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

Governing Body Agenda

September 10, 2019
6:00 PM

Mayor: Michelle De La Isla

Councilmembers

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

City Manager: Brent Trout

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

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

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

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

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. MAYORAL PROCLAMATIONS:

"Constitution Week"

2. PRESENTATIONS:

"AmeriCorps Service Recognition"
"Military Personnel Awards"
"Public Works Quarterly Report"
"Utilities Quarterly Report"

3. ROLL CALL:

4. CONSENT AGENDA:

A. MINUTES of the regular meeting of September 3, 2019

B. APPLICATIONS:

5. ACTION ITEMS:

A. Ordinance - Martinek and Flynn Wholesale Inc. (Z19/6)

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, by providing for certain changes in zoning on property located at 2046 SW Van Buren Street from "M-1" Two Family Dwelling District TO "C-4" Commercial District. *(Z19/6) (Council District No. 3)*

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

(Approval would allow additional vehicle parking and loading areas for the adjacent business at 118 SW Roby Place.)

B. Ordinance - Utility Bill - Real Estate Liens 2019

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

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of $131,612.31.)

C. Ordinance - Comprehensive Personnel-Related Document Review

ORDINANCE introduced by Councilmembers Coen, Emerson and Jensen, sitting as the Policy and Finance Committee, amending, repealing and reorganizing certain chapters and sections of the Topeka Municipal Code in Title 2: Administration and Personnel; repealing Ordinance No. 16404 that adopted a personnel code; and rescinding Resolution Nos. 6448, 7758, 7985, 8235 and 8381 that amended the Personnel Code.

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

(Approval would amend personnel-related provisions contained in Title 2 of the Municipal Code and to, thereafter, repeal the Personnel Code.)

D. Ordinance - Sign Code Update

ORDINANCE introduced by City Manager Brent Trout, repealing the sign code in Chapters 18.10, 18.15, 18.20, and 18.25 in Division 2 of Title 18 of the Topeka Municipal Code (TMC) and establishing a new sign code in Chapter 18.10.

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

(Approval would update the City's sign code.)

6. NON-ACTION ITEMS:

A. Discussion - Property Registration Programs

DISCUSSION of proposed Neglected, Foreclosed and Vacant Property Registration Programs.

7. ANNOUNCEMENTS:

8. PUBLIC COMMENT:

9. EXECUTIVE SESSION:

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

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

10. ADJOURNMENT:

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**		
CONTACT PERSON:	**Trey Brooks, Executive Assistant Mayor's Office**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

"Constitution Week"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Constitution Week Proclamation

P R O C L A M A T I O N

By the Mayor

WHEREAS, *September 17, 2019, marks the two hundred thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and*

WHEREAS*, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration that will commemorate the occasion; and*

WHEREAS*, Public Law 915 guarantees the issuing each year of a proclamation by the President of the United States of America designating the week of September 17 through 23 as Constitution Week;*

NOW, THEREFORE*, I, Michelle De La Isla, Mayor of the City of Topeka, Kansas, do hereby proclaim the week of September 17-23, 2019, as,*

CONSTITUTION WEEK

In the City of Topeka and urge all citizens to reflect on the privilege of being an American with all the rights and responsibilities, which that privilege involves.

IN WITNESS WHEREOF, *I, Michelle De La Isla, Mayor of the City of Topeka, Kansas, do hereby affix my official signature and the Official Seal of the City of Topeka, Kansas, on this 10th day of September 2019.*

_____

Michelle De La Isla, Mayor

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**	
CONTACT PERSON:		**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY		
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

"AmeriCorps Service Recognition"
"Military Personnel Awards"
"Public Works Quarterly Report"
"Utilities Quarterly Report"

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Military Awardees
Public Works Presentation
Utilities Presentation

David H. Fisher, Jr.
2621 SW 35th TER
Topeka KS 66611-1830

Phone 785-224-9354
Email starfishdave@aol.com

2018 Awardees

Kansas Army National Guard
Master Sergeant Beverly Claycamp

Staff Sergeant Anthony M. Miller
United States Marine Corps

United States Coast Guard
Yeoman Third Class Nathaniel M. Batoon

United States Army Reserve
Sergeant First Class Larry Bukacek

Kansas Air National Guard
Senior Master Sergeant Ron Rindt









2019 CIP Quarterly Report

September 10, 2019



Transportation / Streets

2019 Projects	Completion Date
SW Gage – SW 25th to SW 29th	Complete
NW Vail (Hwy 24 to Lower Silver Lake Road)	Complete
Crack Sealing and Micro Surfacing	Complete
Gary Ormsby Road (Joint Project w/ Shawnee County)	Complete
SW 17th – MacVicar to Fairlawn (Maintenance overlay – partial width)	*Complete*
SW Fairlawn (28th to 29th) – Wheatfield Village Development	Complete
SW Burlingame – 29th to 37th (Mill/Overlay)	September
SW Arvonia Place/Winding Road – Phase II	September
Oakland Neighborhood – curbs, alleys and mill/overlay	October
SE Adams – SW 33rd to SW 37th	October
Clarion Woods Neighborhood Project – Phase II	November
Chesney Park Neighborhood Project – Phase I	November
SW Gage – I70 to Emland Drive (Widening)	Fall
Bikeways Phase 3 (SW 8th)	Fall
KS Avenue Bridge Reconstruction	Fall
Quinton Heights SORT Projects	Fall/Spring
Tennessee Town SORT Projects	Fall
SW 29th (Wheatfield)	Fall
SW 29th – Arrowhead to Wanamaker (Maintenance Overlay – partial width) - Tentative	*Fall*

2019 Projects



Burlingame Mill/Overlay



SW Fairlawn (View looking North) from 29th)

2019 Projects



KS Avenue Bridge – North Span Demo



NW Vail – After Reconstruction

2019 Projects

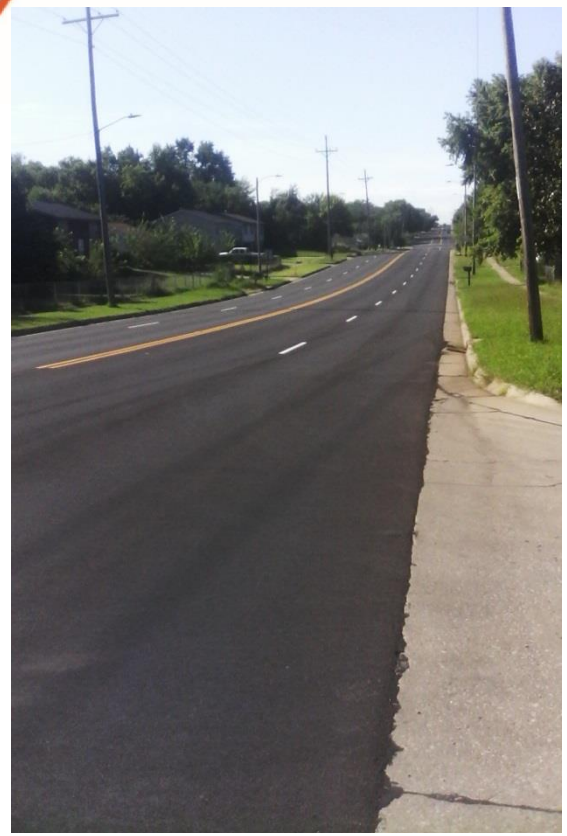


Gary Ormsby Road – Joint City/County



SE Adams (View looking north from 37th)

2019 Projects – Microsurfacing & Quinton Heights S.O.R.T.



Microsurface on SE Adams



Pedestrian Bridge Delivery – Quinton Heights



Transportation / Streets

Projects – Design	Phase	Construction Start
• SW 10th – Fairlawn to Wanamaker	Final (Water bid 8/9)	2020
• SE Deer Creek Parkway/Carnahan Rd	Preliminary	2020
• SW Gage Blvd – SW 37th to SW 45th	Preliminary	2021
• SW 12th – Kansas Ave to Gage Blvd	Preliminary	2021
• NW Tyler –NW Lyman to NW Beverly	Conceptual (RFP)	2023
• SW 17th – MacVicar to I-470	Conceptual	2023



SW 10th – Wanamaker Road to Fairlawn Road



SW 12th – S. Kansas to SW Gage Blvd



Internal Services:(Fleet, Facilities, Parking and TSG)

- Renovation on Fire Station #3 continuing
- Continuing to address maintenance needs across the city including HVAC repairs
- Parking installed updated garage systems which included new entry/exit bars
- AVL project went live with 105 vehicles across the city
  - Includes: Fire Trucks, Street Sweepers, Dump Trucks, Motor graders and Medium/Light Duty Trucks
  - The system provides accurate locations as well as additional information such as plow up/down, emergency lights activated, speed, harsh braking, etc.



Fire Station 3



Internal Services:(Fleet, Facilities, Parking and TSG)



Upgraded Garage Systems



New Fire Truck



Street Division:

- Crack Sealing - 66,000 linear feet
- Street Sweeping - 2281 lane miles
- Potholes filled - 12,087
- Alleys maintained - 69

In addition, crews did extensive mill and filling operations on large transverse cracks in three ‘3’ neighborhoods prior to micro-surfacing.

Street Division:



Transverse Crack Mill/Fill (prior to micro-surfacing)



Repair/Overlay on SW 29 – East of KS Ave



Public Works 2019 CIP

Budget Summary

2019 CIP	GO BOND	FFE	Citywide ½¢	County ½¢	Total
Budget	$ 6,726,500.00	$ 1,420,000.00	$ 13,838,000.00	$ 5,295,000.00	$ 27,279,500.00

GO Bond (Neighborhoods, Traffic, Streets, and Facilities)
FFE (Federal Fund Exchange)
Citywide ½ Cent (Streets, Alleys, and Sidewalk Projects)
Countywide (Street Projects Only)



Questions?

