 **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

UPDATE and possible ACTION on the proposed traffic and pedestrian safety ordinance. *(90 day update from the meeting of September 4, 2018.)*

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

(Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The Special Committee Chair will provide an update to the Governing Body on the proposed camping ordinance as required by Governing Body Rules and Procedure 8.5(c).

STAFF RECOMMENDATION:

Staff makes no recommendation

BACKGROUND:

On May 8, 2018, a proposed ordinance addressing camping was referred to a Special Committee with a report due back to the governing body on September 1, 2018. Since that time, several committee meetings have been conducted for the purpose of discussing the ordinance as well as updates to the Governing Body.

Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. The last update provided by the Public Health and Safety Committee related to the proposed Camping Ordinance occurred on September 4, 2018. Action or a subsequent update on the proposed Camping Ordinance is required on or before December 4, 2018.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

Proposed Traffic/Pedestrian Safety Ordinance - May 8, 2018

Traffic Safety Map - May 8, 2018 Governing Body Meeting Packet

Question and Answer Summary - May 8, 2018 Governing Body Meeting Packet

Special Committee Meeting Minutes (DRAFT) - July 18, 2018

Special Committee Meeting Minutes - July 9, 2018

Governing Body Meeting Minutes - Excerpts

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Brent Trout City Manager, creating Chapter 10.80 in Title 10 of the Topeka Municipal Code concerning Traffic and Pedestrian Safety.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.010, which said section reads as follows:

Findings.

The governing body makes the following findings:

(a) The high volume of motor vehicles travelling on congested roadways in the city makes mixing pedestrian and the moving, slowing or temporarily stopping of motor vehicles in the same space, at the same time, inherently dangerous.

(b) Pedestrians distracting drivers from the task of driving by approaching a stopped vehicle, attracting and/or attempting to attract the attention of the driver of a motor vehicle for the purpose of inducing that driver to slow or stop the vehicle to facilitate the transfer of anything by the pedestrian to the driver or passenger is hazardous to public safety, both for occupants of motor vehicles and for pedestrians.

(c) The prohibitions set forth in this chapter are narrowly tailored to serve the significant interest of promoting and protecting the public health, safety and welfare and that these prohibitions leave open ample alternative channels of communication throughout the city.

(d) It is the intent of this chapter to protect the health, safety and general welfare of the citizens of the city, to assure the free, orderly, uninterrupted movement of

motor vehicles on designated highways within city limits, and to provide for the safety and interests of pedestrians and of occupants of motor vehicles located on designated roadways within the city and to reduce the number of pedestrian and motor vehicles occurring within the city.

(e) Pedestrians are increasingly using highways and roadways in ways for which the roads were not designed or intended. These uses include approaching vehicles when stopped or in use or staying upon medians and in the public right of way for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile accidents more likely. This chapter is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute in the busiest streets within the city identified as arterial streets and those within a congested area.

Section 2. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.020, which said section reads as follows:

Definitions.

"Arterial streets" includes the following:

S.W. Wanamaker between S.W. 29th Street and S.W. 10th Avenue

S.W. Fairlawn between S.W. 29th Street and S.W. Huntoon Street

S.W. Gage between S.W. 29th Street and S.W. Huntoon Street

S.W. 21st Street between S.W. Wanamaker and S.W. Gage

S.W. 29th Street between S.W. Wanamaker and S.E. Adams Street

"Congested areas" means all streets and portions of streets, excluding alleys, within the area bounded by (a): S.W. MacVicar Avenue on the west; S.W Topeka

Boulevard on the east; S.W. 6th Avenue on the north; and S.W. 21st on the south; and
(b) S. W. Topeka Boulevard on the west; Interstate 70 on the east; S.W. 4th Street on
the north; and S.W. 10th Avenue on the south.

"Designated roadway" includes roadways, shoulders, islands, public right-of-
ways or medians of any arterial streets and streets within a congested area.

"Driver" means every person who drives or is in actual physical control of a motor
vehicle.

"Motor vehicle" means every vehicle which is self-propelled.

"Pedestrian" means any person afoot.

"Public right-of-way" means the entire width of the area from property line to
property line including that area between the roadway and the abutting private property
line.

"Roadway" means the portion of a highway improved, designed or ordinarily
used for vehicular travel.

"Vehicle" means every device in, upon, or by which any person or property is or
may be transported upon a highway, except devices moved by human power.

Section 3. That The Code of the City of Topeka, Kansas, is hereby amended
by adding a section, to be numbered 10.80.030, which said section reads as follows:

Prohibition: Entering or Staying Upon Designated Roadway.

(a) It shall be unlawful for any person to go upon any designated roadway or
remain alongside any designated roadway and approach a vehicle stopped on the
roadway or attempt to attract the attention of the driver or occupant of a motor vehicle
for the purpose of inducing the driver of the motor vehicle to remain stopped, slow or

stop the vehicle to facilitate a transfer of anything from the driver or occupant of the vehicle to the pedestrian or the transfer of anything by the pedestrian to the driver or occupant.

(b) No person shall be upon the median of a designated roadway unless that person is in the process of crossing the roadway.

(c) No person shall activate a pedestrian crosswalk signal for any purpose other than to stop traffic to allow such person to cross the roadway.

(d) It is prima facie evidence of a violation of subsection (b) and (c) if the person stays on the median or at the intersection through two consecutive opportunities to legally cross the roadway. This may include a change in the traffic control signal or lack of traffic. After two such consecutive opportunities, such person shall not be considered to be using the crosswalk for purposes of the exception in subsection (f)(1).

(e) No driver or operator of a motor vehicle shall park, stop, or leave standing a vehicle on a designated roadway or suddenly decrease the speed of such vehicle or deviate from a traffic lane for the purpose of responding to persons violating subsection (a), (b), or (c).

(f) Exceptions. This chapter does not apply to:

(1) Persons using a crosswalk to cross the roadway.

(2) Persons engaged in law enforcement, emergency, or rescue activities, including providing assistance to an injured or disabled vehicle or person.

(3) Persons engaged in repair or maintenance activities of highways under the direction of the city or state.

(4) Streets or portions thereof that have been closed pursuant to authorization from the City, including but not limited to special events permitted pursuant to Chapter 12.70.

Section 4. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.040, which said section reads as follows:

Penalty.

Any person who violates the provisions of TMC 10.80.030 is guilty of a misdemeanor. Upon conviction, a person shall be sentenced to a fine not to exceed four hundred and ninety-nine dollars (\$499) and/or imprisonment not to exceed thirty (30) days.

Section 5. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 10.80.050, which said section reads as follows:

Severability.

If any section, subsection, sentence, clause, or other provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall take effect and be in force from 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 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.

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PASSED AND APPROVED by the City Council on _____.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk

Traffic Safety

This map of Topeka, Kansas, displays traffic safety data. A blue shaded area covers the central urban core, including areas around Washburn University and the Topeka Country Club. A red line traces a path through the city, likely indicating a high-risk corridor. Numerous red dots are scattered across the map, representing individual traffic incidents. The map includes major roads, parks, and landmarks. The title 'Traffic Safety' is prominently displayed in the top left corner.

- 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: twogue
Date: 5/3/2018

Traffic/Pedestrian Safety Ordinance

Questions and Answers

Q: *What does the ordinance do?*

A: The ordinance has three objectives:

- (1) to prohibit both drivers and pedestrians from transferring items on certain designated streets;
- (2) to prohibit people from standing on medians on certain designated streets unless the person is actually crossing the street; and
- (3) to prohibit a person from using a pedestrian crosswalk signal for any purpose other than to cross any street.

Q: *Do these prohibitions apply to all streets in the city?*

A: No. Only the prohibition against folks using a pedestrian crosswalk signal for any purpose other than to cross a street.

Q: *If not, to which streets in the city do these prohibitions apply?*

A: The prohibitions against transferring items and standing on medians apply only on the streets identified as ‘arterial streets’ and the streets located within the ‘congested area.’ These particular streets were identified based upon data reflecting a higher volume of vehicular traffic accidents and an increased number of pedestrian injuries/fatalities.

Q: *What is a pedestrian prohibited from doing?*

A: A pedestrian cannot stand in any part of the designated street (i.e. shoulder, median); or stand next to the designated street and approach a stopped vehicle or try to attract the attention of the driver/occupant to get the driver to stop or slow down to facilitate a transfer of an item (e.g. money, food).

Q: *How will the police determine if a pedestrian has violated the second or third prohibition?*

A: If the pedestrian lingers at the median or the intersection through two consecutive opportunities to cross (e.g. two light changes; no traffic), that will evidence that the pedestrian isn’t using the crosswalk to cross the street.

Q: *Would the ordinance apply to a person advertising for a business or activity such as a car wash or going out of business sale?*

A: No, as long as the pedestrian is not on the median and does not enter the roadway to engage in a transfer with a vehicle driver.

Q: ***What is a driver prohibited from doing?***

A: A driver cannot stop the vehicle, slow down, or change lanes to facilitate a transfer of an item (e.g. money, food) to a pedestrian.

Q: ***Does the ‘congested area’ include private property and parking lots?***

A: No. The prohibitions apply only to the streets within that area and exclude alleys.

Q: ***Does the ordinance provide for any exceptions?***

A: Yes. Crossing the street. Law enforcement and emergency personnel. Street repair. Streets closed for special events permitted by the City.

Q: ***Does the ordinance provide an exception for city employees and/or those volunteering on behalf of charitable organizations to solicit funds?***

A: No. The purpose of the ordinance is to promote traffic safety by protecting both drivers and pedestrians. The City cannot discriminate among various types of speech without subjecting itself to potential legal exposure.

Q: ***What constitutes a special event?***

A: A special event is an outdoor event held on public property organized for a particular and limited purpose and time, including, but not limited to, parades, block parties running/walking/bicycling events, motor vehicle events, festivals and concerts. TMC 12.70.010.

Q: ***Will there be a ‘grace period’ within which TPD will issue warnings before issuing actual citations?***

A: Yes. Staff will follow Wichita’s lead, which allowed for a 90 day grace period.

Q: ***What’s the penalty if convicted?***

A: Misdemeanor. Fine of up to \$499 and 30 days in jail.



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

Special Committee - Traffic & Pedestrian Safety

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: July 18, 2018

Time: 3:00 p.m.

Attendance

Committee members Deputy Mayor Brendan Jensen, Councilmember Michael Lesser, Lieutenant Aaron Jones (TPD), Chief Craig Duke (TFD), Bill Persinger (Valeo), Barry Feaker (Topeka Rescue Mission), Brian Cole (SNCO DOC).

Absent: Councilmember Michael Padilla, excused

1) Call to Order/Introductions

Meeting was called to order by Deputy Mayor Brendan Jensen. Committee members introduced themselves.

2) Approval of Minutes

Barry Feaker made a motion to approve the minutes from the July 9, 2018 meeting. Brian Cole seconded the motion. Minutes were approved.

3) Discussion by Committee

Major topics included:

- Brian Cole reminding all that the topic is a public safety concern. Limiting distractions, of any kind, in congested areas will help to keep people safe. And that the issue of panhandling is a separate issue. Mr. Cole made the recommendation to focus the meeting toward clearing up congested intersections.
- Councilmember Lesser wanted to add that the data gathered to measure where accidents occur should be the focus and not finding relevance in the specific causes of those accidents.
- Deputy Mayor Jensen stated the goal of the ordinance is to prevent accidents and injuries between vehicles and pedestrians, or vehicle collisions. A significant fallout will occur with this ordinance in that there are a number of individuals who participate in their constitutional right to panhandle. Deputy Mayor Jensen suggested looking at the proposed ordinance as it stands and if the committee agrees on the

language within the ordinance, the next focus would be on how to mitigate the challenge of individuals who are panhandling.

- Luther Ganieany considered discussion about the number of accidents that was brought up at the July 9th meeting and one clear issue coming from this will be a constitutional one. The framework must be narrowly tailored to further a compelling government interest. The government interest is where there is potential for an issue. There is still a chance that the City would be sued, and could lose that lawsuit. The committee's compelling government interest in this ordinance is public safety. The legal issue is whether or not proof must be provided. That is not something that can be known until a potential case would occur. Some discussion was had between committee members and Mr. Ganieany to clarify the various legalities. Mr. Ganieany then showed a video that highlighted an alternative program to address the issue of panhandling in the City of Albuquerque, New Mexico. (The link to this video can be found at the bottom of the minutes). Video feedback included:
 - Mr. Ganieany noted that this alternative program not only collected panhandlers for the day to do work, but it also took an educational approach for the public, letting them know where their donation money is spent.
 - Deputy Mayor Jensen inquired if the program was successful because it was already in place, or if we thought something similar might be successful in our city.
 - Reverend Barry Feaker appreciated the idea presented in the video and noted some of the infrastructure that is currently set up in the city. Reverend Feaker would prefer to start the program prior to putting the ordinance into place.
 - Deputy Mayor Jensen clarified that the Governing Body initially sent this ordinance to the Special Committee because there was a feeling that there would be a need for both, an ordinance as well as a program, and not just passing the ordinance.
- There was some back and forth discussion between committee members as to if the ordinance should be passed first or begin the program first.
- Bill Persinger inquired if there was a way to separate the ordinance into various phases which would allow for a phase one to be implemented sixty (60) days after passing the ordinance followed by a second and third phase being implemented after some of the programs are better established.
- Brian Cole noted that there is an inmate work program, and is able to attest to the success of offering work to someone who is currently without a job. Mr. Cole was concerned with some of the insurance and worker's compensation restrictions that may apply to the City doing a program such as this as well as if having panhandlers perform some of the same type of work as the inmate crews. Overall, Mr. Cole was interested in finding out more as to this opportunity.