QUARTERLY REPORT

2nd Quarter 2019

Projects Under Construction and In Design

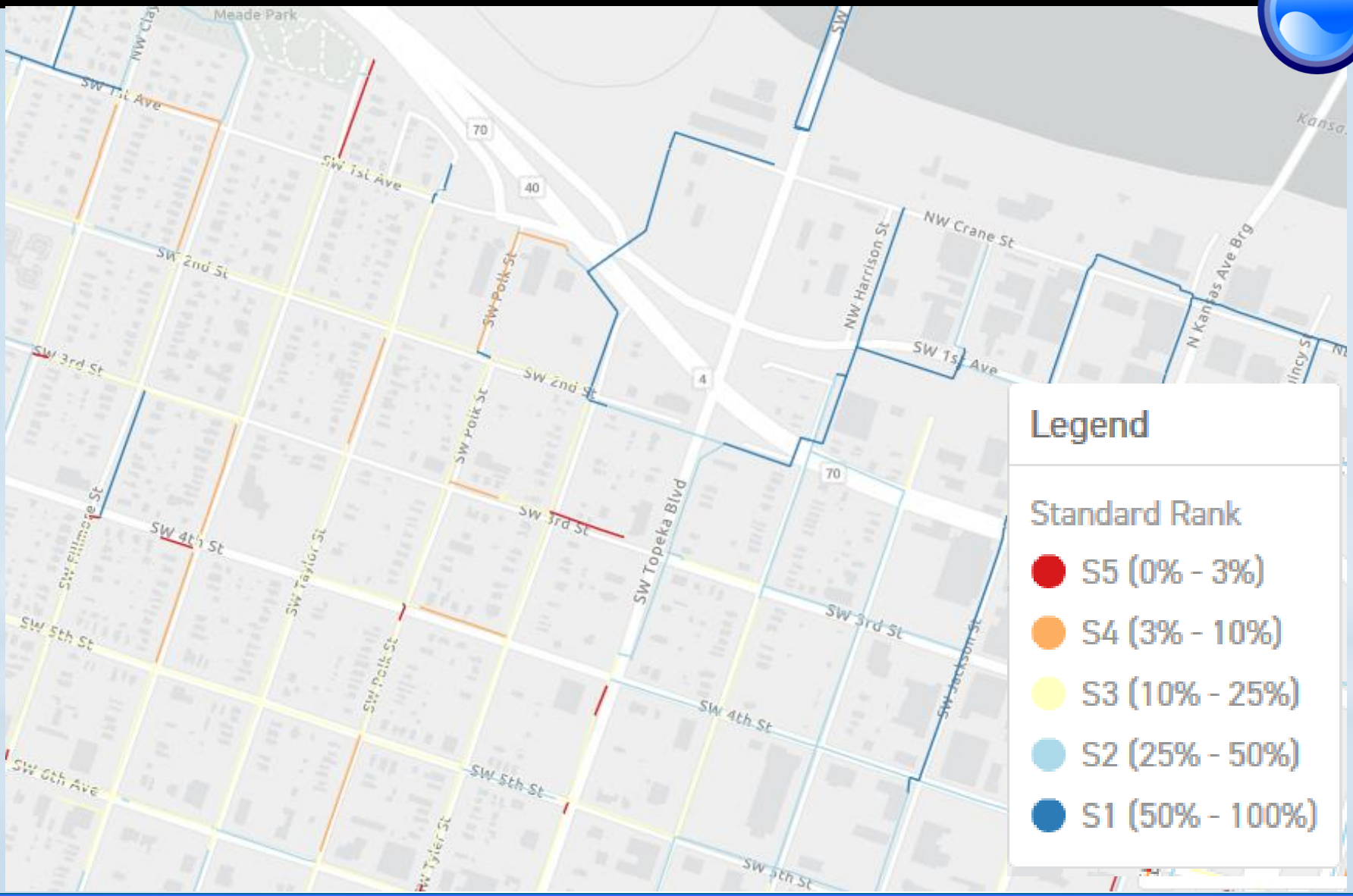




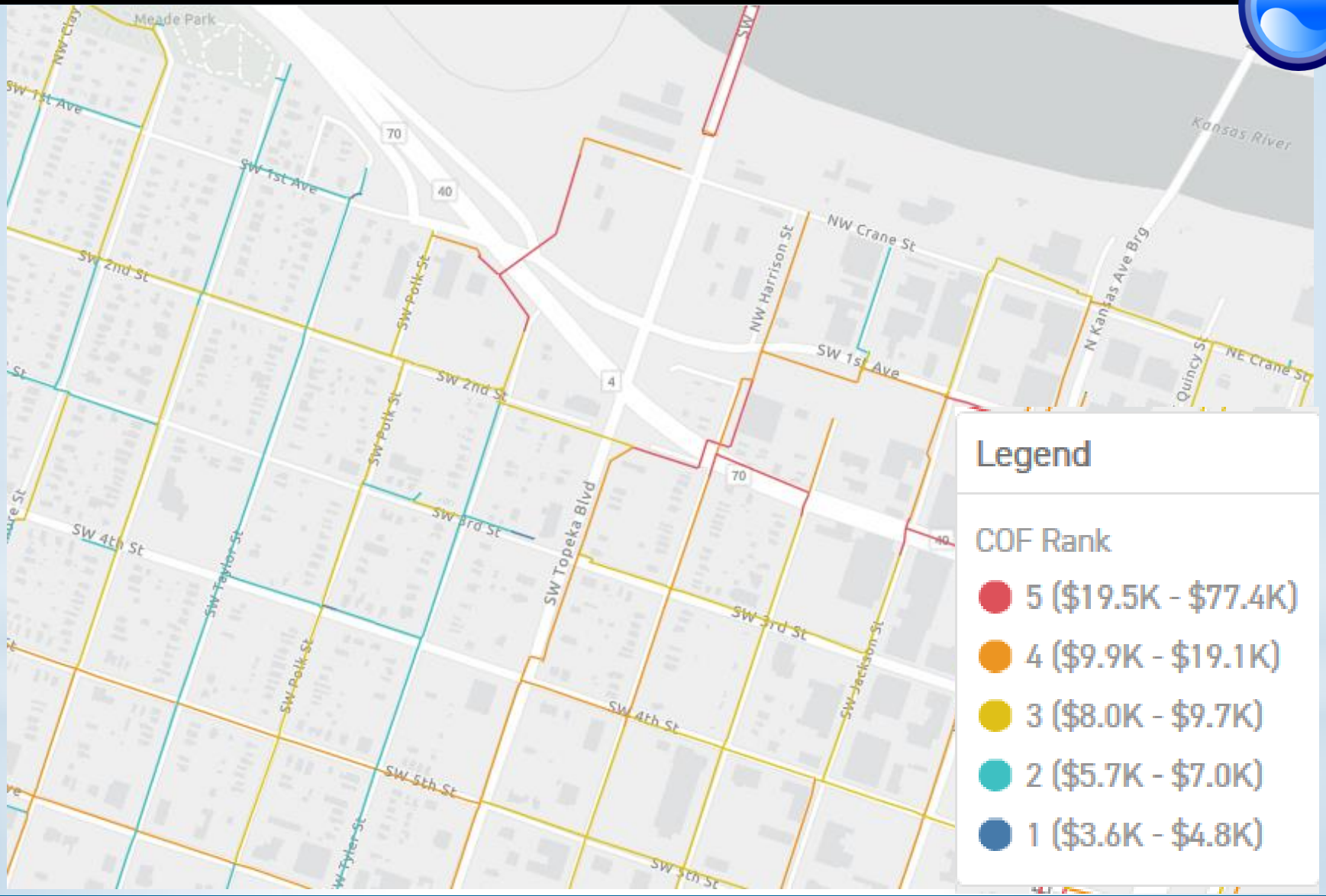
Water Projects Under Construction

- Boring Under Hwy 24 at Tyler
- Rehab of East Filters
- Strait Transmission Main
- West Crane Transmission Main
- Waterline Replacements
  - Tennessee Town Sort Project
  - Chesney Park Half Cent Sales Tax Project

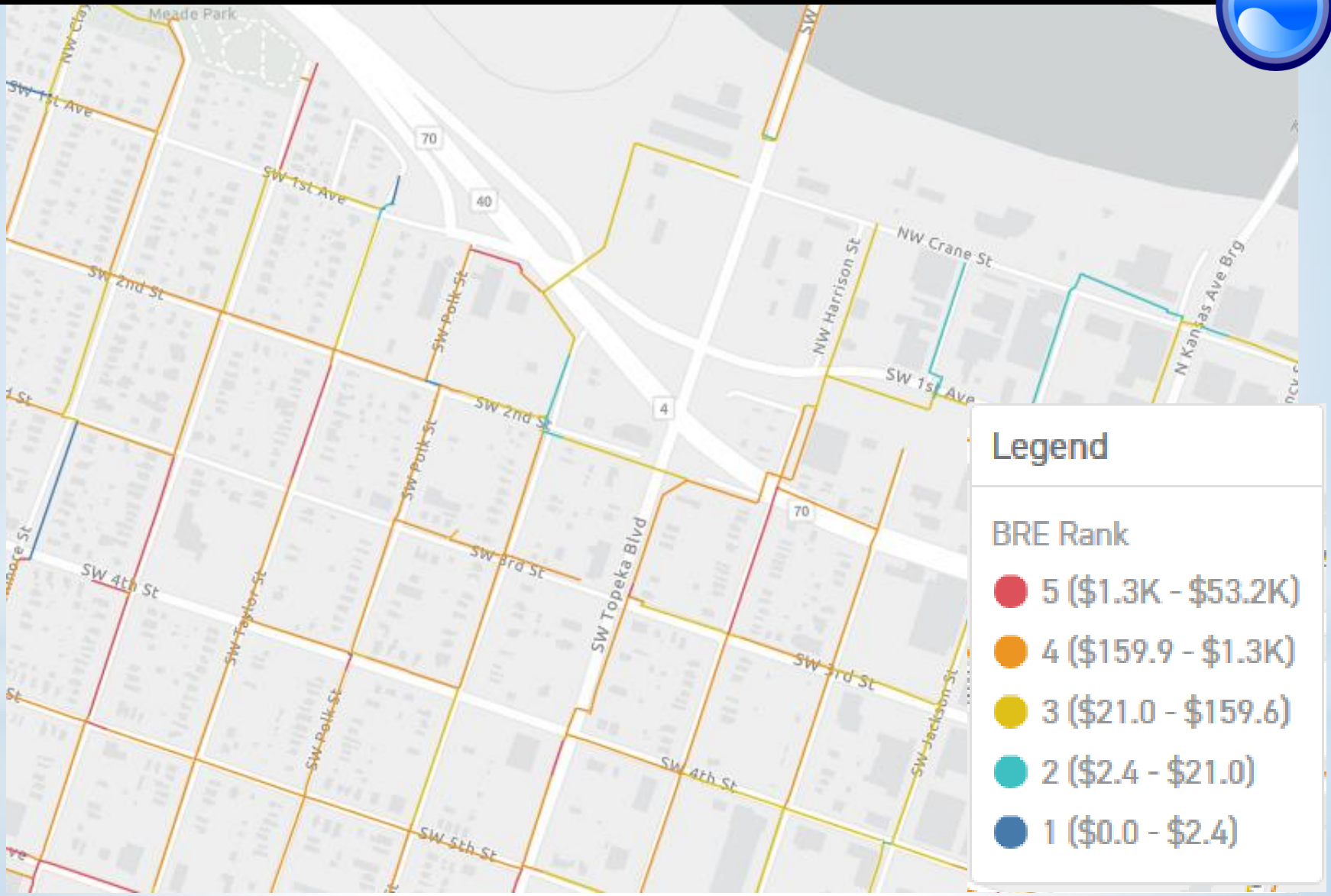
FRACTA – Likelihood of Failure



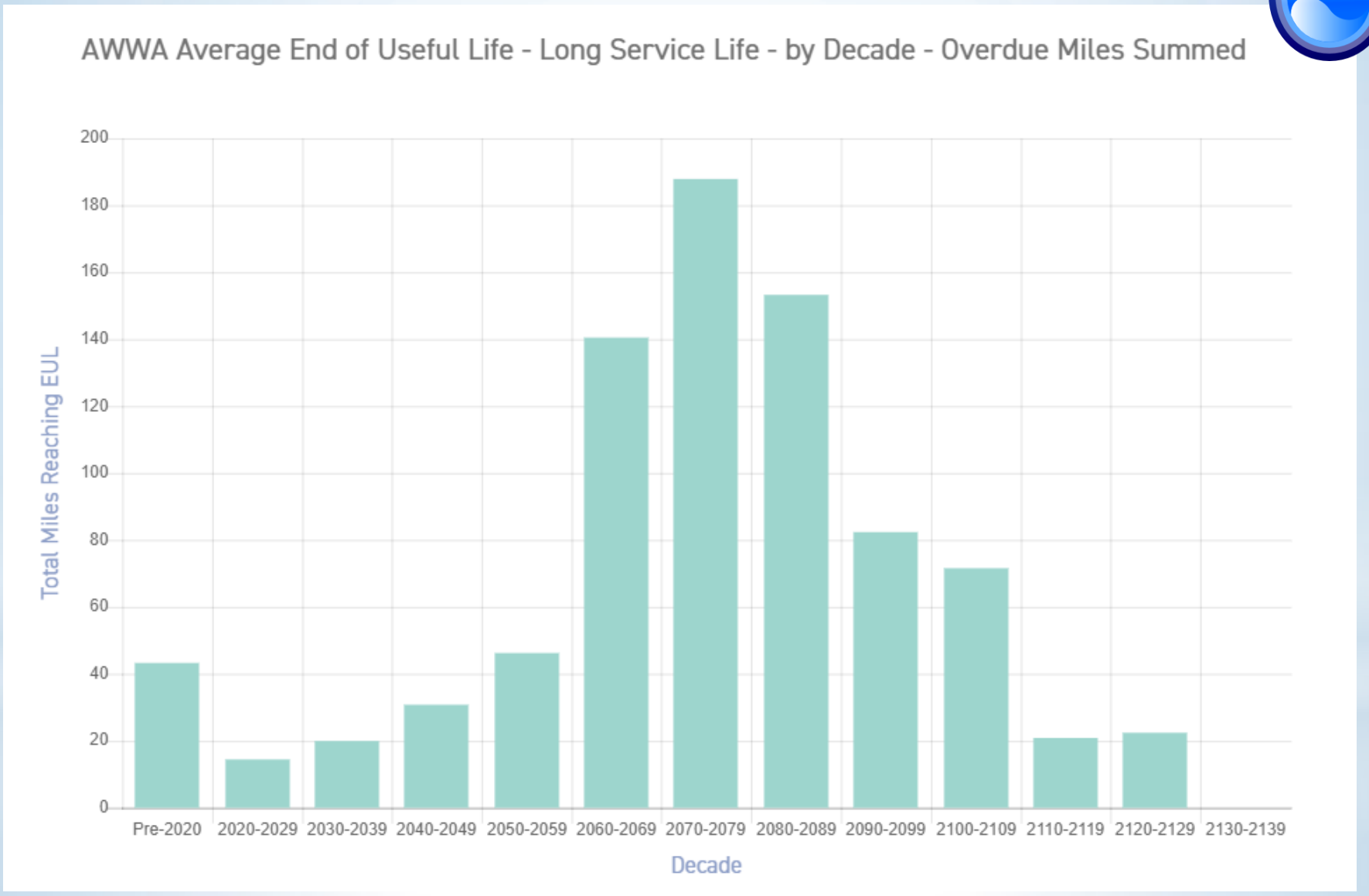
FRACTA – Consequence of Failure



FRACTA – Business Risk Exposure



FRACTA – Water Main Asset Management



Water Projects In Design

- Montara Tower
- Chlorine Disinfection Basin Relocation
- Waterline Replacements
  - SW Oakley, 19th to 21st
  - SW Gamwell & Nottingham
  - SW Edgewater

Wastewater Projects Under Construction

- Oakland Wastewater Treatment Plant Solids Handling/Biogas
- UV
- Oxidation Basin Mixer Replacement
- Ash St Force Main & Pump Station Rehab

Ash Street Force Main & Pump Station Rehab





Ash Street Force Main & Pump Station Rehab

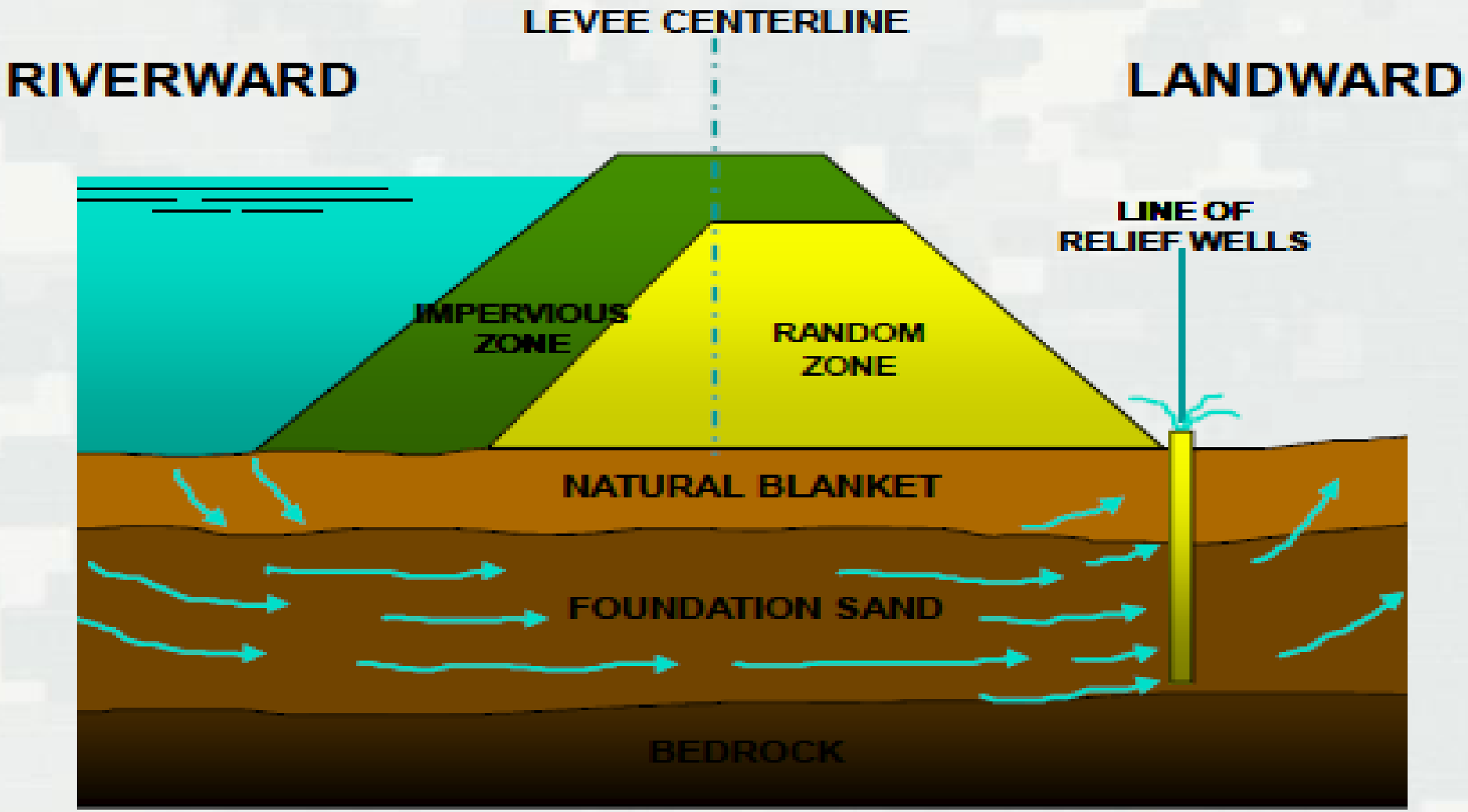


Chandler Interceptor Emergency Repair





Underseepage Relief Wells



Wastewater Projects In Design

- Wanamaker Force Main
- East Side Interceptor
- Arrowhead Pump Stations
- VanBuren/Jackson Interceptor

Stormwater Projects Under Construction & Design

- Storm Drain Lining at the WTP
- Drainage Correction Projects (DCP)
  - Bridlewood North
  - Prairie Trace
  - SE 35th & Powell
  - SW Fillmore to Central Park near 32nd St.
  - Woodbridge
- Ward Martin Pump Station Gate Repair
- SW Fairlawn, 25th to 28th

Ward Martin Pump Station Gate Repair



QUESTIONS?

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**		
CONTACT PERSON:	**Bill Fiander**	**DOCUMENT #:**	**Z19/6**
SECOND PARTY/SUBJECT:	**Angela Sharp, Bartlett and West**	**PROJECT #:**	**N/A**
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, by providing for certain changes in zoning on property located at 2046 SW Van Buren Street from "M-1" Two Family Dwelling District TO "C-4" Commercial District. *(Z19/6) (Council District No. 3)*

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

(Approval would allow additional vehicle parking and loading areas for the adjacent business at 118 SW Roby Place.)

VOTING REQUIREMENTS:

Governing Body Options:

1. Approve the Planning Commission's recommendation by adopting the ordinance. A minimum of 6 votes is required of the Governing Body.
2. Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes is required is required of the Governing Body.
3. Refuse to approve the Planning Commission's recommendation by rejecting the ordinance. A minimum of 7 votes is required of the Governing Body.
4. 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 is required of the Governing Body.

POLICY ISSUE:

The proposed zoning is compatible with the zoning and land use of adjacent properties to the south, north and east, which were rezoned to the “C-4” Commercial District in 1998 to accommodate the adjacent business. The zone change is in conformance with the land use policies and principles of the Topeka Land Use and Growth Management Plan - 2040 as it supports the growth of an existing business in the core area, which the plan highlights as a "pillar of a prosperous community."

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

The request is to rezone property located at 2046 SW Van Buren Street from "M-1" Two Family Dwelling District to "C-4" Commercial District.

The single family dwelling historically on the property was demolished in 2018. The property is surrounded by the adjacent contractor shop and yard which is all zoned "C-4" Commercial.

The applicant conducted a neighborhood information meeting on July 29, 2019. The property owner, representative and Planning staff attended the meeting. Two nearby property owners attending the meeting and expressed no opposition to the zoning change. The adjacent neighbor to the east did express some concerns she has experienced with drainage issues, in general, not as a result of this property owner. The applicant’s engineer indicated that prior to site development they will be required to show there is not a net increase in runoff as a result of the increase in impervious surface

The Topeka Planning Commission recommended approval on August 19, 2019 and the Planning Department recommends approval.

BUDGETARY IMPACT:

The zoning change would have no budgetary impact to the CIty.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Ordinance
Staff Report
Aerial Map
Zoning Map
Future Land Use Map
Neighborhood Information Meeting - July 29, 2019

(Published in the Topeka Metro News _____)

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, by providing for certain changes in zoning on property located at 2046 SW Van Buren Street from "M-1" Two Family Dwelling District TO "C-4" Commercial District **(Z19/6) (Council District No. 3)**

BE IT ORDAINED BY THE GOVERNING BODY 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:

South 10 ft. of Lot 754 and all of Lots 756 and 758, Kevans Addition, City of Topeka, Shawnee County, Kansas

FROM "M-1" Two Family Dwelling District TO "C-4" Commercial District

Section 2. This Ordinance Number shall be fixed upon the "District Map."

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED by the Governing Body, City of Topeka, Kansas, 2019

_____

Michelle De La Isla, Mayor

_____

ATTEST:

_____

Brenda Younger, City Clerk

STAFF REPORT – ZONING CASE
TOPEKA PLANNING DEPARTMENT

PLANNING COMMISSION DATE: Monday, August 19, 2019

APPLICATION CASE:	Z19/6 By: Martinek and Flynn Wholesale Inc.
REQUESTED ACTION:	Zoning change from "M-1" Two Family Dwelling District TO "C-4" Commercial District
APPLICANT / PROPERTY OWNERS:	Martinek and Flynn Wholesale Inc. Windows, Siding, Guttering
APPLICANT REPRESENTATIVE:	Angela Sharp, P.E. – Bartlett and West Inc.
STAFF:	Annie Driver, AICP – Planner
PROPERTY LOCATION / PARCEL ID:	2046 SW Van Buren/PID: 1330603012004000
PARCEL SIZE:	0.15 acres (6,500 sf)
STAFF RECOMMENDATION:	Approval
RECOMMENDED MOTION:	Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-1" Two Family Dwelling District TO "C-4" Commercial District

PHOTOS:



Subject property view from SW Van Buren



Martinek and Flynn business/view from Roby Place

PROJECT AND SITE INFORMATION

PROPOSED USE / SUMMARY:	Future use of the property for vehicle and truck parking in association with the adjacent business. The residence has been demolished and the site is currently fenced along Van Buren.
DEVELOPMENT / CASE HISTORY:	One single-family residence since at least 1966 until 2018 when that residence was demolished and the site was fenced across.
ZONING AND USE OF SURROUNDING PROPERTIES:	East: "C-4" Commercial District / Martinek & Flynn Siding, Windows, Doors West: "C-4" Commercial District/ Garage and commercial building of which the use is unknown and "M-1" Two Family Dwelling District / Single-family residences South: "C-4" Commercial District / Parking and storage lot associated with Martinek & Flynn North: "C-4" Commercial District / Parking and storage lot associated with Martinek & Flynn