- Bill Persinger suggested having a private for-profit business step in to assist this effort or perhaps a private non-profit organization to have public/private partnership with the City.
- Deputy Mayor Jensen noted that having some more information would be helpful for a future meeting. However, would like to see if the committee could come to an agreement on passing the ordinance as it stands at this point.
- Mr. Persinger noted that he would feel more comfortable having more information and input from the community prior to passing the ordinance. Mr. Persinger appreciates the ordinance as it is written, however would like to have a program in place prior to putting the ordinance into effect.
- The committee held more conversation regarding the order of the ordinance and the program. The committee discussed placing one in action prior to the other, having both occur simultaneously, and having the ordinance go into place however limiting the penalty portion for an amount of time allowing the program and public education piece to develop.
- Deputy Mayor Jensen inquired with Reverend Feaker as to how quickly he felt the program portion could begin. Reverend Feaker felt that the program could possibly begin as early as the end of 2018, however more likely 2019. Reverend Feaker also noted that having adequate shelter in place would be necessary, reminding committee members that the Rescue Mission has standards that not everyone wants to or can follow. Additional shelter would need to be made available.
- Bill Persinger echoed Reverend Feaker's comments noting that the program could easily be successful if there were enough resources and enough will.
- Deputy Mayor Jensen inquired with Luther Ganieany about the possibility of introducing the ordinance and having it go into effect immediately however the citation aspect being held for a determined and noted period of time. Mr. Ganieany noted that the only risk of going forward with this would be that there would be no consequence.
- There was further discussion from the committee members regarding potential set-backs including mental/behavioral health, any background check processes, public education and pushing that information out so that the programs can be funded adequately, traffic issues.
- Fire Chief Duke inquired with Mr. Ganieany as to what the likelihood would be of panhandlers simply moving the intersection or location to continue their behavior. Mr. Ganieany noted that individuals would be legally allowed to move. If a program got started and signs for the general public were posted around the city, not only those listed intersections, it would help to educate, encourage and then enforce the ordinance.
- Councilmember Lesser provided an example of San Francisco where secured donation boxes are set up all over the town and commercials are played asking people to make their donation in those boxes rather than

handing money to an individual directly. The boxes note the many organizations which split the money to help people in need.

- Chief Duke elaborated on his initial question to ask about the possibility in requiring some sort of registration or permit to allow them to ask for donations. This would include the fire departments that participate in the MDA Boot campaign, as well as panhandlers, or other group.
- Mr. Persinger inquired as to the difference between being legally allowed to offer a service, such as selling hot dogs and doing an activity at an intersection such as washing windows. Deputy Mayor Jensen elaborated that the ordinance would be content neutral in regard to the activity. Anything that would be distracting to drivers in the listed intersections would be illegal.
- Chief Duke inquired as to what some options would be to allow the firefighters to continue collecting donations annually for the MDA drive. Councilmember Lesser suggested setting up alternative locations in a similar way that the Salvation Army sets up their kettle collections and the Girl Scouts set up cookie locations. Deputy Mayor Jensen suggested adding a requirement that participants in activities within these noted areas would need to have a high visibility uniform of sorts. Mr. Ganieany noted that the City's liability risk would be lower with that requirement versus a requiring a permit, however would not likely be practical for everyone to abide by as it would require pre-planning. The problem with this requirement is that an activity such as panhandling is considered freedom of speech under the constitution and there cannot be a requirement of pre-planning for this right.
- Councilmember Lesser reminded the committee that there are potentially more than just the two participants at risk with no ordinance. Not only the driver and person on the street, but also the driver(s) behind them not realizing the car in front is coming to an immediate stop thus causing an accident.
- Deputy Mayor Jensen suggested looking at the ordinance at this meeting, excluding the implementation timeline, and talk about the program that would be brought forth alongside of the ordinance at the next committee meeting, giving time for the committee members to do some research and have something substantial to provide the Governing Body when the committee makes its final report.
- Reverend Feaker inquired as to if there is enough of a public safety concern to warrant an ordinance. If the answer is yes, then move forward with the program and the ordinance. If the answer is no, he suggested that the ordinance without adequate understanding of those individuals that would be effected would not be wise. Luther Ganieany noted that the ordinance began by identifying the top ten accident locations that included pedestrians and vehicles. There is an issue of distracted drivers. The ordinance would recognize that there is an issue with distracted drivers at busy pedestrian intersections. There is a split from how the court would view this information, and there is no prediction as to which direction the court would view the ordinance on a specific situation.

- Bill Persinger inquired if the City Manager's office would be responsible for putting together some of the program's logistics. Deputy Mayor Jensen noted that the topic would be something that was addressed at the next committee meeting.
- Deputy Mayor Jensen suggested three phases to be completed by the time the committee makes a final report to the Governing Body:
 - Approval of the language of the ordinance
 - Introduction of the program
 - How to phase in the program in with the ordinance
- Reverend Feaker made a motion to accept these three phases. Brian Cole seconded the motion. The motion passed 7:0.
- Deputy Mayor Jensen charged the committee members to bring ideas regarding a program to help with panhandling, as well as the resources that would be needed to accomplish the program.

4) Public Comment

James Smith, private citizen, suggested a few ideas to the committee regarding ways to educate the public on which intersections were dangerous, as well as the general inherent danger of panhandling. Mr. Smith also suggested requiring panhandlers who wanted to be a permanent profession, to be required to have a Peddler's license in the way the City requires individuals at the Farmer's Market or others to do. Mr. Smith also suggested building some sort of tiny house community to go along with the work program being suggested by the committee as an option for individuals to retreat to following a day's work.

5) Set Future Meeting Date(s)

To Be Determined

6) Adjourn

Deputy Mayor Jensen adjourned the meeting.

Link to TED Talks video presented at meeting can be found at:

https://www.ted.com/talks/richard_j_berry_a_practical_way_to_help_the_homeless_find_work_and_safety#t-728108

Video from the meeting can be found at: <https://youtu.be/oaEL8EbUYdY>



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

Special Committee – Traffic & Pedestrian Safety

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Location: Topeka Police Department, 320 S. Kansas Ave., LEC Classroom A

Date: July 9, 2018

Time: 3:00 p.m.

Attendance

Committee members Deputy Mayor Brendan Jensen, Councilmember Michael Lesser, Councilmember Michael Padilla, Lieutenant Aaron Jones (TPD), Chief Craig Duke (TFD), Bill Persinger (Valeo), Barry Feaker (Topeka Rescue Mission), Brian Cole (SNCO DOC).

1) Call to Order/Introductions

Meeting was called to order by Deputy Mayor Brendan Jensen. Committee members introduced themselves.

2) Election of Committee Chair

Committee member Padilla made a motion to elect Deputy Mayor Jensen as the Committee Chair. Committee member Feaker seconded the motion. Motion passed. Deputy Mayor Jensen will serve as the chair for this committee.

3) Presentations

a) Overview of proposed changes – City Manager Brent Trout gave a few words to the committee to thank members for their work with this special committee and reiterated the importance of coming together to work on this ordinance.

b) Legal considerations – Luther Ganieany, TPD Legal, provided committee members with a presentation for legal considerations. The City of Wichita currently has a similar ordinance for panhandling that the City of Topeka is looking at implementing. After providing some statistics and data that has been gathered over the past seven years in Topeka, Luther Ganieany introduced the vocabulary and definitions that would make up the ordinance. The ordinance would be limited to apply to only arterial intersections and congested areas as would be defined within the ordinance. The streets and areas introduced were selected after historical data provided the necessary statistics, which then identified “designated areas”. The main proponents to this ordinance that are intended to aid in keeping areas safe for both pedestrians and drivers include:

1) The proposed ordinance prohibits individuals to go upon any designated roadway or remain alongside a designated roadway and approach a stopped vehicle or attract the attention of the driver or occupant for the purpose of facilitating a transfer.

Bill Persinger questioned if drivers would also be penalized along with pedestrians. Mr. Ganieany noted that the answer would be presented shortly. Mr. Persinger also inquired if alleys and parking lots within those congested areas or near the arterial streets would be included as unlawful per this ordinance. Mr. Ganieany noted that these were not be included. Mr. Persinger wanted to make note to circle back to this issue to look at.

Councilmember Lesser inquired about drivers pulling over in a legal parking area momentarily, such as in a residential area, and parks to drop something off, if the action would be considered illegal. Mr. Ganieany confirmed that such an action would not fall under the proposed ordinance and would not be considered illegal.

2) The ordinance would prohibit the action of being on the median of a designated roadway unless the person is in the process of crossing the roadway.

3) The ordinance would prohibit the activation of a pedestrian crosswalk signal for any purpose other than to stop traffic to allow crossing the roadway. It would be considered a violation if the person stayed on the median or at the intersection after two consecutive opportunities to legally cross the roadway.

Deputy Mayor Jensen suggested volunteer crossing guards to assist with crossing the street. Mr. Ganieany noted that this ordinance would not prohibit individuals legally using the crosswalk to cross the roadway with exceptions also being made for large groups that may need to activate the pedestrian signal multiple times to allow for safe crossing at one time.

Mr. Ganieany then presented the section of the ordinance that would prohibit certain actions of drivers and would make them equally liable for violations the same as for pedestrians. The section included exceptions to the ordinance to allow for working and temporary types of situations that may fall into the category of holding up traffic on congested areas.

Barry Feaker inquired about including a provision for special circumstances that would cover an individual, who was not a designated first responder, stopping and/or holding up traffic to assist in an emergency type of situation. Mr. Ganieany noted that this type of example would not be in violation of the ordinance as no transfer of services would be occurring.

4) Discussion by Committee

Councilmember Lesser provided a handout to the committee. Deputy Mayor Jensen opened up the floor for committee members' comments/questions.

Brian Cole inquired if the data shown in the presentation showed that the crashes correlated to panhandling/distracted drivers specifically due to this activity, or if there just happen to be a high number of crashes in those intersections due to sheer volume. Mr. Cole also voiced concern that activity may move off of designated streets and into parking lots of businesses. Mr. Cole also voiced concern regarding the financial impact it would cost if pedestrian violators of this ordinance were to be sent to jail. The other main concern of Mr. Cole's is that pedestrians will seek out other public areas to move their activity to keep within the ordinance rather than ceasing the activity altogether. Councilmember Lesser answered the question regarding the use of private parking lots, noting that individuals would be required to have permission to be in the private parking lot. Councilmember Lesser asked Mr. Ganieany to expand. Councilmember Lesser also inquired as to the inherent danger that comes with the act of distracting a driver regardless of location, and if there is a need for defining congested areas and arterial streets and not simply prohibiting the action entirely. Mr. Ganieany noted that there were some legal considerations that had to be made with regard to the First Amendment. Panhandling is recognized as speech and is protected by the First Amendment. Whatever ordinance is set, it must remain content neutral and apply to everyone. The language in the ordinance must also be narrowly tailored, meaning that the proposed ordinance must allow for an alternative avenue for this type of activity and speech. This answers why there is a need to identify certain streets, intersections, and designated areas.

Deputy Mayor Jensen inquired about the City's sign ordinance. Mr. Ganieany noted that the sign ordinance defines a sign as something that is fixed to an object or stuck into the ground, and not a person. Mr. Persinger followed with an inquiry regarding advertisements, such as a furniture store employee holding a sign. Mr. Ganieany noted that in the instance of businesses using employees to advertise on the sides of streets, they are not exchanging anything which would hold up traffic. Drivers can see their advertisements and continue driving or pull into the private business parking lot. In order for an individual to be in violation of the ordinance, each of the items identified in the "Prohibition" section of the ordinance would need to occur.

Padilla questioned if ordinance should include a goal for people who need help to get it rather than just putting them in jail. Deputy Mayor agreed that the goal of the committee was to not only displace people away from the congested areas but to displace them to areas where they could receive services such as from Valeo or Rescue Mission. Barry Feaker commented to understand where the committee needs to go is to begin by understanding why the repeated behavior is occurring. There are two main components that must be looked at: 1) The reason that the behavior occurs and 2) The reason that the behavior continues to occur. Rev. Feaker noted that having an understanding of these two things will need to be part of the equation in addition to addressing a community safety issue. Rev. Feaker also noted a concern for the correlation between the accidents that have occurred and panhandling.

Mr. Cole asked if restrictions or time limits could be added into the ordinance. Mr. Ganieany noted that as long as it is the same across the board, and there was a purpose of public safety, then yes. If the law is content neutral, the courts will not scrutinize it for being unconstitutional.

Councilmember Lesser noted three core ideas that he felt were of importance 1) safety of roadways 2) providing care for those in need 3) Economic impact. Business owners who have spoken to Councilmember Lesser noted a negative effect on business, tenants being fearful for their safety, etc. The next question becomes where would it push individuals who are not truly in need?

Deputy Mayor Jensen asked Mr. Persinger and Rev. Feaker to introduce what tools they have already in place. Mr. Persinger inquired about those who might decide to offer some type of service, such as washing car windows, in order to negate the ordinance. Mr. Ganieany noted that if the action was blocking the roadway, it would be in violation, however there would not be any rule to keep the driver from going onto a side street or other area to partake in the service. Rev. Feaker introduced some of the services that the Topeka Rescue Mission (TRM) offers. There are three types of people living on the street 1) taking advantage of the system 2) chronically homeless 3) could benefit but choosing not to because they prefer to do it their way. TRM advocates educating the community. Deputy Mayor Jensen asked how this ordinance would affect each of these types of panhandlers. Rev. Feaker noted that the community would need to be proactive with restrictions but create opportunity as well. Rev. Feaker asked the committee to consider composite care.

Bill Persinger introduced programs that were offered through Valeo. Most of the programs are full the majority of the time. Mr. Persinger noted that looking at current programs as well as programs that would be useful to have would be helpful if passing the ordinance becomes a possibility.