DEVELOPMENT STANDARDS AND POLICIES

PURPOSE, USE STANDARDS:	"C-4" District: *This district is established to provide for commercial uses and activities which are intended to serve as community or regional service areas. Uses and activities permitted are typically characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, by outdoor commercial amusement and recreational activities, or by activities or operations conducted in buildings and structures not completely enclosed. The extent and range of activities permitted are highly intensive and therefore special attention must be directed toward buffering the negative aspects of these uses upon any residential uses.*
DIMENSIONAL STANDARDS:	Front/Rear building setbacks: 25' Side building setbacks: 10' The maximum building coverage is 60 percent.
OFF-STREET PARKING:	"C-4" District: Off-street parking is required per the standards in TMC 18.240. Outside storage areas will need to be hard surfaced per City policy based on the loads and types of vehicles having or requiring access including vehicles for emergency response.
OTHER DESIGN GUIDELINES AND CONSIDERATIONS:	A Landscape Plan subject to TMC 18.235 Landscape Regulations will be required at the time of Parking Lot Permit Application. A 5' landscape buffer setback between the property line and parking lot for a landscaped yard may be required.
SIGNAGE:	Signage will be permitted per TMC 18 Division 2 Signs or as amended. All signs require a Sign Permit through Development Services Division.
COMPREHENSIVE PLANS:	Land Use and Growth Management Plan 2040 (LUGMP): The Land Use and Growth Management Plan – 2040 designates the property for *Mixed Use.*
TRANSPORTATION/MTPO PLANS:	Not applicable

OTHER FACTORS

SUBDIVISION PLAT:	South ½ of Lot 754, Lots 756 and 758, Kevan's Addition
FLOOD HAZARDS, STREAM BUFFERS:	Designated "Zone X Area of Minimal Flooding" (outside of 100-year and 500 – year flood plain)
UTILITIES:	City water located along Van Buren. Nearest city sanitary sewer is on Van Buren. GIS map indicates there are no storm sewers adjacent to the property.

TRAFFIC:	Access to the site will be taken from the existing access openings on Hampton and Roby Place
HISTORIC PROPERTIES:	The adjacent property to the direct east is listed on the National and State Register of Historic Properties.
NEIGHBORHOOD MEETING:	The applicant conducted a neighborhood information meeting on Monday, July 29, 2019. The property owner, representative and Planning staff attended this meeting. There were two nearby property owners attending the meeting. They expressed no opposition to the zoning change. The adjacent neighbor to the east did express some concerns she has experienced with drainage issues, in general, not as a result of this property owner. The applicant's engineer indicated that prior to site development they will be required to show there is not a net increase in runoff as a result of the increase in impervious surface.

REVIEW COMMENTS BY CITY DEPARTMENTS AND EXTERNAL AGENCIES

PUBLIC WORKS/ENGINEERING:	A 4" water main runs along the west side of SW Van Buren. There is an existing fire hydrant at the corner of Van Buren and Hampton. An 8" sanitary sewer runs along the west side of Van Buren. GIS mapping indicates there are no storm sewer adjacent to the property. Plans for stormwater drainage will be reviewed and approved at the time of Parking Lot Permit submittal so that there is not a negative impact on adjacent properties. The applicant's property has two access openings along Roby Place and one along Hampton. No new access will be proposed.
FIRE:	New development will be required to ensure adequate access and hydrants for effective emergency response.
DEVELOPMENT SERVICES:	No concerns expressed at this time. Development Services will review development plans when they are submitted for review as a part of the application for the Parking Lot Permit.

KEY DATES

SUBMITTAL:	July 5, 2019
NEIGHBORHOOD INFORMATION MEETING:	July 29, 2019
LEGAL NOTICE PUBLICATION:	July 24, 2019
PROPERTY OWNER NOTICE:	July 26, 2019

STAFF ANALYSIS

As a zoning case Planning staff have reviewed the case relative to the required findings and conclusions in Topeka Municipal Code Section 18.245 (Findings and conclusions reflect the "golden factors" per Donald Golden v. City of Overland Park, 1978 Kansas Supreme Court).

CHARACTER OF NEIGHBORHOOD: The proposed zoning will have little or no detrimental effect on the character of the neighborhood. The existing siding, guttering, and window contractor storage yard, shop and retail store covers ½ the block lying between Van Buren and Kansas. The building containing the applicant's main shop and store has been on this block since near 1900 and the surrounding property was rezoned for the expansions in the late 1990s. The subject property is surrounded by storage and loading areas already used by the applicant.

The area contains mostly single-family residences fronting along the west side of Van Buren and north side of Hampton. A 3,239 sq. ft. residence, built in 1922, lies on a 1.15 acre parcel to the immediate east of the subject property owner's business and is listed on the State and National Registers of Historic Places. There is a commercial garage and warehouse located directly to the west of subject property. Kansas Avenue contains single-family residences on small lots fronting directly on Kansas.

THE ZONING AND USE OF PROPERTIES NEARBY: The proposed zoning is compatible with the zoning and land use of adjacent properties to the south, north and east, which were rezoned to the "C-4" Commercial District in 1998. The areas to the southwest and north of Hampton are zoned "M-1" Two Family Dwelling District and have historically remained zoned for single and two – family dwellings. The 1.15 acre residential parcel to the east on this block containing the historic residence is still zoned "M-1" Two Family Dwelling District. Because of the small size of the subject property compared to surrounding property, the proposed zone change and land use is compatible with the residentially zoned property on adjacent blocks.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has remained zoned for two family dwelling district uses as far back as zoning records indicate. There was a residence on the property until it was demolished in 2018. The property owner's surrounding property was rezoned for this business in 1998 and surrounds this property on its three sides.

CONFORMANCE TO COMPREHENSIVE PLAN: The subject property is located on the edge of a *Commercial Node* at the intersection of Topeka Blvd and SW 21st Street and adjacent with a *Mixed Use Area* along Kansas Avenue to the east. The land use plan designates these *Mixed Use Areas* where there is a significant display of undeveloped or vacant land that exhibit the potential for mixing uses because of the current pattern of development for both residential and commercial. The plan provides guidelines for the design of new development in these areas so that reflects an urban character (i.e. new buildings close to sidewalk, parking to rear, etc.). That being said, the proposed rezoning is in conformance to the plan since it is only to accommodate the expansion of parking and loading areas for an existing business that already surrounds the subject site. A recommended 5 ft. landscape setback along SW Van Buren will better promote these objectives in the plan. Additionally, the LUGMP-2040 promotes making investments in place/adding value where we are in order to grow value in Topeka's existing neighborhoods as one of its "pillars of prosperous community". This proposal contributes to that "pillar" of the LUGMP-2040 as it supports the growth of an existing business in the core of Topeka.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES OF WHICH IT HAS BEEN RESTRICTED: The subject property is not suitable as presently restricted under the "M-1" zoning as it is not a suitable site for a new residence because of its small size and that it is surrounded by existing parking and storage areas for commercial vehicles. This makes it extremely unlikely that a new residential structure would be built on the site.

THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES: Removal of current restrictions resulting from the proposed zoning change are not anticipated to detrimentally affect nearby properties since the adjoining uses to the north, south, and east are associated with this

particular business and the site is entirely enclosed. The developer will be required to detain the increased stormwater run-off on-site so that it does not negatively impact adjacent properties as demonstrated prior the approval of a Parking Lot Permit from the City of Topeka. Additionally, develpmetn of the property as a parking lot will require a permit and be subject to landscaping standards.

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 hardship imposed upon the individual land owner is that the business on adjacent property, which entirely surrounds the subject site may not expand under the current zoning and it is no longer viable to develop a new residence on the site. There appears to be little or no gain to the public health, safety, and welfare from denial of the proposed zone change.

AVAILABILITY OF PUBLIC SERVICES: Sewer and water are presently available and located along SW Van Buren. Storm sewer does not appear to be directly adjacent to the property. The design and handling of stormwater runoff will need to be reviewed and approved by the Department of Utilities as a part of the Parking Lot Permit submittal so as to not have a negative impact on adjacent properties.

STAFF RECOMMENDATION:

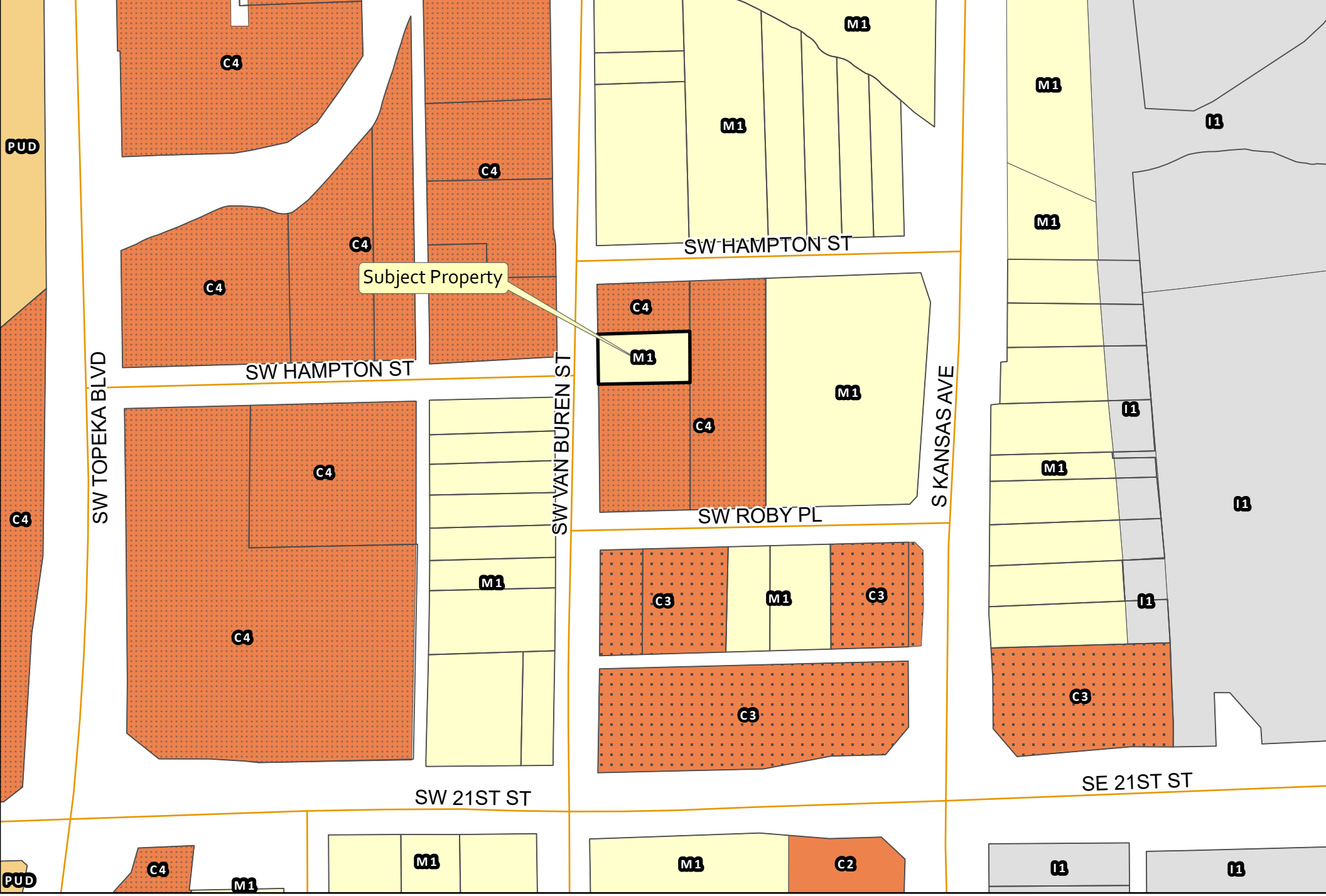
RECOMMENDATION: Based on the above findings and analysis Planning Staff recommends approval of the zoning reclassification from "M-1" Two Family Dwelling District TO "C-4" Commercial District.

RECOMMENDED MOTION: Based on the findings and analysis in the staff report I move to recommend to the Governing Body approval of the reclassification of the property from "M-1" Two-Family Dwelling District TO "C-4" Commercial District.

Exhibits:
Aerial map
Zoning map
Future land use map
NIM Attendance



Z19/6 BY: MARTINEK AND FLYNN WHOLESALE INC.



Z19/6 BY: MARTINEK AND FLYNN WHOLESALE INC.



Z19/6 - FUTURE LAND USE MAP

Bartlett & West

MEMORANDUM

Date: July 29, 2019

To: Annie Driver, AICP, Case Planner, Topeka Planning Department

From: Angela Sharp, Bartlett & West

Re: Neighborhood Information Meeting: Martinek & Flynn C-4 Rezoning, Z19/06
Location and Time: Martinek & Flynn Warehouse; Monday, July 19, 2019 at 5:30 PM

Those in attendance are as indicated on the attached attendance sheet. The meeting began at 5:30 PM with an overview of the zoning process and answering of general questions by Annie Driver, Topeka Planning Department. Angela Sharp described the purpose of the meeting as providing an opportunity for neighbors to understand the proposed project and have any questions answered. The attendees walked outside to view the subject area being rezoned, which is now an empty lot where the single family residence that existing has been demolished. The neighbors in attendance made comments about a general lack of parking along the streets in the area and it was commented that the additional area being paved will provide additional parking stalls for Martinek & Flynn vehicles. The other comment from the neighbors relative to the project was a concern that there are some existing stormwater flooding concerns in the area. Ms. Sharp responded that in order to receive the parking lot permit to complete any paving drainage calculations would have to be submitted, reviewed and approved to show how any increase in runoff would be handled so that no detrimental affects would occur on the surrounding properties or downstream. There was a great deal of discussion relative to the history of the neighborhood and recent public works projects on the adjacent streets. The meeting ended at approximately 6:30.

7/29/19 Martinek & Flynn
Neighborhood Information Mtg
at 5:30 pm

Sign In

NAME	ADDRESS	EMAIL
[illegible]	P.O Box 1282	coffeepeppy@att.net
Angela Sharp	1300 SW Executive Dr	angela.sharp@hartwest.com
Jenny Prichard	2053 S Kansas Ave	jprichard6@cox.net
Brenda Martinek	118 SW Roby Pl.	
Rick Flynn	118 SW Roby Pl	
[signature]	118 SW Roby Pl	

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**	
CONTACT PERSON:	**Nicole Malott**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Utility Bill Real Estate Liens Ordinance 2019**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 008 Special Assessments**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

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

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

(Approval would authorize the imposition of charges for delinquent utility accounts on the tax rolls in the amount of $131,612.31.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether to authorize the imposition of liens on properties that have received utility services but have failed to pay for such services.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

BACKGROUND:

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

service from the City but no water service. This greatly reduces our ability to get the customer to pay delinquent amounts since we cannot shut off their water service. Most of these are customers of rural water districts and the rural water district cannot shut off water service for failure of a customer to pay a bill owed to the City. The customers identified in this document are delinquent in payment for services provided by the City. State law permits the City to institute a lien on the property of these customers in order to recover payment for services rendered. This ordinance is passed every September so that the county clerk has sufficient time to add the utility fees to the tax statement that is issued in November.

BUDGETARY IMPACT:

Collection of delinquent utility accounts in the amount of $131,612.31.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Utility Lien Fact Sheet
Utility Lien Map
Preliminary Ordinance

CITY OF TOPEKA

City of Topeka Utilities
3245 NW Waterworks Dr.
Topeka, KS 66606
www.topeka.org

Bob Sample, Utilities Director
Email: rsample@topeka.org
Tel: (785) 368-4233

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

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

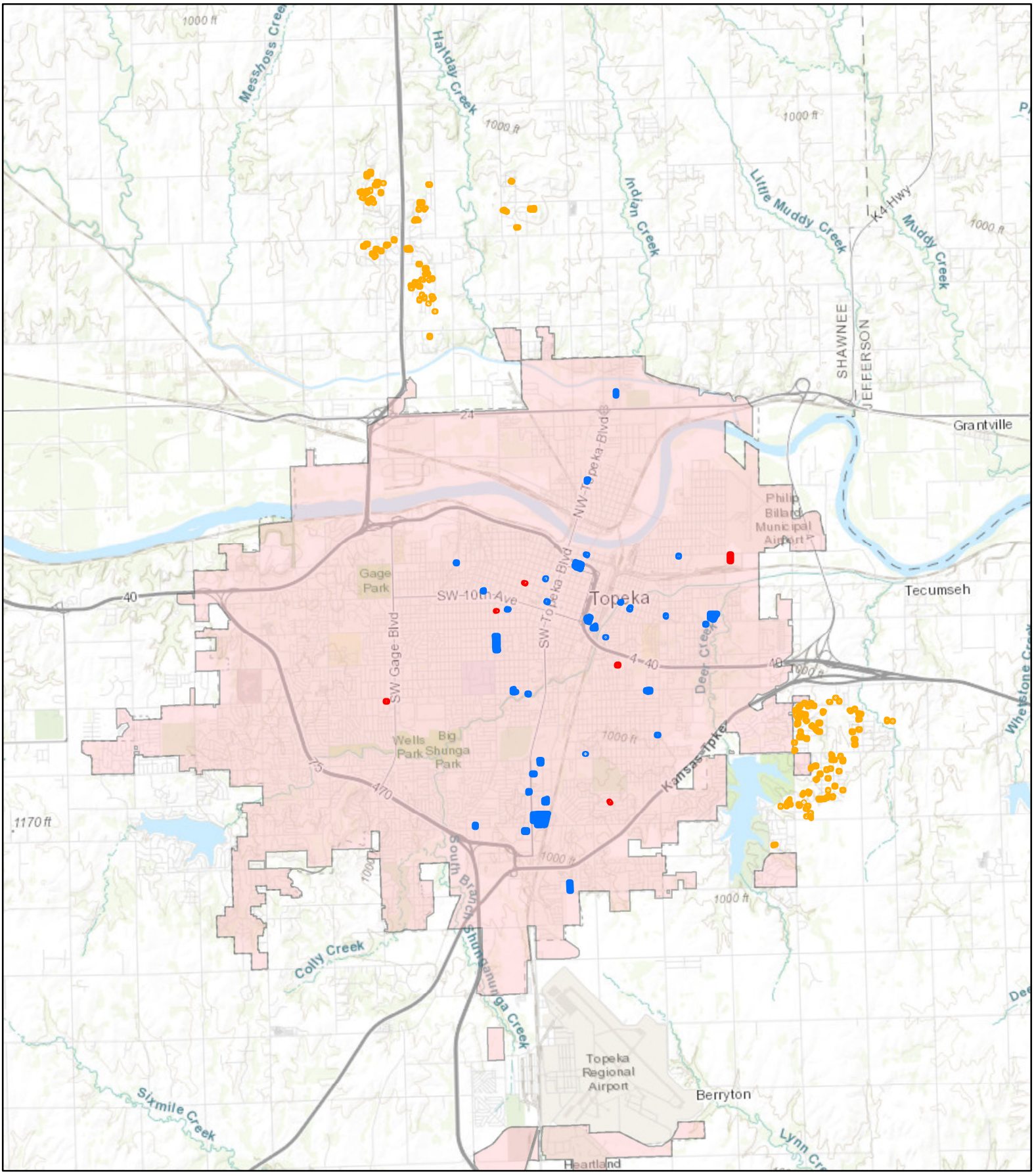
When a customer does not have a water service to turn off, the utilities have only two options for collection of past due amounts, turn the amounts over to the City's collection agency or assess a real estate lien. The assessment of real estate liens have proven to be a much more effective means of collecting unpaid utility bills than turning them over to the City's collection agency. The utilities have traditionally only collected about 30% of the amount turned over to the collection agency compared to approximately 98% collected from real estate liens.

All of the customers identified in the Utility Bill Real Estate Lien are delinquent in payment for Fire Line, Stormwater or Wastewater services provided by the City. There are 151 customers listed in the ordinance, 50 are inside the city limits and 101 are outside the city limits. Of the 50 customers being assessed inside the city limits: 8 are fire line customers, all of which are commercial, 42 are stormwater customers, 5 of which are residential with the remaining 37 being commercial, and 2 are both fire line and stormwater customers, both of which are commercial. All 101 customers being assessed outside of the city limits are residential wastewater customers. All customers are at least 90 days, and up to 730 days, past due in the payment of their utility bills. 64% of the customers on the list are having a lien assessed for at least the second year in a row.

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

** As is common in years past, payments continue to filter in after the agenda deadline. An updated listing/ordinance will be provided to the council on the evening of 9/10 to ensure that we account for any and all payments received after posting of the notice.

Real Estate Liens 2019



Real Estate Liens 2019

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

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

Created by: tvogue
Date: 8/26/2019

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

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

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

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

Property ID Number	Property Owner of Record	Service Address	Amount
134 18 0 20 03 001 01 0	AL & SL LLC	201 SW 29TH ST	711.25
141 01 0 10 22 001 00 0	C HILL APARTMENTS LLC	1414 SW 16TH ST	684.00
141 01 0 10 07 001 00 0	C HILL APARTMENTS LLC	1315 SW LANE ST	543.40
109 31 0 40 16 005 00 0	CPE TOP KS 1031 EXCH 32984 LLC	914 SE MADISON ST	2386.86
109 31 0 40 16 001 00 0	CPE TOP KS 1031 EXCH 32984 LLC	901 SE JEFFERSON ST	130.98
108 33 0 40 15 001 00 0	KDL INC	3110 SE 6TH AVE	5828.38
109 31 0 10 07 001 00 0	KDL INC	201 SW JACKSON ST (213 SW JACKSON ST)	412.85
109 31 0 10 08 002 00 0	KDL INC	202 SW JACKSON ST (200 SW JACKSON ST)	412.85
109 31 0 10 08 002 00 0	KDL INC	202 SW JACKSON ST (200 SW JACKSON ST)	412.85
109 31 0 10 07 001 00 0	KDL INC	213 SW JACKSON ST	3376.69
109 31 0 10 07 001 00 0	KDL INC	275 SW 2ND ST (213 SW JACKSON ST)	142.42
109 31 0 10 07 003 00 0	KDL INC	225 SW JACKSON ST	696.64
109 31 0 10 08 002 00 0	KDL INC	200 SW JACKSON ST	1856.80
109 31 0 10 08 002 00 0	KDL INC	226 SW JACKSON ST (200 SW JACKSON ST)	1862.61
134 18 0 30 07 002 00 0	KDL INC	3670 SW TOPEKA BLVD (3600 SW TOPEKA BLVD)	273.36
134 18 0 30 07 002 00 0	KDL INC	3600 SW TOPEKA BLVD	24467.36
134 18 0 30 07 002 00 0	KDL INC	3600 SW TOPEKA BLVD	877.93
104 20 0 30 22 005 00 0	LINDEMUTH INC	1409 NW TOPEKA BLVD	616.18
097 36 0 20 29 014 00 0	LINDEMUTH INC	943 SW MULVANE ST	550.10