Deputy Mayor Jensen asked committee members where they thought existing loopholes or immediate problems would occur within the framework of the ordinance as it is currently written and to identify what issues would need to be addressed farther out. Deputy Mayor Jensen also inquired whether this ordinance would be good for our city when taking a holistic approach.

Mr. Cole inquired about best interest to improve safety in these high traffic areas. Mr. Cole was in agreement with Mr. Persinger in regard to reviewing what other cities who have a similar ordinance in place, or who have had a similar problem and found a solution elsewhere.

Mr. Persinger provided the example of DUI law changes as an example of a way that a law aided in public safety and perhaps this ordinance would have a similar effect.

Councilmember Lesser agreed with sentiments related from other committee members. He also noted that this ordinance might offer an opportunity to help people as well as to eliminate a problem to safety as well.

Deputy Mayor Jensen inquired with Rev. Feaker as to some ideas regarding assisting individuals who are in true need versus ones who are taking advantage of the system.

(Had to leave about hour 6 minutes into meeting...catch everything)

Councilmember Padilla wanted to note his approval of keeping these meetings transparent and how important they are. He also wanted to remind committee members of two things when speaking to the public or media to include 1) making sure when talking to media, they understand the hope and direction of community.

Rev. Feaker noted that this is indeed a public safety issue and inquired as to if the ordinance would contain language that would direct officers to take individuals to the shelter. Mr. Ganieany stated that said language is in camping ordinance. LT Jones inquired if language could be inserted to cover this topic. Mr. Ganieany noted that it would difficult to do as it is more about addressing the action, not lifestyle.

Chief Duke noted future community mental health paramedicine program that TFD and TPD are working on would be something that would tie into this ordinance nicely. He also noted that in regard to the MDA collection, that if collection isn't drawn from busy locations, there is a very noticeable drop in donations. However, TFD would look at other ways around this ordinance.

5) Public Comment

Councilmember Hiller agreed with other committee members to recommend that crash logs be reviewed to determine if there is a true correlation to crashes and the actions of pedestrians who were trying to solicit something from them and which were caused by other actions. Councilwoman Hiller suggested creating a culture of caring in the community to allow individuals to donate to places that will help the individuals by channeling to the appropriate area. She also suggested that the committee take a look at current sign ordinance noting that the current ordinance says signs that remain in the same place are not allowed.

Councilmember Hiller felt this ordinance shouldn't make difference if the signs are on metal legs or human legs.

Linda Johnsrud made a plea to look at the state of Michigan which has laws against panhandling. There are regulations that give organizations ways to collect. Ms. Johnsrud also noted that places such as San Diego and Kentucky requires everyone (panhandlers, organizations, etc) to be registered with a lanyard (permit) stating who they are, what they are collecting for.

6) Set Future Meeting Date(s)

Committee members will research other cities, and alternative ideas, if this ordinance isn't the solution, what is. Look at July 30th for next date or look at dates for the week of July 23rd.

7) Adjourn

Video from the meeting can be found at: https://youtu.be/j7lGHrVU_e0



CITY OF TOPEKA

CITY CLERK
215 SE 7th St., Room 166, City Hall
Topeka, KS 66603-3914
(785) 368-3940

Brenda Younger, M.M.C.
E-mail: byounger@topeka.org
Fax: (785) 368-3943
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The following are the excerpt of the minutes of the Governing Body regarding the Traffic & Pedestrian Safety Ordinance and the Camping Ordinance.

MAY 8, 2018 MINUTES

ORDINANCE introduced by City Manager Brent Trout, creating Chapter 10.80 in Title 10 of the Topeka Municipal Code concerning Traffic and Pedestrian Safety was presented.

Brent Trout, City Manager, distributed a revised map of the arterial streets that would be affected by the ordinance.

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Clear.

Councilmember Lesser stated he supports the ordinance in theory. He reported that many constituents have contacted him about the issue as well as community stakeholders including the Topeka Fire Department, Topeka Police Department and Barry Feaker, Topeka Rescue Mission, would like to further discuss the issue before the Governing Body considers the ordinance. He suggested a special committee be created, made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments to discuss and research the issue for a period not to exceed three months, with a final report being presented to the Governing Body by September 1, 2018.

Councilmember Ortiz spoke in opposition of creating a special committee and suggested referring the ordinance to the Policy and Finance Committee which would allow input from community stakeholders and staff.

Councilmember Clear questioned what issues need to be considered in committee and noted the Governing Body sets policy to be implemented by staff.

Councilmember Lesser stated he believes consideration should be given to the legal ramifications of the ordinance; a concrete enforcement plan needs to be in place; and more input needs to be gathered from the agencies that would be directly impacted.

Councilmember Jensen stated a special committee would provide a good opportunity to partner with community organizations to help solve the issue.

Councilmember Lesser made a substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Mayor De La Isla spoke in support of referring the ordinance to a special committee to provide an opportunity to research and take an overall look at what should be considered to solve this serious issue in the community.

Councilmember Padilla expressed concern with the safety of firefighters and pedestrians soliciting in medians. He stated discussions should be held to consider what others offer in

regards to providing different perspectives and possible solutions. He spoke in support of referring the ordinance to a special committee.

Councilmember Emerson spoke in support of referring the ordinance to a council and/or special committee for further review.

The substitute motion to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018, carried. Councilmembers Clear and Ortiz voted “no.” The Mayor does not vote. (5-2-0)

ORDINANCE introduced by City Manager Brent Trout, creating Article III of Chapter 9.45 of the Topeka Municipal Code concerning Camping was presented.

Councilmember Lesser moved to refer the ordinance to a special committee made up of eight members consisting of Governing Body members, community leaders and representatives from the Topeka Fire and Police Departments, followed by discussion and research for a time period not to exceed three months, and presenting a final report to the Governing Body by September 1, 2018. The motion was seconded by Councilmember Jensen.

Councilmember Clear spoke in opposition of referring the ordinance to a special committee as there are many local agencies that directly address the same issues outlined in the ordinance, including the Homeless Taskforce.

Councilmember Ortiz stated she concurs with Councilmember Clear; however, she suggested referring the ordinance to the Public Health and Safety Committee.

Councilmember Padilla spoke in support of referring the ordinance to a committee and expressed the importance of addressing the serious issue in Topeka.

Councilmember Lesser stated he believes this continues to be a complex issue that needs to be addressed and considered by experts in the community.

Councilmember Emerson made a friendly amendment to refer the ordinance to the Public Health and Safety Committee.

Councilmember Lesser accepted the friendly amendment. The second concurred.

The motion to refer the ordinance to the Public Health and Safety Committee with the intent of presenting a final report by September 1, 2018 carried. Councilmember Clear voted “no.” The Mayor does not vote. (6-1-0)

AUGUST 7, 2018 MINUTES

DISCUSSION regarding the Special Committee consideration of the proposed ordinance addressing Pedestrian/Traffic Safety was presented. *(This ordinance was referred to a Special Committee on May 8, 2018.)*

Councilmember Jensen, Special Committee Chair, provided an update on the process to date. He reported the Committee has taken a three phase approach to the issue (1) Review the language of the proposed ordinance to ensure it was clear and understandable; (2) What would the fallout be if the homeless are displaced; and (3) How long would it take to implement and enforce the ordinance. He referenced the Camping ordinance currently being reviewed by the Public Health and Safety Committee and how it relates to Pedestrian and Traffic Safety ordinance and would suggest the Governing Body discuss the two issues as a whole. He noted as a result of the discussions that have already taken place, it will be necessary to locate a funding source to help solve the issues if the ordinance was approved.

Councilmember Clear suggested the Governing Body determine if the issue should be considered a City priority and allocate funds to help solve the problem.

DISCUSSION regarding the Public Health and Safety Committee consideration of the proposed ordinance addressing Camping was presented. *(This ordinance was referred to the Public Health and Safety Committee on May 8, 2018.)*

Councilmember Ortiz, Public Health and Safety Committee Chair, provided an update on the committee meetings and discussions with area organizations to determine the needs of the community. She reported other opportunities are being discussed including private funding as well as the inclusion of State and local partners to help assist.

Lisa Robertson, City Attorney, stated the final report on both the Pedestrian/Traffic Safety ordinance and Camping ordinance are due September 1, 2018. She notified the Governing Body an item would be placed on the August 21, 2018, Governing Body agenda, for the purpose of providing the Governing Body an opportunity to consider how they would like to proceed with the ordinances.

Councilmember Ortiz stated she would prefer to allow time to fully evaluate and discuss the issue to have the most effective outcome in assisting individuals in the community.

Teresa Miller asked the Governing Body to address camping in residential areas, specifically tents, vans and mobile homes on residential backyard properties.

Councilmember Clear stated it was her goal to eliminate camping in residential areas.

AUGUST 21, 2018 MINUTES

ACTION regarding the Traffic and Pedestrian Safety Ordinance Final Report due on September 1, 2018, was presented.

Councilmember Jensen, Special Committee Chair, provided an update on the Committee process to date. He stated rather than set a date certain for completion of a report and review of the proposed Traffic/Pedestrian Safety Ordinance, the Special Committee's desire was to collaborate with the Public Health and Safety Committee, which was charged with reviewing the proposed Camping Ordinance. He also stated by doing this it would provide for a more coordinated effort and would allow Committee members, City staff and community partners to use their time in a more efficient manner; particularly since the underlying obstacles are similar and the ultimate end goals are virtually the same. He noted following the completion of the Public Health and Safety Committee meeting set for August 27, 2018, the joint committee could convene and elect a chairperson from among its members. He reported the joint committee would continue to report back every 90 days as set out in the Governing Body Rules, as progress was being made with possible anticipated action items. He stated he believes, given where both committees are in the process, this type of motion would seem appropriate and could be made following Councilmember Ortiz's report from the Public Health and Safety Committee.

Councilmember Clear reported the Homeless Task Force has expressed concern with combining the two issues. She questioned how the two issues are associated and encouraged the Governing Body to determine what problem they are trying to address.

Councilmember Jensen stated they need to solve the problem concerning the "displacement of people" whether it relates to panhandling or camping.

Councilmember Lesser stated there continues to be legal issues associated with these types of ordinances passed by other cities; therefore, they must have options in place for individuals who do not have the ability to comply with the ordinances.

Councilmember Ortiz asked Luther Ganieany, Topeka Police Legal Advisor, to provide comments on the legality of the ordinances. She reported the Public Health and Safety Committee will continue to work on finding a proper solution to the problem.

Luther Ganieany, Topeka Police Legal Advisor, reported staff conducted extensive research and drafted the ordinance based on cities that have been successful in how they enforce the ordinance. He expressed the importance of the activities not being criminalized and making certain there are alternatives in place to address the issue.

Councilmember Jensen stated he believes they all have the same goal - to provide individuals with assistance where needed.

Councilmember Jensen moved to defer the final report until September 4, 2018. The motion was seconded by Councilmember Clear.

Councilmember Hiller questioned the need for additional data on how traffic/pedestrian safety and panhandling are connected as well as additional data on the different situations associated with camping so the Governing Body could make informed decisions. She reminded the Governing Body that committees do not have to make a recommendation if more time was needed to research issues.

The motion to defer the final report until September 4, 2018, carried unanimously. (10-0-0)

ACTION regarding the Camping Ordinance Final Report due on September 1, 2018, was presented.

Councilmember Ortiz, Public Health and Safety (PHS) Committee Chair, announced the next PHS Committee meeting would be held on August 27, 2018, at 3:00 p.m. at the Holiday Building located at 620 SE Madison. She encouraged everyone to attend as there would be a report from the Homeless Task Force.

Pastor Marcus Clark expressed concern with how the homeless problems are affecting the overall aesthetics of the city as it relates to economic development and downtown revitalization. He encouraged those involved to have bigger conversations about how to help manage the problem through viable solutions instead of enabling the problem through tolerance.

Councilmember Ortiz stated the PHS committee was working with other organizations in the research of viable options for safe havens for those individuals struggling with drug, alcohol and mental health issues as well as homelessness.

Councilmember Hiller reported the same problems exist across the nation and in other countries. She encouraged people to give to the organizations that assist individuals in need by providing different types of resources instead of giving cash directly to the homeless or those that panhandle.

Councilmember Ortiz moved to defer the final report until September 4, 2018. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

SEPTEMBER 4, 2018 MINUTES

ACTION to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz, was presented.

Deputy Mayor Jensen reported the newly created committee would address the issue of homelessness and the displacement of persons as well as poverty. He stated the Special Committee and Public Health and Safety Committee would continue to act upon each ordinance as needed and provide an update regarding each committee's progress on each ordinance every 90 days as required by Governing Body Rule 8.5(c) until work has been completed.

Councilmember Ortiz stated she agrees with the proposal and the consolidation of efforts to address the issue.

Councilmember Lesser moved to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

ACTION regarding the Final Report due on September 1, 2018, for the proposed Traffic and Pedestrian Safety ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Deputy Mayor Jensen, Special Committee Chair, stated there was nothing further to report on the ordinance language at this time. He stated the Committee would report back in 90 days as required by the Governing Body Rules and Procedures.

Andy Fry expressed concern with using relevant data relating to the traffic and pedestrian safety ordinance as it relates to panhandling.

ACTION regarding the Final Report due on September 1, 2018, for the proposed Camping ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Councilmember Ortiz, Public Health and Safety Committee Chair, reported the Committee would need to meet again to gather additional information; consider designating camping areas, i.e. campgrounds through the inclusion of several organizations to help create a viable solution. She noted the Committee would report back in 90 days to the Governing Body.

Councilmember Padilla stated it was important to have different perspectives in solving the issues as there was no quick fix to the problem. He expressed his appreciation to all those involved in the process.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018	
CONTACT PERSON:	Deputy Mayor Jensen and Councilmember Ortiz	DOCUMENT #:
SECOND PARTY/SUBJECT:	Camping and Traffic/Pedestrian Safety Ordinances	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 003 Requests	
CIP PROJECT:	No	
ACTION OF COUNCIL:	Discussion 09-04-18.	JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

UPDATE and possible **ACTION** on examination of similar underlying issues associated with the Camping and Traffic and Pedestrian Safety ordinances, including the five non-Governing Body members who have been appointed to serve as members of such Committee.

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

(A ten-member committee consisting of Deputy Mayor Jensen and Council Members Ortiz, Clear, Lesser and Padilla and five members of the community to be appointed by Deputy Mayor Jensen and Council Member Ortiz was created on September 4, 2018 to examine the similar underlying issues associated with the Camping and Traffic and Pedestrian Safety ordinances.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Governing Body Rule 8.5(c) requires that each item referred to a committee shall be acted upon on or before any deadline set by the governing body or ninety (90) calendar days of the date upon which it was referred, whichever occurs first. Action, or a subsequent update, on the underlying issues associated with the proposed Camping & Traffic and Pedestrian Safety ordinances is required on or before December 4, 2018.)

STAFF RECOMMENDATION:

Staff makes no recommendation.

BACKGROUND:

On September 4, 2018, a ten-member committee consisting of Deputy Mayor Jensen and Council Members Ortiz, Clear, Lesser and Padilla and five members of the community to be appointed by Deputy Mayor Jensen and Council Member Ortiz was created to examine the similar underlying issues associated with the Camping and Traffic and Pedestrian Safety ordinances.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:**Description**

September 4, 2018, Governing Body Meeting Minutes



CITY OF TOPEKA

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The following are the excerpt of the minutes of the September 4, 2018, Governing Body meeting creating the combined committee.

SEPTEMBER 4, 2018 MINUTES

ACTION to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz, was presented.

Deputy Mayor Jensen reported the newly created committee would address the issue of homelessness and the displacement of persons as well as poverty. He stated the Special Committee and Public Health and Safety Committee would continue to act upon each ordinance as needed and provide an update regarding each committee's progress on each ordinance every 90 days as required by Governing Body Rule 8.5(c) until work has been completed.

Councilmember Ortiz stated she agrees with the proposal and the consolidation of efforts to address the issue.

Councilmember Lesser moved to create a committee to consider the similar underlying issues associated with the camping ordinance and the traffic and pedestrian safety ordinance which will consist of five governing body members: Deputy Mayor Jensen; Councilmembers Ortiz, Clear, Lesser and Padilla; as well as five members of the community to be appointed by Deputy Mayor Jensen and Councilmember Ortiz. The motion seconded by Councilmember Padilla carried unanimously. (8-0-0)

ACTION regarding the Final Report due on September 1, 2018, for the proposed Traffic and Pedestrian Safety ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Deputy Mayor Jensen, Special Committee Chair, stated there was nothing further to report on the ordinance language at this time. He stated the Committee would report back in 90 days as required by the Governing Body Rules and Procedures.

Andy Fry expressed concern with using relevant data relating to the traffic and pedestrian safety ordinance as it relates to panhandling.

ACTION regarding the Final Report due on September 1, 2018, for the proposed Camping ordinance was presented. (*Deferred from the meeting of August 21, 2018.*)

Councilmember Ortiz, Public Health and Safety Committee Chair, reported the Committee would need to meet again to gather additional information; consider designating camping areas, i.e. campgrounds through the inclusion of several organizations to help create a viable solution. She noted the Committee would report back in 90 days to the Governing Body.

Councilmember Padilla stated it was important to have different perspectives in solving the issues as there was no quick fix to the problem. He expressed his appreciation to all those involved in the process.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018		
CONTACT PERSON:	Nick Hawkins, Budget and Performance Manager	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Downtown Business Improvement District	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 002 Administration		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

DISCUSSION related to the ordinance establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District.

(Discussion on the continued imposition of business improvement service fees on businesses located within the Capital City Downtown Business Improvement District.)

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body.

POLICY ISSUE:

Approval would impose business improvement service fees which are used to provide a variety of services to downtown businesses: a portion of the landscaping, lighting between 4th and 10th Streets on S. Kansas Avenue, maintenance of improvements in City right-of-way in the district, programs to enhance downtown and promote economic development downtown.

STAFF RECOMMENDATION:

Discussion only. Staff recommends the Governing Body move to adopt the ordinance on December 11, 2018, when presented for consideration.

BACKGROUND:

State law authorizes the imposition of service fees on businesses located within a business improvement district created by a City. Topeka has established such a district downtown. The fees are assessed based upon the square footage and location of the business.

Beginning in 2017, the Board recommended introducing the tier structure as outlined on the map and varied fee structure as follows:

Tier 1:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0805 per square foot, with a cap of \$15,000

Tier 2:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0605 per square foot, with a cap of \$15,000

Tier 3:

Up to 999 square feet, the fee is \$60, over 1000 square feet, the rate is .0405 per square foot, with a cap of \$15,000

Additionally, vacant structures would pay as follows:

- \$.0405 per square foot in Tier 1
- \$.0305 per square foot in Tier 2
- \$.0205 per square foot in Tier 3

The BID Board recommends combining Tiers 1 and 2 and increasing the rate per square foot of occupied space to \$0.0905, and \$.04525 per square foot of unoccupied space for 2019.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance

2019 Revised Map

2018 BID Report

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Code § 3.40.030 establishing a service fee levy for 2019 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section.

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

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

3.40.030 Method of raising revenue.

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

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

Number of square feet	Rate
0 – 999	\$60 (all tiers)
1,000 plus (tier	\$ 0805 <u>0905</u> per

Number of square feet	Rate
one)	square foot
1,000 plus (tier two)	\$.0605 per square foot
1,000 plus (tier three <u>two</u>)	\$.0405 per square foot
Unoccupied Real Estate	Rate
Tier One	\$.0405 <u>04525</u> per square foot
Tier Two	\$.0305 per square foot
Tier Three <u>Two</u>	\$.0205 per square foot

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

(d) Service fees under this section shall be levied for the year ~~2018~~ 2019 and shall be due and payable in two semiannual installments. Service fees shall be deemed

delinquent if not paid within 30 days of the due date provided for the second semiannual installment.

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

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

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

Section 5. 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

Downtown Business Improvement District



2018 BID REPORT

BUSINESS IMPROVEMENT DISTRICT





2018 BID REPORT

BUSINESS IMPROVEMENT DISTRICT

ADVISORY BOARD

Ken Scott	Chairman, Capitol Federal Savings
Jim Parrish	Parrish Hotel Corporation
Debbie Briman-Latta	Briman's Leading Jewelers
Stephen Smith	Stephen Smith Images
Nick Xidis	Hazel Hill Chocolates
Ann Adams	Premier Real Estate
Angel Zimmerman	Zimmerman & Zimmerman PA
Dan Hejtmánek	Bryan, Lykins & Hejtmánek PA
Kim Schultz	Schultz Development



CAPITAL CITY BUSINESS IMPROVEMENT DISTRICT MISSION STATEMENT

It is the purpose of the Capital City Business Improvement District (BID), under the authority of the City of Topeka, to carry out a program of services that will:

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

2018 PROGRAM OF SERVICE

Downtown Topeka, Inc., as the contractor for the BID, will carry out the following program of services to the extent that the funding will permit:

1. Provide general maintenance and cleaning of the district.
2. Provide maintenance of the equipment used in downtown cleaning.
3. Provide a walking path during snow on sidewalks from 4th to 10th on Kansas Avenue as well as the side streets from 6th to 10th.
4. Promote the district through a variety of marketing tools.
5. Collaborate with the City Forestry Department and Schendel Lawn and Landscape to maintain designated landscape beds.
6. Underwrite and support special downtown events and parades.
7. Provide timely and pertinent information through the DTI website, Facebook page and Twitter.
8. Publish a BID newsletter to communicate to businesses in the district.
9. Provide administrative services including inventory maintenance, office/overhead, insurance, salaries, benefits, etc.
10. Recruit new businesses and residential opportunities.
11. Collaborate with the City to provide Christmas lights on Kansas Avenue.



INTRODUCTION:

The Capital City Downtown Business Improvement District was established December 23, 1986, by the City of Topeka Ordinance Number 15701. The district was established in accordance with the Kansas Statutes to enable the City to provide additional services within the District not otherwise generally provided throughout the City of Topeka. In accordance with the provisions of state law, the Business Improvement District Advisory Board was established to make recommendations regarding the operation of the District. Staff assistance for the District was provided by the Topeka/Shawnee County Metropolitan Planning Agency. Paul Glaves, who was Assistant Director for CBD Development, was assigned the primary responsibility for staff support of the District.

The administration of the District dramatically changed in 1995. At that time, the City of Topeka felt it could no longer provide the staff and resources necessary for managing the District as it had since 1986. Therefore, the City of Topeka has annually entered into an agreement with Downtown Topeka, Inc. to provide the administrative services adopted each year.

As is required in the annual operating agreement, the following report describes and explains the activities and services provided during 2018.



ADMINISTRATION:

Downtown Topeka, Incorporated administers the District by providing the services recommended by the District Advisory Board and approved by the City Council. As the exciting revitalization of downtown continues, the BID goals remain the same: To create an attractive physical and economic environment and strive to achieve excellence in the quality of life as a center of commerce, government, culture, history and recreation.

Every year new businesses open in downtown and questions arise about the Business Improvement District. To inform the businesses in the district we produced a video that describes why the district was created and the services provided. The link to the video was included in the City's assessment notices this year.

<https://www.youtube.com/watch?v=DDaQTR-b6ek&feature=youtu.be>



MAINTENANCE:

Paul Cervantez is employed full-time by DTI to provide maintenance and cleaning throughout the District. His schedule starts at 7:00AM Monday through Saturday as he travels from Monroe to Topeka Boulevard and from 2nd to 13th streets daily emptying trash cans and clearing the sidewalks, alleys and curbs of trash, leaves and other debris. He also is available on Sundays to clean and remove trash after major Saturday events. Paul maintains the equipment we use for the District and is a watchful eye as he travels throughout downtown. To reduce costs, Paul repaired over 12 benches rather than purchase new and expensive ones. Paul does a wonderful job maintaining the area.



During the winter months Paul often pre-treats the sidewalks in anticipation of ice and provides a walking path from 3rd to 10th on Kansas Avenue as well as the side streets intersecting 6th and 10th before stores open on snowy mornings. It is up to the individual business for removal of remaining snow in front of their business. The BID maintains a supply of urea for downtown businesses to purchase as an ice melt to use on the new concrete sidewalks.

To assist Paul in his coverage of the district, the BID purchased a Club Car in February to replace the aging vehicle that was purchased used in 2013. This vehicle has attachments for a snow blade and has a tow package. It is a considerable upgrade in servicing the needs of the BID.

SAFETY:

Downtown is one of the safest places in Topeka and the BID Advisory Board wants to continue that record. When Chief Cochran indicated his desire to bring the Segways back into service he said they needed to improve the aging fleet. The BID Advisory Board immediately voted to purchase a new Segway for use in downtown. The Segway was presented to the police department at a press conference on Kansas Avenue on May 18th.

The BID board assisted the police department in locating and securing a police help station to prepare for the significant increase in the number of people attending events in downtown. We want to thank Capitol Federal for allowing the use of their former teller station in their parking garage to be renovated for this use.



AESTHETICS:

The BID works with the City's Forestry Department to place the new Christmas decorations that we purchased in 2016 and 2017 along Kansas Avenue. The BID purchased banner arm extensions for the poles to allow for the appropriate size of banners. We also work in partnership with Westar Energy to secure the community Christmas tree that is donated by a local resident each year and to coordinate the annual tree lighting ceremony.

Through a generous contribution from Westar Energy we were able to add LED lights to the mid-block arches. The colors change for special events and seasons. The lights have added greatly to the overall experience of our new downtown.

The BID owns many tables, chairs and trash cans which we loan, at no charge, to downtown businesses for their events as well as non-profit organizations holding activities in downtown. Paul keeps track of our inventory and delivers and oversees their return after each event.

Through a grant from Keep America Beautiful, we received 25 additional cigarette receptacles to add to the 25 the BID purchased in 2017. Those receptacles were placed from 6th to 10th on Kansas Avenue. The new ones are being placed on Kansas Avenue as well as Jackson and Quincy. These receptacles have reduced the amount of cigarette butts discarded along the Avenue.





RECRUITMENT:

The BID is the source of downtown inventory and we receive numerous inquiries on available properties to lease or purchase. During the last four years over 25 buildings have been purchased by local investors on Kansas Avenue alone. DTI facilitated several of these transactions and is actively soliciting new businesses to downtown. In addition, we directed many prospective residents to lofts and apartments as the demand to live downtown continues to grow. DTI presented its second annual Downtown Loft Tour in November to promote the unique residential opportunities of downtown living.