146 24 0 10 01 004 00 0	LINDEMUTH INC	907 SW 37TH TER (905 SW 37TH TER)	458.41
134 18 0 20 04 010 00 0	SABERS LLC	3110 SW TOPEKA BLVD	943.64
141 01 0 40 31 008 00 0	VICTOR SHENOUDA TRUST	2060 SW CLAY ST (SW CLAY ST)	333.05
141 01 0 40 32 009 00 0	VICTOR SHENOUDA TRUST	2055 SW CLAY ST	444.13
134 18 0 30 05 005 00 0	VICTOR SHENOUDA TRUST	3400 SW VAN BUREN ST	1836.69
134 18 0 30 07 002 00 0	WHITE LAKES CENTER (KDL INC)	3650 SW TOPEKA BLVD (3600 SW TOPEKA BLVD)	877.93
134 18 0 30 07 002 00 0	WHITE LAKES CENTER (KDL INC)	3660 SW TOPEKA BLVD (3600 SW TOPEKA BLVD)	877.93
146 13 0 30 09 003 00 0	3646 SW PLASS AVE LLC	3646 SW PLASS AVE	758.40
097 35 0 10 01 002 00 0	A & I LLC	606 SW WAYNE AVE	210.28
028 34 0 10 05 003 00 0	ADAMS, STEVEN	5230 NW MELBA DR	859.30
136 14 0 40 01 006 00 0	ALEXANDER, THOMAS	3328 SE STARLITE DR	226.82
131 11 0 40 07 007 00 0	ALI, JAN L	2620 SE BENNETT DR	681.26
091 02 0 40 07 004 00 0	BAXTER, JOSHUA L & CARRIE	4122 NW WALNUT RD	1004.67
091 02 0 40 05 007 04 0	BECK, TODD	4219 NW UNION DR	208.45
091 11 0 40 01 001 32 0	BITNER, BRETTON	3232 NW 34TH ST	1258.08
091 02 0 30 03 006 00 0	BLANTON, SCOTT R	4033 NW FIELDING TER	475.17
135 15 0 40 02 008 00 0	BLOCK, STEVEN	3528 SE 35TH CT	348.00
091 02 0 40 05 001 00 0	BOHNENBLUST, GREG	4231 NW UNION DR	278.55
092 03 0 10 09 004 00 0	BRANDENBURGH III, JAMES	4201 NW MORLEY ST	221.69
136 14 0 30 07 009 03 0	BREINER, RISTON	3519 SE PECK RD	272.40
131 11 0 30 10 023 00 0	BROWNE JR, THOMAS P	3730 SE 27TH TER	157.36
097 36 0 40 15 017 01 4	BROXTERMAN REMODELING	1119 SW BUCHANAN ST (1121 SW BUCHANAN ST)	305.82
134 17 0 30 05 017 00 0	CAIN, CHRISTOPHER L	927 SE 34TH ST	570.38
027 36 0 40 04 009 00 0	CARNEY, JOHN M	4841 NW LINWOOD DR	594.79
027 36 0 40 01 052 00 0	CHINN, SARA JEAN	1644 NW 49TH CT	836.81
131 11 0 20 05 019 00 0	CLOUD, STEVEN D	3706 SE 25TH ST	2436.00
141 12 0 10 01 001 00 0	CO CARLA S YOUTH RESIDENTIAL (CARLA HOBBS)	801 SW 21ST ST	388.62
131 11 0 10 03 015 00 0	COLE JR, GORDON L	4313 SE 23RD TER	401.54
133 08 0 40 14 013 01 0	CORMIER, JANICE E	2623 SE CALIFORNIA AVE	258.41
131 11 0 20 06 011 00 0	CRAWFORD, JASON C	2330 SE ALAMAR RD	562.22
136 14 0 30 09 012 00 0	CRUME, MAURA E	3431 SE SKYLARK DR	441.39
131 11 0 40 10 002 00 0	CRUZ, ARMANDO	2720 SE SHAWNEE DR	920.79
136 14 0 10 01 009 00 0	CULLISON, VICKI JO	3012 SE STARLITE DR	809.06
028 34 0 20 03 009 00 0	DAPKIEWICZ, BRIAN E	4500 NW 50TH CT	837.90
136 14 0 40 06 016 00 0	DAVIS III, ELBERT W	3415 SE ARBOR CT	370.64
028 34 0 10 10 026 00 0	DREES, KYLE T	5334 NW ARROYO DR	215.13
133 07 0 40 17 006 00 0	DRINKWATER, MICHAEL B	2814 SE MADISON ST	187.65
136 14 0 30 05 018 01 0	EKLUND, JEANNINE	3412 SE WALNUT DR	1190.14

136 14 0 20 07 016 00 0	ELBERT, ANGELA	3918 SE 31ST ST	430.26
136 14 0 10 07 010 00 0	ELBERT, ARTHUR	3112 SE BURTON ST	2310.48
136 14 0 20 12 023 00 0	ELLER, EDWIN	3813 SE 32ND PL	270.87
027 35 0 20 04 030 00 0	ELLIOTT, STEPHANIE	3438 NW 49TH TER	364.92
091 02 0 20 06 007 00 0	ELLIS, JENNIFER A	4519 NW GERONIMO TRL	284.00
136 14 0 30 14 001 14 0	EVARTS, MARK D	3642 SE WALNUT DR	1203.70
136 14 0 40 02 002 00 0	FLOYD, TOM	3310 SE ARBOR DR	263.07
097 36 0 40 17 024 00 0	FORTIN, DONALD G	0 SW LANE ST	171.51
135 22 0 10 10 009 00 0	GAGGERO, MATT	3922 SE TOMAHAWK TRL	466.25
131 11 0 20 06 003 00 0	GARVEY, DONNA J	3725 SE 23RD TER	1164.27
136 14 0 20 06 003 00 0	GATEWOOD, RAUL R	3807 SE 30TH PARK	320.52
091 11 0 10 09 008 00 0	GILKISON, NICOLE D	3444 NW 38TH TER	820.03
131 11 0 20 07 012 00 0	GRACE, CANDY	3641 SE 25TH ST	234.61
109 31 0 30 06 008 00 0	H20 HOSPITALITY LLC	832 SW TYLER ST STW	258.71
131 11 0 10 08 028 00 0	HADLEY, COURTNEY & JERMAINE	4127 SE CORINTH CT	255.44
091 02 0 30 05 014 00 0	HANRAHAN, SHAWNA	4014 NW KRYSTEN ST	869.76
109 31 0 20 27 004 00 0	HARVEY, STEVE M	708 SW CLAY ST	108.01
136 14 0 30 14 001 01 0	HAWS, AMANDA M	3612 SE PECK RD	396.18
091 02 0 40 05 029 00 0	HEALD, MIKE	4104 NW FIELDING RD	542.08
091 11 0 10 09 002 00 0	HEYDENREICH, MARIA	3417 NW 39TH CT	859.34
131 11 0 30 02 007 00 0	HILDERMAN, AARON D	2546 SE PECK RD	1252.57
028 34 0 10 02 002 00 0	HODGES, ROBERT D	4340 NW MESA CT	1339.11
131 11 0 40 08 006 00 0	HOOK, BILL & PAM	4320 SE 26TH TER	467.60
136 14 0 30 11 001 03 0	HUDSON, JENNIFER & JOHN	3424 SE BUCKEYE ST	380.40
136 14 0 20 03 010 00 0	HUGHES, TAMMY	3816 SE 30TH PARK	1182.26
131 12 0 20 03 001 04 0	INGENTHRON, SAMANTHA A	2427 SE CUVIER ST	660.51
028 34 0 10 08 003 00 0	KAHRE, BRUCE A & OLGA M	5216 NW 52ND ST	1245.36
028 34 0 20 02 014 00 0	KEE, AMY L	5033 NW PUEBLO CT	803.72
131 11 0 40 10 006 00 0	KMIEC, STANLEY J	4320 SE 28TH ST	635.39
027 36 0 10 07 002 00 0	KRAMER, GREGORY D	5220 NW LINCOLN ST	457.46
146 13 0 10 14 029 00 0	LCG LLC	3251 SW TOPEKA BLVD	718.01
091 02 0 20 02 009 00 0	LEON, JENNIFER	3611 NW 44TH CT	467.16
142 10 0 10 02 007 00 0	LINDEMUTH, KENT & VIKKI	2114 SW SEABROOK AVE	133.55
091 11 0 10 03 013 00 0	LONG, AMBER F	3708 NW CHERRY CREEK DR	884.56
136 14 0 10 05 006 00 0	MAIN, DEBRA J	3213 SE BURTON ST	997.43
133 05 0 30 15 001 00 0	MARMOLEJO, LARRY G	1027 SE 17TH ST	75.20
131 11 0 20 06 019 00 0	MARMON, PHYLLIS K	2418 SE BLAIR DR	387.07
131 11 0 20 07 014 00 0	MARTINEZ RAMIREZ, MIGUEL	2413 SE ALAMAR RD	487.38
028 34 0 20 02 019 03 0	MICHALSKI, EMILY SUE	5133 NW ARROYO DR	1910.48
092 03 0 10 03 005 00 0	MIKKELSEN, MELISSA A	4520 NW WESTGATE RD	473.70
131 11 0 30 06 005 00 0	MULLEN, CAROL	3721 SE HOWARD DR	3046.36
109 32 0 40 30 007 00 0	MUNOZ SR, JORGE M	612 SE LAKE ST	271.47
136 14 0 30 06 002 00 0	NEVELS, JANET S	3501 SE WINSTON LN	229.92
091 02 0 40 10 003 00 0	NEWELL, AMANDA	4011 NW FIELDING RD	904.70