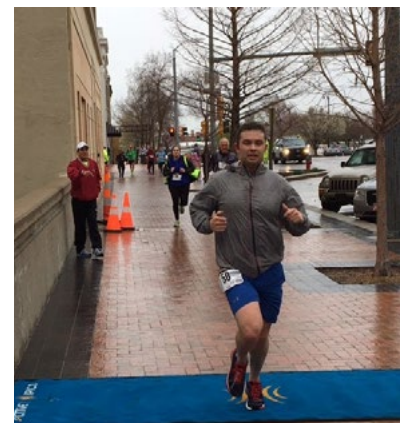
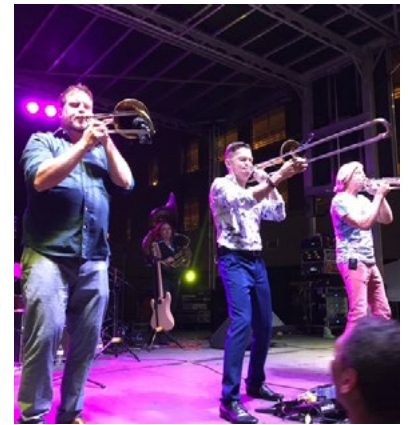
EVENTS AND PROGRAMMING:

Our goal is to make downtown the entertainment center of the community. We produced over 35 events last year helping to bring more people into contact with the many outstanding downtown businesses. We helped in the planning and execution of the St. Patrick's, Fiesta, Veterans and Miracle on Kansas Avenue parades and helped in the coordination of numerous activities planned by organizations wanting to conduct events downtown. We pay for all insurance and permits that cover our downtown events and secure barricades, porta-potties, fencing and other needs for our many activities. DTI and the BID produced the following events in 2018:

- 18 **Brown Bag Concerts** every Wednesday from mid-May through early September
- 4 **Second Saturday Concerts** on 8th between Kansas and Jackson
- **Bridge2Bridge 5K Run/Walk**
- **Capital City Jazz and Food Truck Festival** – Over 7,000 attended for great jazz and food
- **Inaugural Country and Food Truck Festival** – Over 15,000 attended
- **Inaugural Rock and Food Truck Festival** – Over 10,000 attended
- **Cruisin' the Capitol Car Show** – 450 cars and over 5,000 in attendance
- **Touch A Truck** – Family event with 50 trucks, cranes, bulldozers and everything a child loves to climb on. Over 12,000 attended.
- **Downtown Loft Tour** – Second annual event saw nearly 200 people tour five downtown lofts to increase interest in downtown living.
- **Boo It Downtown** – Downtown's annual Halloween trick-or-treat event. Several thousand ghosts and goblins attended despite inclement weather
- Hosted **movies on the Capitol Lawn** in June and September
- Created the first **Activate the Alleyway** event in the alley between the Jayhawk Tower and Equity Bank on 7th street. Music, colorful lights, food trucks and beverages helped bring the alley to life. In addition, over 20 local artists displayed their paintings of their vision of a vibrant downtown which were offered for sale during the event.

We were pleased to be the recipient of two Certificate of Merit awards from the International Downtown Association. One for the many events and programs we have created in downtown and a second for the private sector enhancements of the redevelopment project.

To enhance First Friday attendance in downtown, the BID partnered with the NOTO Arts District to provide a free shuttle between the two popular areas of the art walk. The shuttle made stops every 15 minutes from 5pm to 9pm during June through October.





LET'S GO DOWNTOWN

Country & Food Trucks	May 12
Movie on the Capitol Lawn	June 1
Family & Food Truck Festival	June 2
Second Saturday Concert Series	June 9
Second Saturday Concert Series	July 14
Rock & Food Trucks	July 28
Cruisin' The Capitol Car Show	Aug. 11
Second Saturday Concert Series	Aug. 11
Movie on the Capitol Lawn	Sept. 7
Second Saturday Concert Series	Sept. 8
Jazz & Food Truck Festival	Sept. 22

THE CAPITAL BUSINESS IMPROVEMENT DISTRICT (CBID) ADMINISTRATOR

Promotion:

We are fortunate to have great media partners. Most of our events are promoted at no expense through their sponsorships. In addition, we promote the downtown activities through 785, TK and Topeka magazines, social media, digital information monitors in area hotel lobbies and through the DTI web site. Our media partnerships allow us to provide reduced advertising rates for many downtown businesses.

We conduct monthly merchant meetings communicating upcoming events, community police reports for the district, redevelopment project updates and to receive feedback from the businesses. We produce a BID newsletter twice a year that is mailed to every business. Over 30 presentations were made to business and civic organizations regarding the great things happening downtown.

Numerous businesses in the BID, in addition to Downtown Topeka, Incorporated, actively serve on committees for Momentum 2022, the Downtown Topeka Foundation, the downtown plaza planning committee and the coordination of a downtown market study. These commitments are significant in helping transform great ideas into realities for the BID.

Capital Business Improvement District
NEWSLETTER
Summer/Fall 2018

Administered by:
Downtown Topeka, Inc.
 120 SE Sixth Ave. Topeka, KS 66603
 vince.frye@TopekaPartnership.com
 P: 785-234-9336 F: 785-234-4448

2018 BID Advisory Board
 Ken Scott, Chairman
 Capital Federal
 Debbie Briman-Latta,
 Briman's Jewelers
 Jim Parrish,
 Parrish Hotel Corporation

Downtown Plaza Moves Closer to Reality

Construction of the proposed downtown plaza, planned for the 600 block of Kansas Avenue, is a step closer thanks to major gifts from two downtown businesses. At a press conference on July 16 Capital Federal and Every each committed \$2.5 million for the plaza. The properties between 612 and 634 Kansas are owned by the Downtown Topeka Foundation which will oversee the construction. The plaza will include a 50-foot performance stage, 30-foot video screen, programmed fountains in the summer and ice skating in the winter. It will be programmed over 250 days a year and serve as the gathering place for the community. Construction is scheduled to begin after the first of the year with completion by March of 2020.

Changes in the Method of Funding

As we looked forward to 2019 and beyond, the Advisory Board discussed several potential changes in the method of funding. After reviewing the options, the Board recommended a revised assessment plan starting in 2019 based on a revised tiered structure. This plan bases the assessment on the proximity of the business to Kansas Avenue. The change reduces the number of tiers from three to two as the enclosed map reflects. The rate is as follows:

- Tier One - .0905 cents per square foot
- Tier Two - .0405 cent per square foot

The cap on the largest businesses is \$15,000.

In addition, the Advisory Board continues to recommend the assessment of empty properties at the following rates:

- Tier One - .04525 cents per square foot
- Tier Two - .0205 cents per square foot

The Advisory Board feels that this will be a more equitable structure. The City made a concerted effort to collect past assessments this year. Some businesses had not paid in several years and the number of receivables had continued to rise.

The citizens of Topeka made a revitalized downtown their top priority during the visioning process in 2008. The commitment by the City, as well as numerous businesses and individuals, has led to a downtown the community has embraced. New investment is occurring at a rapid rate. The future of downtown is bright!

Thank you for the opportunity to administer the Capital City Downtown Business Improvement District in 2018. DTI, and the Business Improvement District Advisory Board, look forward to continuing our role in the downtown revitalization for years to come.







City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE:	December 4, 2018		
CONTACT PERSON:	Nick Hawkins, Interim Finance Director	DOCUMENT #:	
SECOND PARTY/SUBJECT:	Topeka Tourism Business Improvement District	PROJECT #:	
CATEGORY/SUBCATEGORY	013 Ordinances - Codified / 002 Administration		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	12
		PAGE #:	

DOCUMENT DESCRIPTION:

DISCUSSION related to the ordinance establishing a service fee for 2019 relating to the Topeka Tourism Business Improvement District.

(Ordinance No. 20074 established the service fees at \$1 per paid occupied room night on hotel room rentals.)

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body.

POLICY ISSUE:

Approval of the ordinance would continue the current service fees for the Topeka Tourism Business Improvement District (TTBID) of \$1 per paid occupied room night on hotel room rentals.

STAFF RECOMMENDATION:

Discussion only. Staff recommends the Governing Body move to adopt the ordinance on December 11, 2018, when presented for consideration.

BACKGROUND:

State law authorizes an annual imposition of service fees on businesses located within a business improvement district created by a city. The governing body established the TTBID in 2017 and established the service fees at \$1 per paid occupied room night on hotel room rentals. The revenue produced from the fees can be used for services identified in state law which include landscaping, parking, architectural design for public spaces and promotion of community events. The TTBID advisory board is recommending no change in the amount of the service fee.

BUDGETARY IMPACT:

There is no budgetary impact to the City. The City retains 2% of the fees to administer the TT BID fund.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

2019 Topeka Tourism BID Annual Service Fee

Ordinance No. 20074

Topeka Lodging Association Contract No. 46320

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager, Brent Trout, amending City of Topeka Code § 3.65.035 establishing a service fee levy for 2019 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section.

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

Section 1. That section 3.65.035, TTBD Service Fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

3.65.035 TTBD Service Fees

(a) ~~Effective January 1, 2018, t~~The service fee levied on all hotels in the District for calendar year ~~2018~~ 2019 shall be \$1.00 per paid occupied room per night on hotel room rentals.

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

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

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

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

Section 5. 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

6B



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
July 11, 2017

DATE: July 11, 2017

CONTACT PERSON: Lisa Robertson, City Attorney

DOCUMENT #: 20074

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 002 Administration

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #: 2017

Adopted Ord 7-11-17

PAGE #: 202

JUL 17 2017

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Interim City Manager Doug Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating Topeka Municipal Code Section 3.65.035.

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

(Approval would impose a \$1.00 service fee on hotel rooms in the Topeka Tourism Business Improvement District to commence on January 1, 2018.)

POLICY ISSUE:

Whether to impose a service fee on all hotels in the City - the proceeds of which would be used for services within the Topeka Tourism Business Improvement District (TTBID), including the design of the Downtown Plaza.

STAFF RECOMMENDATION:

Staff recommends the Governing Body adopt the ordinance.

BACKGROUND:

The governing body established the TTBID on May 9, 2017. If no business owner files a protest petition contesting the TTBID by June 29, 2017, the next step is to enact an ordinance establishing a service fee of \$1.00 per paid occupied room per night on hotel room rentals. The service fee would start on January 1, 2018 unless a protest petition is filed by business owners.

BUDGETARY IMPACT:

\$465,000 in anticipated revenue for 2018.

SOURCE OF FUNDING:

Service fees paid by hoteliers

(Published in the Topeka Metro News July 17, 2017)

ORDINANCE NO. 20074

AN ORDINANCE introduced by Interim City Manager, Douglas Gerber, concerning service fee levied in Topeka Tourism Business Improvement Districts, creating new section TMC 3.65.035.

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

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 3.65.035, which said section reads as follows:

TTBID Service Fees.

(a) Effective January 1, 2018, the service fee levied on all hotels in the District for calendar year 2018 shall be \$1.00 per paid occupied room per night on hotel room rentals.

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

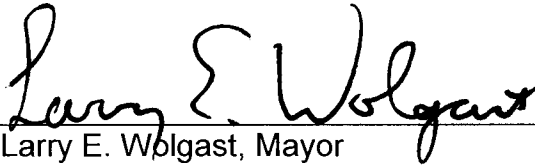
Section 2. This ordinance, which is subject to the protest provisions of K.S.A. 12-1789 and amendments thereto, shall take effect upon its passage, approval and publication in the official City newspaper, but shall be subject to repeal if, within 45 days following publication of the ordinance, a sufficient petition by the owners of a majority of the businesses located within the District is submitted to the City Clerk to compel repeal of this ordinance and dissolution of the District.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

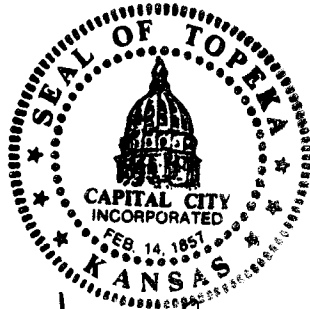
28 Section 4. Should any section, clause or phrase of this ordinance be declared
29 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
30 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

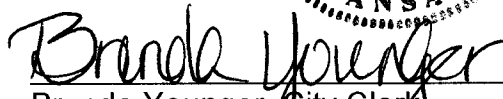
31 PASSED AND APPROVED by the Governing Body on July 11, 2017.

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33 CITY OF TOPEKA, KANSAS

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36 Larry E. Wolkast, Mayor

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38 ATTEST:



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43 Brenda Younger, City Clerk

ADMINISTRATIVE ACTION FORM

Contact Person:	Mary Feighny, Deputy City Attorney	Date:	10/4/2017
Document Type:	Contract/Agreement (not involving C & P)	Document #:	410320
Second Party:	Topeka Lodging Association	Project #:	
Subject:		HTE #:	
Department/Division:	Legal - ATTY	CIP Project?	No
Category/Subcategory:	007 Contracts and Amendments / 018 Other		

Requested Action: Approve and Execute Document

OCT 10 2017

Financial Implications:

Tourism
Finance will facilitate collection of business improvement district service fee imposed by hoteliers. A service fee of \$1 per hotel room will be collected by hoteliers and remitted to a financial institution retained by the finance department. The Topeka Lodging Assn. will pay a 2% fee to City to administer the collection process.

Ordinance No. 20064 requires that the City Manager contract with the Topeka Lodging Assn. to manage and provide services to the Topeka Tourism Business Improvement District in accordance with a program of services and a budget provided annually. The agreement addresses collection of the service fee and transfer of the funds to the TLA. The contract begins on 1/1/2018 and ends on 12/31/2022 (5 years).

RECEIVED
CITY CLERK
2017 OCT -5 P 2:07
TOPEKA, KANSAS

Approval/Action Routing:

Approved By:	Department/Division	Date:	
Approved By:	<i>LF</i>	Date:	10-4-17
Approved By:	<i>David R. Lee</i> Chief Fiscal Officer	Date:	10-4-17
Approved By:	<i>B. Younger</i> City Clerk	Date:	10-9-17
Approved By:		Date:	
Return To:	<i>Legal - Feighny</i>		

CITY OF TOPEKA CONTRACT NO. 46320

AGREEMENT

THIS AGREEMENT entered into this 10th day of October, 2017, by and between the City of Topeka, Kansas, hereinafter referred to as the "City," and the Topeka Lodging Association, a not-for-profit corporation, hereinafter referred to as "TLA."