136 14 0 30 04 005 00 0	NORDGREN, BARBARA	3404 SE PECK CT	355.26
092 03 0 10 09 006 00 0	NORTH, SUZANNE M	4221 NW MORLEY ST	294.08
109 31 0 20 18 014 00 0	ORION LLC	700 SW 6TH AVE	183.54
133 05 0 20 04 004 00 0	P & Q ENTERPRISES INC	603 SE 10TH AVE	277.00
131 11 0 30 10 007 00 0	PHILLIPS, CARI D	3651 SE 27TH ST	608.26
091 11 0 10 02 003 00 0	PIPPIN, DUSTIN T	3832 NW CHERRY CREEK DR	427.01
131 11 0 30 07 018 00 0	PRICE, DANAE M	2637 SE CONNIE DR	979.82
131 11 0 30 02 016 00 0	PRITCHETT, SALLY	2537 SE CONNIE DR	1604.16
135 15 0 40 02 011 00 0	RAMIREZ, DEBRA L	3510 SE 35TH ST	421.20
136 14 0 10 02 010 00 0	RAMOS JR, HUMBERTO MARIO	2907 SE ARBOR DR	1274.79
109 32 0 40 30 005 00 0	REDMOND, MARK S	1207 SE 6TH AVE (1205 SE 6TH AVE)	116.24
131 11 0 10 09 031 00 0	REYNOLDS, RYAN	2252 SE MOOREFIELD CT	989.33
136 14 0 30 10 018 00 0	RIDGEWAY, ARCEILE	3430 SE SKYLARK DR	668.81
136 14 0 30 07 007 00 0	ROOT, MICHELLE	3530 SE WALNUT DR	973.73
131 11 0 20 02 003 00 0	SALTS, SCOTT D	3706 SE 23RD TER	397.25
027 35 0 20 10 040 00 0	SALTS, TERESA A	5213 NW STERLING CHASE DR	312.48
131 11 0 30 10 005 00 0	SASS, JOSEPH D	3723 SE 27TH ST	316.63
109 32 0 30 12 001 00 0	SHEDRICK, MICHAEL G	912 SE 6TH AVE STW	345.29
108 33 0 30 22 011 01 0	SHENOY, CATHERINE	2114 SE 6TH AVE	232.51
028 34 0 10 02 023 00 0	SHOFF, LESLIE	5249 NW BRICKYARD RD	196.65
136 14 0 30 14 001 04 0	SLAVENS, KRISTI M	3648 SE PECK RD	218.64
091 02 0 20 06 001 00 0	SNELL, LOREN	4543 NW GERONIMO TRL	638.95
027 36 0 40 01 021 00 0	STALLBAUMER, TODD	4636 NW KENDALL DR	619.16
108 34 0 20 02 005 00 0	STANSBURY, HAROLD W	3217 NE SEWARD AVE	82.12
133 05 0 20 12 010 00 0	STARDUSTERS CRIME PREVENTION	1135 SE WASHINGTON ST	247.60
131 11 0 20 07 017 00 0	STEELE JR, LARRY E	2343 SE ALAMAR RD	680.75
134 19 0 40 03 009 00 0	STORAGE MAX LLC	406 SE 45TH ST	1792.92
131 11 0 10 07 004 00 0	STOVALL, BONNIE	2416 SE BENNETT DR	990.31
028 34 0 10 10 016 00 0	SULLIVAN, BREANN	5320 NW ARROYO DR	785.55
028 34 0 10 06 011 00 0	SWARTZMAN, STEPHEN P	5119 NW PUEBLO CT	276.74
131 11 0 40 01 001 00 0	TETUAN, JOE M	2440 SE BENNETT DR	521.10
136 14 0 10 02 017 00 0	THARP, JEFFREY A	2913 SE STARLITE DR	358.58
091 02 0 30 06 024 00 0	THOMPSON, EDWARD T	3949 NW KRYSTEN ST	706.36
092 03 0 10 07 003 00 0	TODA, PATRICIA L	4440 NW MISSION RD	303.15
091 02 0 40 05 002 00 0	TODACK, JEFFREY	3411 NW 42ND TER	786.58
131 11 0 30 04 010 00 0	TRIMBLE, BRENDA M	2527 SE ALEXANDER DR	646.40
131 12 0 30 01 052 00 0	VANDEVELDE, JACKIE R	2514 SE FAIRFIELD CT	808.51
131 11 0 20 03 009 00 0	VARNON, STEFANI R	3806 SE 23RD TER	418.65
135 15 0 40 01 003 00 0	VAZQUEZ, AEVA L	3525 SE 35TH ST	370.16
131 12 0 30 01 014 00 0	WATKINS, MICHAEL P	4713 SE 25TH ST	721.02
091 02 0 20 02 010 00 0	WELLS, DON	3601 NW 44TH CT	1049.21
108 33 0 20 02 002 00 0	WEST, RODNEY C	1931 NE SEWARD AVE	111.09
132 04 0 10 03 008 00 0	WHEAT JR, RANDY E	611 SE CARNAHAN AVE	309.60

136 14 0 40 07 004 00 0	WILLEY, JENNIFER	3419 SE BURTON ST	728.29
131 11 0 30 10 014 00 0	WILLIAMS SR, THURMAN G	3600 SE 27TH TER	1027.86
131 11 0 30 05 013 00 0	WILSON, DEAN W	2537 SE BLAIR DR	603.67
028 34 0 10 07 014 00 0	WILSON, DON E	4451 NW 51ST CT	1826.13
136 14 0 10 07 026 00 0	WILSON, LANNY	3007 SE ARBOR DR	461.04
091 02 0 40 07 011 00 0	WISCHROPP, DAVID J & KATHY A	4206 NW WALNUT RD	502.53
136 14 0 10 08 003 00 0	WISHERT, JEFFREY B	3006 SE ARBOR DR	737.21

Section 2. That the City Clerk shall certify a copy of this Ordinance and deliver the same to the County Clerk of Shawnee County, Kansas, who shall place the several amounts mentioned in Section 1 of this Ordinance upon the tax rolls of said County to be collected as one tax in the same manner as other taxes and assessments are collected.

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

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**	
CONTACT PERSON:	**Councilmember Coen**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Lisa Robertson, City Attorney/Jacque Russell, Human Resources Director**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 106 Personnel**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:	**Referred to Policy and Finance Committee 03-19-19. Update (90-day) 06-18-19. Discussion 09-03-19.**	**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Councilmembers Coen, Emerson and Jensen, sitting as the Policy and Finance Committee, amending, repealing and reorganizing certain chapters and sections of the Topeka Municipal Code in Title 2: Administration and Personnel; repealing Ordinance No. 16404 that adopted a personnel code; and rescinding Resolution Nos. 6448, 7758, 7985, 8235 and 8381 that amended the Personnel Code.

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

(Approval would amend personnel-related provisions contained in Title 2 of the Municipal Code and to, thereafter, repeal the Personnel Code.)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Whether the Governing Body should amend personnel-related provisions contained in Title 2 of the Municipal Code and, thereafter, repeal the Personnel Code.

STAFF RECOMMENDATION:

Staff supports the unanimous recommendation of the Policy and Finance Committee to amend personnel-related provisions contained in Title 2 of the Municipal Code and to, thereafter, repeal the Personnel Code.

BACKGROUND:

Certain personnel regulations were incorporated as part of the Topeka Municipal Code via Ordinance No. 14734 (adopted on November 25, 1980). Some, but not all, of this language was removed from the Topeka Municipal Code a decade later via Ordinance No. 16404 (adopted on December 30, 1991) to create a separate document entitled "Personnel Rules and Regulations." These "Personnel Rules and Regulations" became effective January 6, 1992, and served as the City's official personnel code. A variety of amendments have been made since that time -- the most recent of which occurring on September 19, 2011.

Topeka Municipal Code Section 2.25.100 states that the personnel code shall be reviewed by the city attorney and human resources director during the last quarter of the city's fiscal year, in even-numbered years. This review was completed and subsequently referred to the Council Policy and Finance Committee on March 19, 2019, for review and evaluation prior to submitting to the full Governing Body. The Committee has met on eight separate occasions: April 22, April 29, May 10, May 16 June 3, June 10, July 1 and July 29, 2019. A recommendation was approved unanimously by the Committee on July 29th to amend identified personnel-related provisions contained in the Topeka Municipal Code and then repeal the Personnel Code.

This review initially began as a "quasi-RPI process" to improve efficiencies by reducing the number of personnel-related documents that both supervisors and employees are required to "consult" in order to obtain all information that may be relevant to the decision-making process. During the course of this review, however, it was discovered that the issue was much broader in scope: the Personnel Code as well as the Topeka Municipal Code contain outdated and inaccurate information.

BUDGETARY IMPACT:

There will be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance (Includes Proposals 1-5 from 09-03-19 GB Meeting) September 10, 2019
Overview of Changes 09-10-19
TMC Title 2 Division 2 - CLEAN Version
Personnel Code Table of Contents with Cross-References to Personnel Manual and TMC
TMC Title 2 -- Proposed Table of Contents
Policy and Finance Committee Report with Recommendation
Report-Rec Attachments
PF Committee Minutes 4-22-19
PF Committee Minutes 4-29-19
PF Committee Minutes 5-10-19
PF Committee Minutes 5-15-19
PF Committee Minutes 6-03-19
PF Committee Minutes 6-10-19
PF Committee Minutes 7-01-19
PF Committee Minutes 7-29-19
Personnel Code Presentation

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmembers Coen, Emerson and Jensen, sitting as the Policy and Finance Committee, amending, repealing and reorganizing certain chapters and sections of the Topeka Municipal Code in Title 2: Administration and Personnel; repealing Ordinance No. 16404 that adopted a personnel code; and rescinding Resolution Nos. 6448, 7758, 7985, 8235 and 8381 that amended the Personnel Code.

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

DIVISION 1. GENERAL; OFFICIALS AND DEPARTMENTS

Section 1. That original Chapter 2.10 TMC, Seal and Crest, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.05.

Section 2. That original section 2.14.010, City Manager – Goals, objectives and evaluation, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.15.100.

Section 3. That original Chapter 2.20 TMC, City Records, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.10.

Section 4. That original Chapter 2.30 TMC, Departments Created – Established Positions, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.20.

Section 5. That original section 2.50.010, Development Services Division, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.20.091.

Section 6. That original section 2.50.020, Duties - Director, of The Code of the City of Topeka, Kansas, is hereby and renumbered as § 2.20.092.

Section 7. That original Chapter 2.100 TMC, Civil Emergencies, of The Code

of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.55.

Section 8. That original Chapter 2.105 TMC, Community Development, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.25.

Section 9. That original Chapter 2.110 TMC, Municipal Court, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.40.

Section 10. That original Chapter 2.115 TMC, Fire Department, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.30.

Section 11. That original Chapter 2.120 TMC, Law Enforcement, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.35.

Section 12. That original Chapter 2.135 TMC, Article II, Public Contracts, § 2.135.110 through § 2.135.170, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 3.30, Article VI, Public Contracts, § 3.30.440 through § 3.30.500.

Section 13. That original Chapter 2.145 TMC, Appeals and Administrative Hearings Procedure, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.45.

Section 14. That original Chapter 2.150 TMC, Domestic Partnership Registry, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.50.

DIVISION 2. EMPLOYEES
Chapter 2.105 Employment Practices: Diversity and Inclusion
Chapter 2.110 General
Chapter 2.115 Bargaining Unit Employees
Chapter 2.120 Civil Service for Police Officers and Firefighters
2.125 Benefits
2.130 Firefighters Relief Association

Section 15. That section 2.25.010, Rights of employees to organize, of The

Code of the City of Topeka, Kansas, is hereby renumbered as § 2.115.010.

Section 16. That section 2.25.020, Approval of memorandum agreements in conjunction with the meet and confer process, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.115.020.

Section 17. That section 2.25.030, Oath, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.110.010 and amended to read as follows:

Oath.

(a) Required. All officers of the ~~c~~City, whether elected or appointed, ~~and~~as well as each person ~~to be~~ employed by the ~~c~~City, shall, before entering upon the duties of ~~their~~his/her respective office~~s~~, appointment or employment, take and subscribe an oath or affirmation, as follows:

> I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States of America and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or employment). So help me God.

(b) Officers. All officers required by law to take and subscribe such oath or affirmation shall be provided with the necessary forms to accomplish this requirement at the expense of the City and, upon taking, subscribing and/or signing any such oath or affirmation, such completed original or copies of oaths shall be filed with the City Clerk. Oaths or affirmations required under this ~~article~~subsection shall be administered before such officers ~~and~~ in the manner prescribed by state law.

(c) Employees. All ~~officers and~~ employees required by law to take and subscribe ~~or file any~~such oath or affirmation shall be ~~supplied~~provided with the necessary forms ~~for~~to accomplish this ~~purpose~~requirement at the expense of the ~~c~~City and, upon taking, ~~and~~ subscribing and/or signing any such oath or affirmation, such completed original or copies of oaths shall be filed with the ~~department of human resources~~Human Resources Department. Oaths or affirmations required under this subsection shall be administered before such officers in the manner prescribed by state law.

(d) No Funds until Oath Taken. The ~~d~~Department of ~~a~~Administrative and ~~f~~Financial ~~s~~Services shall not disburse any funds in payment for services to any officer or employee of the ~~c~~City until the original oath or affirmation provided for in this ~~articles~~subsection shall have been duly subscribed and the original or a copy is filed with the City Clerk or the ~~d~~Department of ~~h~~Human ~~r~~Resources.

Section 18. That section 2.25.040, Protective insurance required, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.110.050.

Section 19. That section 2.25.050, Reimbursements for conferences, seminars, conventions and short courses attended by governing body members, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.15.110 and amended to read as follows:

Reimbursements for Official Travel and Related Expenses – ~~conferences, seminars, conventions and short courses attended by g~~Governing ~~b~~Body ~~m~~Members.

Governing ~~b~~Body members may be reimbursed for official travel and related

expenses in accordance with resolutions adopted by the ~~g~~Governing ~~b~~Body that contain guidance related to such travel and expenses, in addition to the submittal of corresponding documentation confirming all relevant expenditures.~~.~~

~~The reimbursement procedure shall be established by rule and regulation~~ as authorized by Charter Ordinance No. 94.