WHEREAS, the City has established the Topeka Tourism Business Improvement District (the District); and

WHEREAS, the services to be provided to the District will include the services identified in K.S.A. 12-1784 and amendments thereto; and

WHEREAS, Topeka Municipal Code (TMC) Section 3.65.020 requires the city manager to contract with the TLA.

NOW, THEREFORE, in furtherance of these objectives and in consideration of the mutual covenants and agreements set forth herein, the City and the TLA hereby agree as follows:

1. SCOPE OF SERVICES. TLA shall provide the services identified in the Budget and Program of Services which are submitted on or before May 15th of each year by the Topeka Tourism Business Improvement District Advisory Board (Board) to the City in accordance with K.S.A. 12-1790 and amendments thereto.

2. COLLECTION OF SERVICE FEE. City is responsible for ensuring collection of the service fee from the hoteliers in accordance with TMC 3.65.030. City may utilize the services of a financial institution that will receive payments and reports on a monthly basis from the hoteliers with the first payment from the hoteliers being

due on or before February 25, 2018. Upon receipt, the financial institution will deposit the service fees into an account maintained by City pursuant to K.S.A. 12-1792 and amendments thereto ("City Account").

3. TRANSFER TO TLA.

(a) The City will transfer all of the funds from the City Account to the TLA, after deducting the City's administrative fee of 2%, on or before the first Friday of each month commencing on or before March 2, 2018.

(b) The parties acknowledge that funding for the services is dependent and conditioned upon the levy and collection of service fees pursuant to K.S.A. 12-1791 and amendments thereto. In no event shall the City be obligated to pay for any services provided by the TLA from the City's general fund regardless of any insufficiency in funds collected pursuant to K.S.A. 12-1791.

4. USE OF FUNDS; RECORDS. TLA shall use the funds generated by the service fee only for the services identified in K.S.A. 12-1784 and shall maintain adequate records so as to fully document and support all expenditures for the architectural design of the downtown Topeka plaza and any other services provided to the District. Such records shall be available for inspection by the City at all times during the normal business hours upon advance notification to the TLA.

5. NONDISCRIMINATION. In carrying out the terms and provisions of this Agreement, TLA will not discriminate against any employee, applicant for employment, recipient of service or applicant to receive services because of race, color, religion, sex, age, disability, national origin, ancestry or any other legally protected status.

6. NO JOINT VENTURE; INDEPENDENT CONTRACTOR. Nothing herein

contained shall be construed or held to make the City a partner, joint venturer, or associate of TLA in the endeavor undertaken in this Agreement, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement.

7. INDEMNIFICATION. The TLA agrees to indemnify, hold the City harmless, and defend City from any and all claims, causes of action, and damages of every kind arising from the operations and activities of the TLA, its officers, agents, and employees, carried out in furtherance of this Agreement.

8. TERM/TERMINATION.

(a) This Agreement shall be for a term of five (5) years commencing on January 1, 2018, and terminating on December 31, 2022, unless extended in writing by the parties.

(b) Notwithstanding Section (a), this Agreement may be terminated at any time by either party by providing ninety (90) days written notice to the other party. In the event of the termination of this Agreement by either party, the City shall transfer to the TLA in accordance with the provisions of Section 3 all funds that were deposited in the City Account prior to the effective date of the termination of this Agreement.

(c) Notwithstanding Section (a), the parties agree that the City shall have the absolute and unqualified authority to terminate this Agreement at any time during the duration of this Agreement for any of the following reasons:

- (i) Failure of TLA to comply with the terms of this Agreement.
- (ii) Expending services fees for services outside the scope of K.S.A.

12-1784 and amendments thereto.

(iii) TLA's expenditures are unsubstantiated, unauthorized or improper.

(iv) Failure to allow inspection and audit of TLA records by City or its agents.

(v) The District is dissolved in accordance with K.S.A. 12-1789 and amendments thereto.

(vi) TLA dissolves or changes its not-for-profit status, files for bankruptcy protection or fails to remain in good standing with the Kansas Secretary of State.

In any of the foregoing events, TLA shall return all unexpended funds to the City.

9. ASSIGNMENT. This Agreement shall not be assigned by either party, in whole or in part, without the written consent of the other party.

10. AGREEMENT BINDING ON SUCCESSORS. This Agreement shall bind the heirs, successors and assigns of the parties and inure to the benefit of the heirs, successors, and assigns.

11. INTERPRETATION. This Agreement and its interpretation shall be governed by the laws of the State of Kansas. The obligations of the parties are performable, and venue for any legal action arising out of this Agreement shall lie in Shawnee County, Kansas.

12. NOTICE TO PARTIES: Any and all written notices between the parties relating to this Agreement shall be deemed to be sufficiently given if mailed, postage prepaid, by certified or registered mail, return receipt requested, addressed as follows:

If to the TLA:

Topeka Lodging Association
Kurt Young Executive Director
1430 S.W. Woodhull St. #4042
Topeka, Kansas 66604

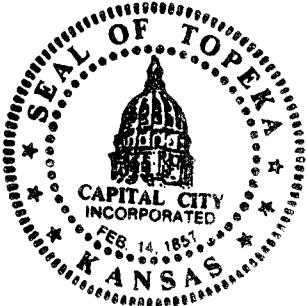
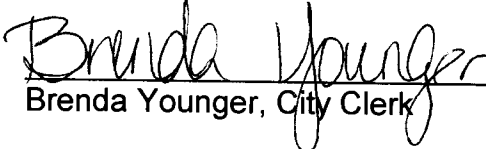
If to the City:

City of Topeka
Brenda Younger, City Clerk
215 SE 7th Street, Room 166
Topeka, Kansas 66603

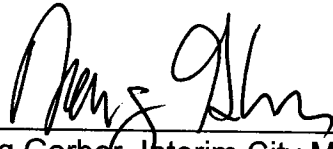
13. REPRESENTATIONS; EXECUTION IN COUNTERPARTS. By signing this Agreement, the parties represent that the person signing this Agreement is authorized to execute this Agreement on behalf of the party, and that the parties agree to be bound by the provisions of this Agreement. This Agreement may be signed by faxed or electronic signature, which shall be deemed to be an original signature. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and all of which shall be deemed to constitute one and the same instrument.

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

ATTEST:



Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS


Doug Gerber, Interim City Manager

APPROVED AS TO FORM AND LEGALITY

DATE 10-4-17 BY MF

TOPEKA LODGING ASSOCIATION


Stephanie Gassen, President



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 4, 2018

DATE: December 4, 2018
CONTACT PERSON: Nick Hawkins, Interim Finance Director **DOCUMENT #:**
SECOND PARTY/SUBJECT: TMTA Mill Levy **PROJECT #:**
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 159 Charter
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION regarding Topeka Metro Transit Authority's request to amend the charter ordinance and increase TMTA's mill levy.

(Approval of the proposed charter ordinance would allow the City to exclude TMTA's revenues and expenses when determining the City's aggregate limit for property taxes; and increase the TMTA's mill levy, at the request of TMTA, from 4.2 to 5.2.)

VOTING REQUIREMENTS:

Discussion item only. Passage of a charter ordinance will require a 2/3 majority vote (7) of the Governing Body.

POLICY ISSUE:

Whether to amend the charter ordinance so that: (1) the City can exclude the TMTA's revenues and expenses when determining the City's aggregate limit for property taxes; and (2) increase the TMTA's mill levy, at its request, from 4.2 to 5.2.

STAFF RECOMMENDATION:

Staff recommends amending the charter ordinance to require a tax in a specific amount so that the City can exclude the TMTA's revenues and expenses when determining the City's aggregate limit for property taxes.

Staff makes no recommendation regarding the TMTA's request to increase the TMTA's mill levy from 4.2 to 5.2.

BACKGROUND:

The TMTA's request to the City is twofold: (1) The tax lid law requires the City to include the TMTA's revenues and expenses when determining the City's aggregate limit for property taxes. This inclusion affects the City's tax lid calculations and could force an election if, by inclusion of these amounts, the City's aggregate limit for

property taxes exceeds the preceding year's tax revenue. The Kansas Department of Administration has advised that the City can remove the TMTA from the City's tax lid calculations if the charter ordinance is amended to require the City to levy a tax in a specific amount rather than making it discretionary for the City to do so. (2) Since 2012, the TMTA's tax levy has remained at 4.2 mills. The TMTA would like to increase that amount to 5.2.

BUDGETARY IMPACT:

Passage would allow the City to exclude the TMTA's revenues and expenses when determining the City's aggregate limit for property taxes.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Proposed Charter Ordinance

Charter Ordinance No. 115

TMTA Presentation December 5, 2018

(Published in the Topeka Metro News _____ and _____)

CHARTER ORDINANCE NO. _____

A CHARTER ORDINANCE introduced by City Manager Brent Trout, amending City of Topeka Charter Ordinance No. 115, § 1, as codified at Section A9-2 of the Topeka Municipal Code.

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

Section 1. That section A9-2, Levy of tax, of the Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Levy of tax.

The governing body of the City of Topeka, Kansas ~~may~~shall levy a tax ~~not to exceed four of five~~ and two-tenths (4.2 5.2) mills. The mill levy shall be upon all the taxable property within such city, as authorized by ordinance of the city, the proceeds of such tax levy to be used by the metropolitan transit authority of Topeka, Kansas, pursuant to Article IX of this code.

Section 2. This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 3. This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Kansas Constitution, in which case this Charter Ordinance shall become effective if approved by a majority of the electors voting therein.

Section 4. Upon the effective date of this Charter Ordinance, this Charter Ordinance shall be recorded by the City Clerk in a book maintained for such purposes

28 with a statement of the manner of adoption and a certified copy shall be filed with the
29 Secretary of State of the State of Kansas.

30 Section 5. That Charter Ordinance No. 115, § 1 as codified in Topeka
31 Municipal Code § A9-2 is hereby specifically repealed.

32 PASSED AND APPROVED by the Governing Body on _____.

33
34 CITY OF TOPEKA, KANSAS

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39 _____
Michelle De La Isla, Mayor

40 ATTEST:

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44 _____
45 Brenda Younger, City Clerk
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1 (Published in the Topeka Metro News May 11, 2015 and May 18, 2015)

2
3 **CHARTER ORDINANCE NO. 115**
4

5 A CHARTER ORDINANCE introduced by City Manager Jim Colson amending Charter
6 Ordinance codified at TMC Section A9-2 concerning the mill
7 levy for the Topeka Metropolitan Transit Authority.

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

10 Section 1. That section A9-2, Levy of tax, of the Code of the City of Topeka,
11 Kansas, is hereby amended to read as follows:

12 **Levy of tax.**

13 The governing body of the City of Topeka, Kansas may levy a tax not to exceed
14 four and two-tenths (4.2) mills for 2015. For 2016 and subsequent years, the levy may
15 not exceed three (3) mills. The mill levy shall be upon all the taxable property within
16 such city, as authorized by ordinance of the city, the proceeds of such tax levy to be
17 used by the metropolitan transit authority of Topeka, Kansas, pursuant to Article IX of
18 this code.

19 Section 2. This Ordinance shall be published once each week for two (2)
20 consecutive weeks in the official City newspaper.

21 Section 3. This Charter Ordinance shall take effect sixty-one (61) days after
22 final publication unless a sufficient petition for a referendum is filed and a referendum
23 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),
24 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
25 if approved by a majority of the electors voting therein.

26 Section 4. Upon the effective date of this Charter Ordinance, this Charter
27 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
28 with a statement of the manner of adoption and a certified copy shall be filed with the
29 Secretary of State of the State of Kansas.

Section 5. That original § A9-2 of the Code of the City of Topeka is hereby specifically repealed.

PASSED AND APPROVED by the Governing Body on May 5, 2015.

CITY OF TOPEKA, KANSAS



Larry E. Wolgast
Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

STATEMENT OF MANNER OF ADOPTION OF FOREGOING

The foregoing Charter Ordinance No. 115 was passed on the 5th day of May, 2015, as shown by the minutes, Book 2015 Page 110, by a vote of 10 for and 0 against, being not less than two-thirds (2/3) of the members-elect of the governing body, published in the Topeka Metro News, the official city newspaper, on the 11th day of May, 2015, and on the 18th day of May, 2015, being once each week for two (2) consecutive weeks, and there being no petition demanding a referendum filed with the City Clerk within sixty (60) days after the final publication, said Charter Ordinance took effect on the 17th day of July, 2015.

Brenda Younger
Brenda Younger, City Clerk

A photograph of a group of diverse children sitting and standing on a bus. The children are smiling and looking towards the camera. A semi-transparent blue banner is overlaid across the middle of the image, containing the title text. The background shows the interior of the bus with yellow handrails and windows looking out onto a street with other vehicles.

TOPEKA METRO

Investing in Topeka's Future

Mill Levy Discussion

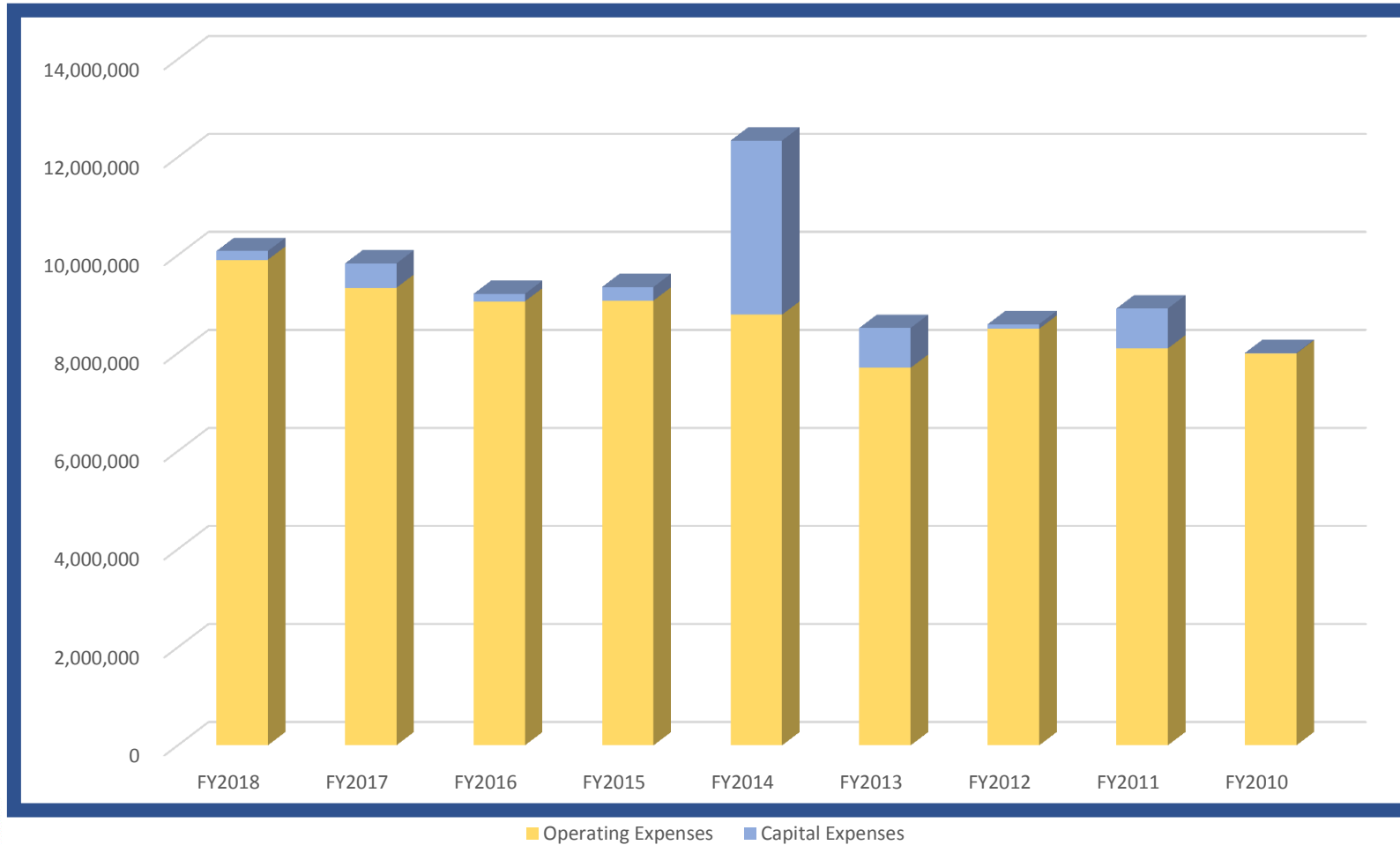
Presentation to the Topeka City Council
December 4, 2018

Investment in the Future of Transit in Topeka

- Topeka Metro is asking for the investment of a 1 mill increase in the property tax levy effective January 2020 to support current and future operations
- The mill levy funding for Topeka Metro will have been static for 10 years as of January 2020
- Topeka Metro has aggressively pursued operational efficiencies, grant funding, and partnerships to maximize services delivered within constrained financial resources, and the limit has been reached
- Without additional funding, significant staff and service reductions will be necessary beginning in 2019

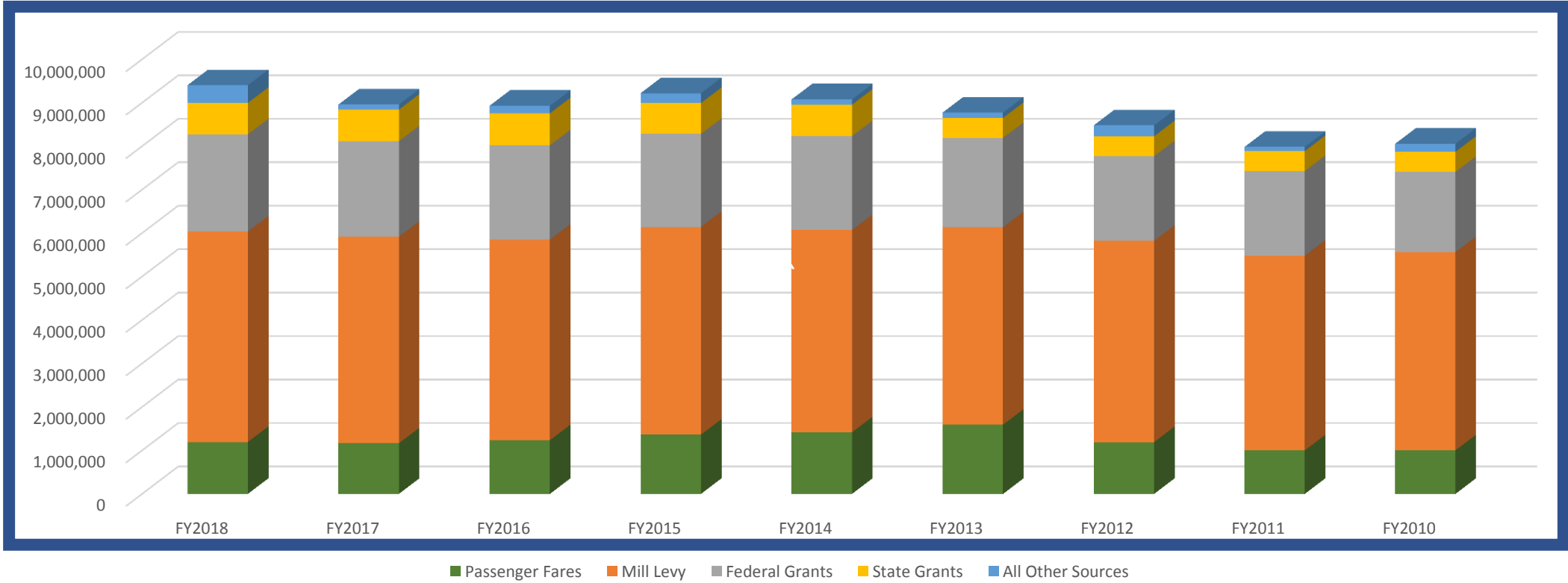
Topeka Metro Financials

Topeka Metropolitan Transit Authority
Operating and Capital Expenses



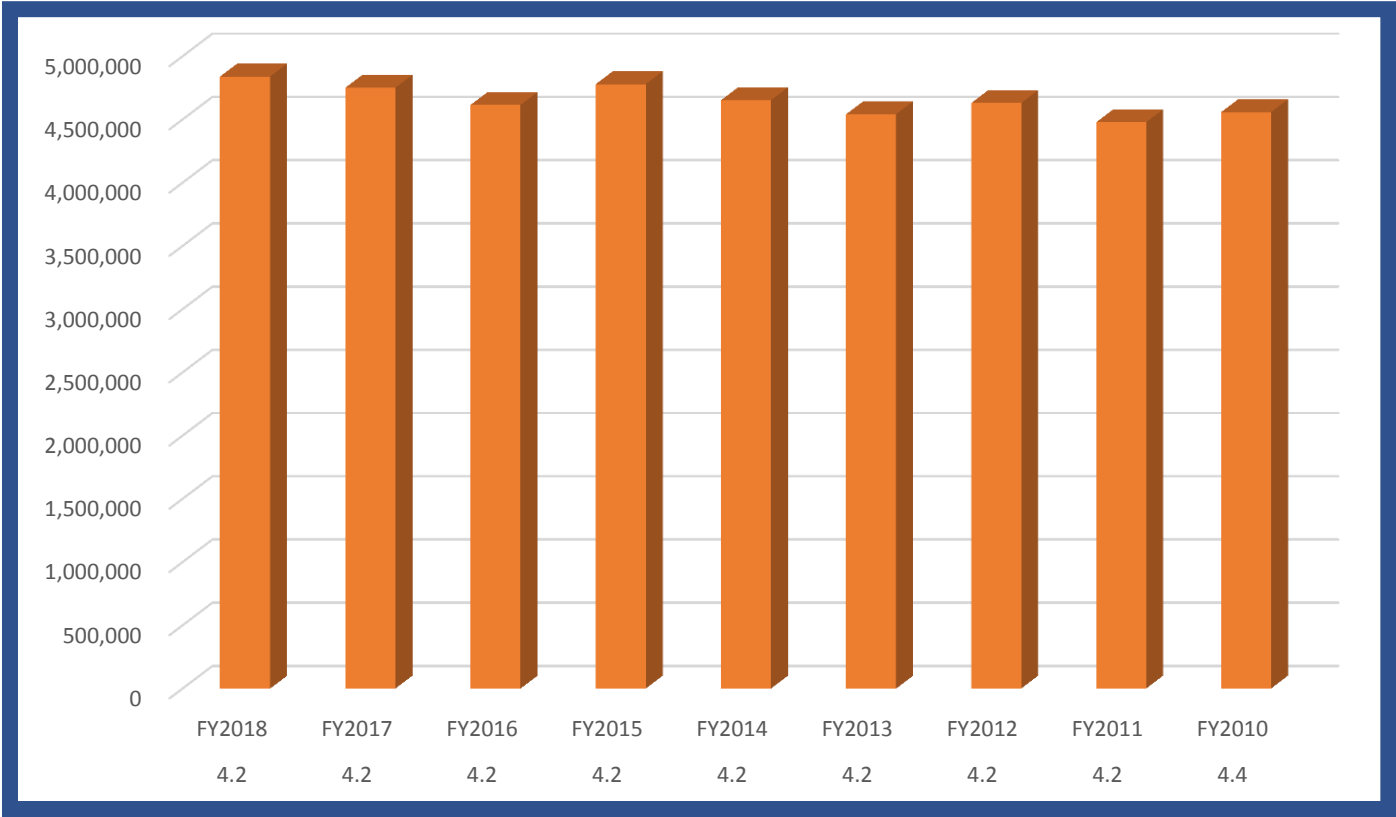
Topeka Metro Financials

Topeka Metropolitan Transit Authority
Revenue by Type



Topeka Metro Financials

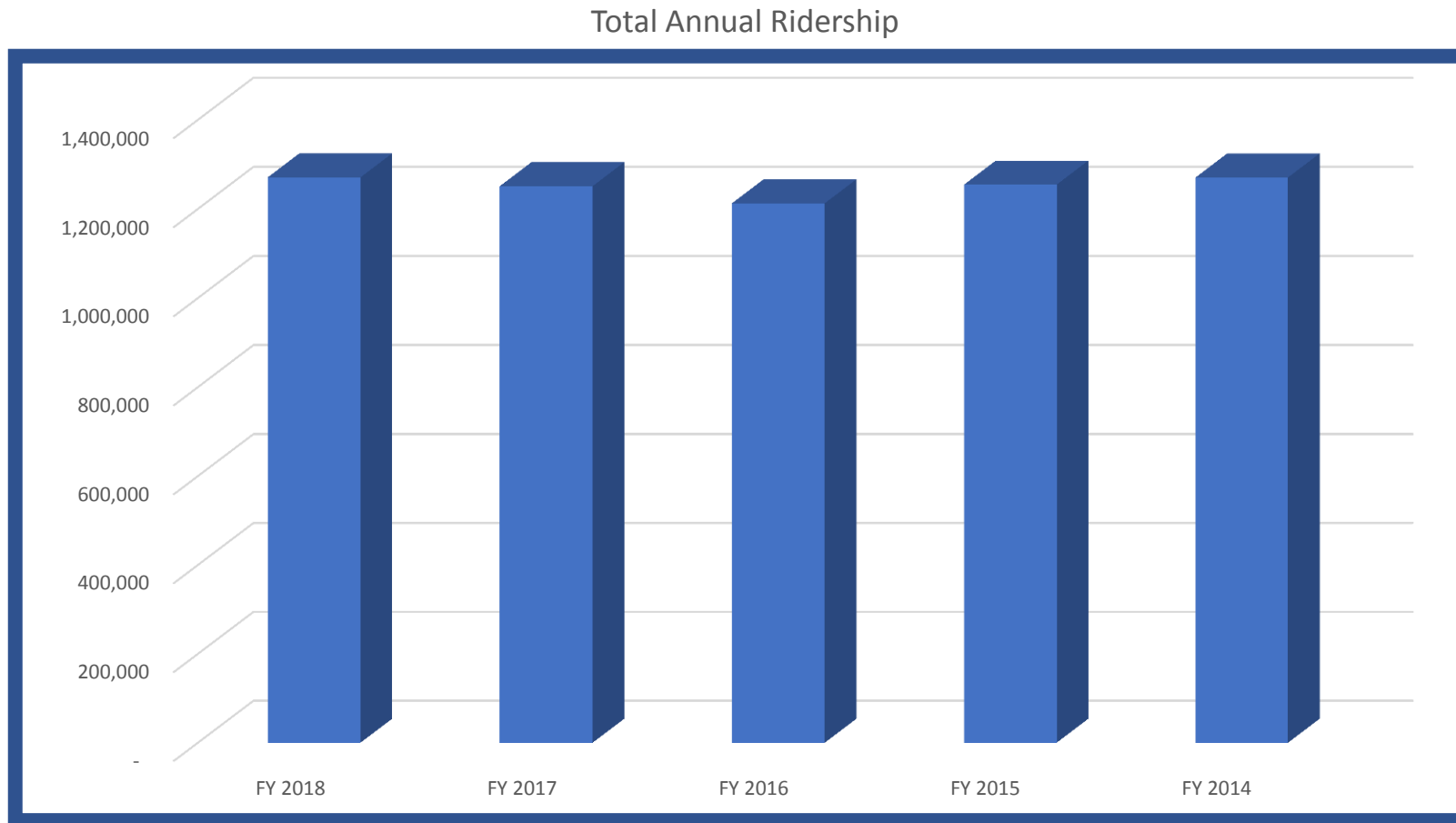
Topeka Metropolitan Transit Authority
Mill Levy



DRIVEN TO SUCCEED – History of Service

- From 1999 to 2006, Federal JARC (Job Access and Reverse Commute) program annual funding of \$600,000 supported operations. Some of the JARC-funded and other services were continued until 2010, but then were eliminated: on-demand night service, Sunday service, charter services
- 2011 – Fares increased 60%: fixed-route \$1.25 to \$2, paratransit \$2.50 to \$4 resulting in reduced ridership and public backlash
- Topeka Metro has been awarded over \$5.8 million in Federal grants for capital expenses since 2013

Topeka Metro Ridership



DRIVEN TO SUCCEED – Fiscal Efficiencies Gained through Service Transformation

- **2014 – 10 new buses replace 1998 models, increase MPG by 60% for savings of \$245,000**
- **2014 – Contracted with Capitol City Taxi to provide less expensive paratransit services for ambulatory riders for savings of \$345,000**
- **2014 - 2016 – Implement Designated Stops on all routes for ADA, safety and route efficiencies on the street**
- **2015 – Added Freedom Pass and mobility coordination services to shift rides from paratransit to less expensive fixed-route service, over 8,700 rides in FY2018 with savings of \$215,000**
- **2016 – In-the-field operator relief, reducing overtime**
- **2018 – Eliminate low performing #29 Special for savings of \$25,000**

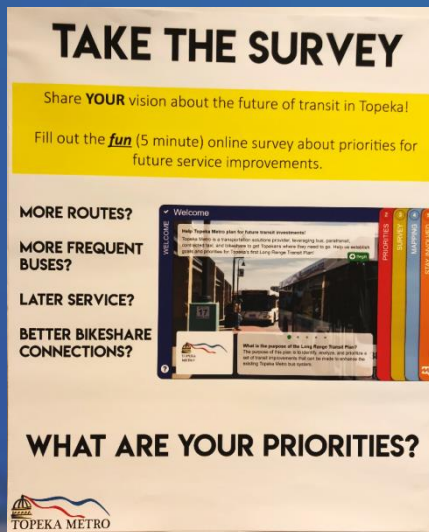
DRIVEN TO SUCCEED – Fiscal Savings Reallocated to Enhance Services

- **2013 – Kids Ride FREE! summer service (41,000 rides in 2018)**
- **2015 – Topeka Metro Bikes, the first bike share program in Kansas to provide first/last mile transportation**
- **2015 – Routes: Added Saturday Oakland Service, added #7 Washburn N-S route, added Flex on-demand service for SE Topeka, modified Indiana route to serve Hi-Crest & Washburn Tech East (2018)**
- **2016 – Partner with USD 501 and Washburn University for contract purchase of student passes**
- **2016 – Extend evening service 1 hour on all routes and paratransit**
- **2017 – Goal of 100% of ADA compliance for bus stops by 2020**
- **2017 – Extend routes to medical services at Urish Road and to the old Topeka State Hospital grounds to serve Valeo & Cotton O’Neil Kanza Park**
- **2017 – SOTO South Topeka Workforce 365/24/7 Service, 8,575 total trips through November 2018**
- **2018 – Reinstate limited Charter services**
- **2018 – Add service to new Reser’s plant at E. 6th and Croco**
- **2018 – Extend Route #5 to 33rd and Gage to improve south Topeka coverage**



TRANSFORMING TOPEKA TRANSIT FOR THE NEXT DECADE 2019 Long Range Transit Plan

Topeka Metro's Long Range Transit Plan



What we heard from Topekans

Phone Survey - 900 statistically valid responses

Two MetroQuest Surveys- 1,245 total responses

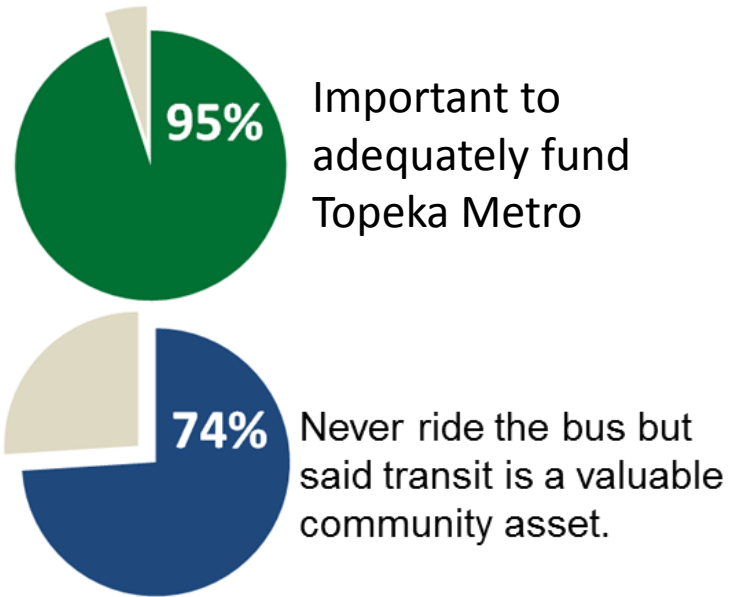
Ten open houses and community events

Topeka Metro's Long Range Transit Plan

Overview of Investment Priorities

The data tells us...

Overwhelming support for Topeka Metro Services!



SOURCE: Statistically Valid Phone Survey; Spring 2018

NOTE: Phone survey of 900 randomly selected Topeka residents.
100 responses collected from each City Council District

Public-Driven Transformative Priorities

Highest Priorities

- 1) Add New Routes
- 2) Add Sunday Service

Topeka Metro's Long Range Transit Plan

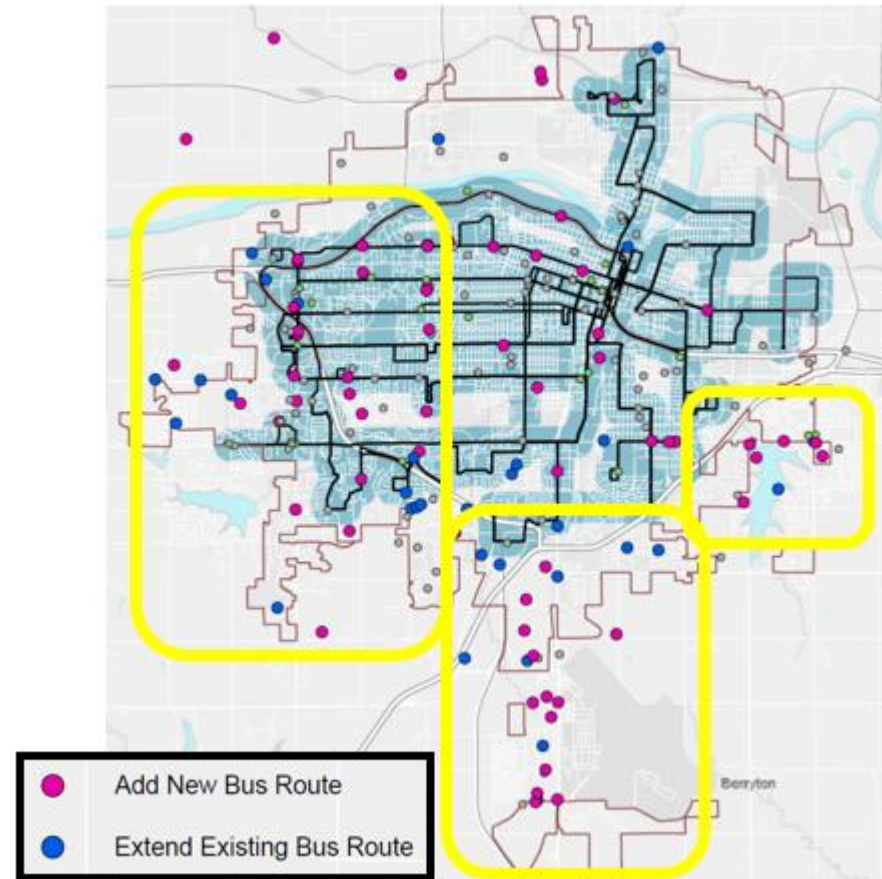
Priority #1 – Add new Routes

- ☐ Over 81% of respondents support adding at least 1 new bus route
- ☐ 61% of respondents support adding 2 or 3 new bus routes
- ☐ Nearly 1/3 of respondents want to add 3 new bus routes
- ☐ Approximate annual ongoing operating cost of each additional fixed route - \$225,000-275,000
- ☐ Current vehicle inventory would support 1 additional route but no **operating** funds are available

SOURCE: MetroQuest Phase 2 Survey; Budget Slider; Fall 2018

NOTE: Percentages may not equal 100.0% due to rounding.

MetroQuest Mapping Results
(New or Extended Routes)



SOURCE: MetroQuest Phase 1 Survey; Spring 2018

Topeka Metro's Long Range Transit Plan

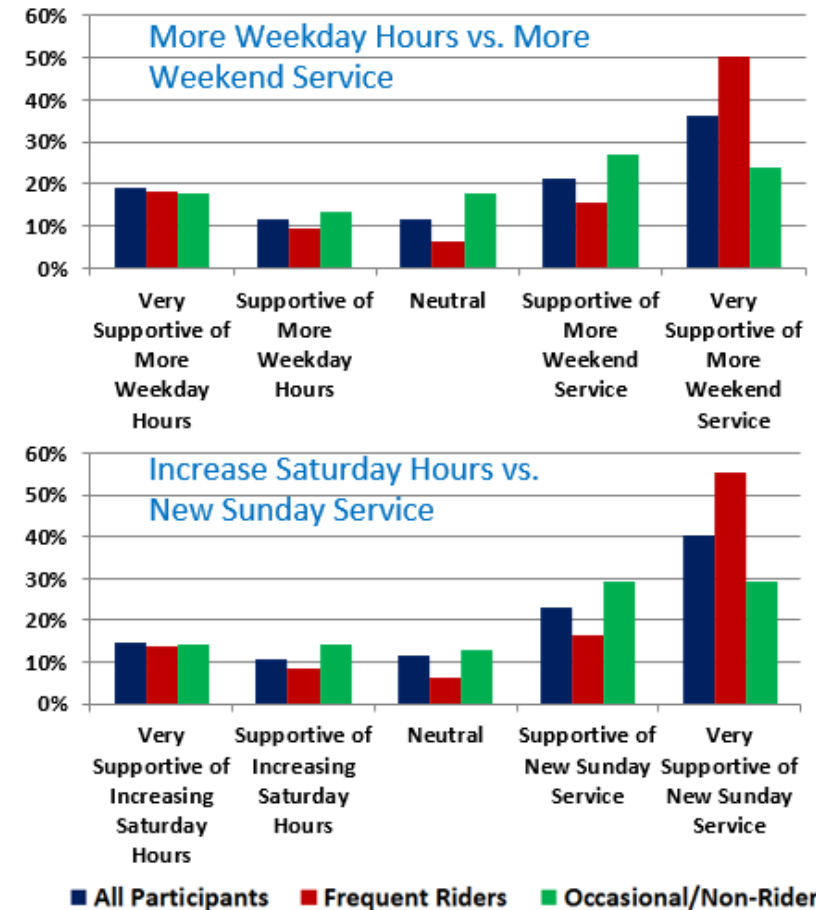
Priority #2 – Add Sunday Service

- ☐ 75% of respondents favor adding some Sunday service
- ☐ 50% of non-riders /occasional riders favor adding a half-day of Sunday service
- ☐ 44% of frequent riders favor adding a full-day of Sunday service
- ☐ Approximate annual ongoing operating cost to duplicate current Saturday 10 hour service on all 12 routes - \$350,000 annual ongoing operating expenses, but no **operating** funds are available

SOURCE: MetroQuest Phase 2 Survey; Budget Slider; Fall 2018

NOTE: Percentages may not equal 100.0% due to rounding.

Survey Tradeoff Results for Weekend Service



SOURCE: MetroQuest Phase 2 Survey; Fall 2018

TRANSFORMATIONAL FUNDING OPTIONS

The need for new buses is driving this discussion – the 26 buses currently in service are reaching the end of their functional lives. 16 new buses are needed in 2023 (est. total \$9.24 million), and another 10 in 2026 (est. total cost \$6.43 million). Buses must be ordered 2 years in advance.

Topeka Metro currently funds bus purchases by depreciating the bus assets and transferring the funds into a Capital Reserve account. This account has been underfunded for 3 years to cover operating expenses.

- **Option 1: DO NOTHING** - service on the streets will be reduced beginning in 2019: remove one hour of evening service, reduce peak service, eliminate one North Topeka route on Saturday.
- **Option 2: CITY OWNS BUSES** – City of Topeka purchases the buses through CIP funding or bonds. Metro funding is focused on operating costs to maintain existing service and to meet Long Range Transit priorities.
- **Option 3: ADD 1 MILL TO PROPERTY TAX FUNDING FOR METRO** – Metro funding is focused on purchasing new buses, to maintain existing service and to meet Long Range Transit priorities.

Investment in the Future of Transit in Topeka

- Topeka Metro provides a vital link to work, school, and activities for Topeka residents.
- Operations have been made more efficient, but are unsustainable at the current funding level.
- Without additional funding, significant service reductions will be necessary beginning in 2019.
- Topeka Metro is asking for the investment of a 1 mill increase in the property tax levy to support current and future operational costs.