Section 20. That section 2.25.060, Approval of employment and severance agreements, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.110.060 and amended to read as follows:

Approval of employment ~~and severance~~ agreements.

(~~a)~~ Approval by the ~~g~~Governing ~~b~~Body shall be required prior to the ~~city~~City ~~m~~Manager signing any employment contract that does not follow the ~~department of h~~Human ~~r~~Resources Department's process for recruitment and selection. Such contracts shall not be subject to the procurement ordinances, Chapter 3.30 TMC.

~~(b) No severance or other payments beyond those authorized by state or federal law, city ordinance or contract shall be made to a current or former employee without prior authorization by the governing body.~~

Section 21. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.070, which said section reads as follows:

Approval of Severance Pay.

(a) Prior Authorization Required. No severance or other payments beyond those authorized by federal, state or local law, or contract, shall be made to a current or former employee without prior authorization by the Governing Body.

(b) Eligibility; Permanent Reduction in Force. Severance pay set forth herein is available only to employees who meet all of the following eligibility requirements:

(1) The employee's position has been eliminated pursuant to a reduction in force;

(2) The employee has been employed with the City for one or more continuous years of service;

(3) The employee has not accepted a position with the City or with another governmental entity pursuant to a consolidation agreement;

(4) The employee has not accepted a transfer of employment to an entity that is assuming operational responsibility via contract with the City; and

(5) The employee has executed an agreement and complete release of all claims against the City.

(c) Payment.

(1) Eligible employees hired prior to January 1, 2011, shall be eligible to receive severance pay according to the following schedule; provided, however, that in no event shall severance pay exceed one year of salary:

Length of Service	Separation Pay
Zero to Less than One Year	Zero
One Year to Less than Ten Years	One week's salary for each complete year of service, as of the date of separation
Over Ten Years	Two weeks' salary for each complete year of service, as of the date of separation

(2) Eligible employees hired on January 1, 2011 and after, shall be eligible to receive severance pay at the rate of one week of salary for every year

of service, pro-rated to the nearest month, but in no case less than four weeks salary and in no case more than twenty-six (26) weeks salary.

(3) Severance pay shall be calculated using the employee's regular base hourly wage and shall not include any premium payments.

(4) The City may elect to make severance payments in equal increments on a pay period basis until such time as the employee receives all severance pay due. In such a case, the payment will amount at least to the base pay of a regular bi-weekly pay period.

(5) Whether employees can draw both severance pay and unemployment compensation benefits will be dependent upon applicable state law.

(6) Employees who resign, retire or are terminated for cause shall not be eligible to receive severance pay.

Section 22. That section 2.25.070, Accounting upon separation from employment, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Accounting upon separation from employment.**~~

~~An inventory will be conducted in accordance with policies adopted by the administration prior to separation from employment for purposes of ensuring that an employee, upon retirement, resignation or discharge from city employment, has accounted fully for all funds and city property entrusted to him or her. After providing written notice and explanation to the employee, the city may deduct from the employee's final wages such amounts permitted by the Kansas Wage Payment Act or other applicable law.~~

Section 23. That section 2.25.100, Personnel code – Adopted -- Amendments, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Personnel code – Adopted – Amendments.**~~

~~(a) The city's "Personnel Rules and Regulations," were originally adopted and approved by Ordinance No. 16404 on December 30, 1991, as the city's official personnel code, and took effect on January 6, 1992.~~

~~(b) The city's personnel code shall be reviewed by the city attorney and human resources director during the last quarter of the city's fiscal year, in even-numbered years. Any revisions proposed by the city attorney and human resources director as a result of this review shall be submitted to the governing body for approval, via resolution, no later than March 31st of the next odd-numbered year.~~

Section 24. That section 2.25.110, Personnel code – Copies, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Personnel code – Copies.**~~

~~The city clerk shall post publicly on the city's website and maintain on file one copy of the city's personnel code for purposes of making said document available to the public. The city clerk shall make copies available pursuant to the city open records policy.~~

Section 25. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.020, which said section reads as follows:

Residency Required.

Employees, including department directors, employed after December 31, 1981, by the City must be bona fide residents of Shawnee County, except at the time of

appointment or employment when they need not be residents of Shaw nee County, but shall establish residency in Shawnee County within six (6) months after completion of the initial employment probation. Employees employed in a public safety position, as defined by the Director of Human Resources, shall within six (6) months after completion of the initial employment probation, reside within the boundaries of Shawnee County at a location which is no more than thirty (30) minutes travel time from the assigned reporting station or office. Said residency shall be maintained within the boundaries of Shawnee County for the duration of the employee's employment. The City Manager may grant one (1) extension not to exceed six (6) months for establishment of residency upon the request of an individual employee for good cause shown.

Section 26. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.030, which said section reads as follows:

Administrative Policies, Rules, Regulations and Procedures – Personnel Manual.

(a) Promulgation and Posting. The City Manager, in consultation with the Director of Human Resources, shall promulgate and issue administrative policies, rules, regulations and procedures related to personnel, as well as amendments to such provisions, through a Personnel Manual. The City Manager, in conjunction with the Director of Human Resources, shall ensure that this Personnel Manual is in effect and updated on a periodic basis. The City Clerk shall post the Personnel Manual on the City's website and maintain one copy of the City Personnel Manual in his/her office for

purposes of making said document available to the public. The City Clerk shall make copies available pursuant to the City's open records policy.

(b) Scope. All persons employed by the City shall be subject to the provisions of the Personnel Manual with the exception of elected officials and independent contractors.

(c) Conflicts with Bargaining Unit Agreements. Any terms or conditions contained in: (i) an agreement negotiated between the City and a recognized bargaining unit, (ii) an applicable ordinance or resolution; or (iii) the Topeka Municipal Code shall control in the event of a conflict with specific terms or conditions contained in the Personnel Manual. Furthermore, no salary increases granted by the City pay plan shall be or become effective for any employees covered by such an existing labor agreement or for any employees subject to or involved in labor negotiations during the term of such agreement or negotiations, unless specifically provided in a labor agreement.

(d) Deviations. The City Manager and the Director of Human Resources may permit deviations from the provisions contained in the Personnel Manual; provided however, that any approved deviation must be in writing and executed by the City Manager and the Director of Human Resources.

(e) Standard Operating Procedures. In addition to the provisions contained in the Personnel Manual, a department director shall have the authority to issue written rules and regulations concerning personnel matters in order to govern situations that are unique to the particular department; provided, however, that the process for amending the Personnel Manual is adhered to. For disciplinary and termination

purposes, a violation of departmental rules and/or regulations shall be considered the same as a violation of the Personnel Manual.

(f) Compliance. Any person who knowingly violates or conspires to violate the provisions of TMC Title 2 or the Personnel Manual may be disciplined consistent with the nature and extent of the violation.

Section 27. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.040, which said section reads as follows:

Personnel Records.

(a) Annual Accounting of Personnel. Each year, in conjunction with the budget process, the Director of Administrative and Financial Services and the Director of Human Resources shall ensure that the number of personnel and corresponding compensation accurately reflects the information contained in the adopted budget. This statement shall be in a format determined by the Director of Human Resources.

(b) Payroll Records. The Administrative and Financial Services Department shall be required to keep adequate records of all persons employed, with a corresponding pay scale, time worked and accrued leave.

(c) Authorized Employees. The number of employees in a department shall generally be limited to the number of authorized employees within each departmental budget. Variances shall be approved by the City Manager.

Section 28. That original Chapter 2.125 TMC, Civil Service for Police Officers and Firefighters, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.120.

Section 29. That section 2.130.010, Created, of The Code of the City of

Topeka, Kansas, is hereby amended to read as follows:

~~Created~~Composition-Governance~~.~~

(a) There is ~~hereby created a~~ ~~firemen's~~firefighters relief association composed of all full-time sworn employees of the fire department.

(b) The firefighters relief association is governed by the Firefighters Relief Act, K.S.A. 45-1701 et seq.

Section 30. That section 2.130.020, Composition - Officers, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Composition – Officers.**~~

~~(a) The firemen's relief association shall be composed of all full-time paid members of the fire department.~~

~~(b) The officers of the firemen's relief association shall be members and shall consist of a president, two vice-presidents, a secretary-treasurer and a board of directors. The board of directors shall be composed of the president, the two vice-presidents, the secretary-treasurer and an elected representative from each fire station.~~

Section 31. That section 2.130.030, Bylaws, rules and regulations, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Bylaws, rules and regulations.**~~

~~The firemen's relief association shall adopt such bylaws, rules and regulations as it may deem advisable in carrying out and promoting the object of the association, not inconsistent with this chapter or the laws of the state.~~

Section 32. That section 2.130.040, City attorney to advise directors, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**City attorney to advise directors.**~~

~~It shall be the duty of the city attorney to give advice to the board of directors of the firemen's relief association in all matters pertaining to their duties and management of funds of the association whenever requested by the board of directors so to do.~~

Section 33. That section 2.130.050, Records, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Records.**~~

~~The secretary-treasurer of the firemen's relief association shall keep a complete and accurate record of all transactions and meetings of the association and the board of directors, which records shall at all times be subject to inspection by the council.~~

Section 34. That section 2.130.060, Bond of secretary-treasurer, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Bond of secretary-treasurer.**~~

~~The secretary-treasurer of the firemen's relief association shall immediately upon assuming the duties of such office furnish a bond with corporate surety in the amount of $25,000. The bond shall be made payable to the firemen's relief association and shall be conditioned upon the faithful discharge and performance of the respective duties of the secretary-treasurer of the association and saving the association free from all loss caused by the neglect of duty or malfeasance in office by the secretary-treasurer, and shall contain such other conditions and provisions as may be directed by the statutes of the state and by the ordinances of the city.~~

Section 35. That section 2.130.070, Funds - Handling, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Funds – Handling.**~~

~~The secretary-treasurer of the firemen's relief association shall at all times be the custodian of all funds belonging to the association, and shall be liable on the official bond for the security of this fund, and shall pay out such funds only on checks issued by the association, which checks shall be issued only upon such terms as are provided in the bylaws of the association.~~

Section 36. That section 2.130.080, Funds – Limitation on use, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Funds – Limitation on use.**~~

~~All moneys received by the secretary-treasurer of the firemen's relief association shall be used entirely for the objects and purposes set forth in this chapter and as set forth in K.S.A. Chapter 40, Article 17 (K.S.A. 40-1701 et seq.) and amendments thereto, and shall be paid to and distributed by the firemen's relief association as provided by law. The officers of the association may invest any amount not to exceed 90 percent of all such moneys in purchasing bonds of the city; provided, that if the bonds of the city are not obtainable, United States government bonds may be purchased or any municipal bonds of this state may be purchased; provided, that such relief funds are used to purchase bonds where the bonded indebtedness of the municipality does not exceed 15 percent of its total assessed valuations as shown by the last assessment preceding such investment. Such purchase must be approved by the council. It shall be the duty of the city attorney to examine all such bonds as to their validity and report thereon in writing to the council and the firemen's relief association, and no bonds shall be purchased by the firemen's relief association until they have been approved and~~

~~found valid by the city attorney.~~

Section 37. That section 2.130.090, Funds – Held in trust, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Funds – Held in trust.**~~

~~All moneys collected and received by the firemen's relief association shall be held in trust and used as a fund for relief of any member of the fire department when injured or physically disabled in or by reason of the discharge of their duties as such and for the relief of or in payment of gratuities to the widow or those dependent on any member of such fire department who may be killed in the discharge of their duties as fireman or who may die from the effect of injuries so received or from disease contracted by reason of their duties as such, and for the payment of the necessary funeral expenses of any member of the fire department when killed in the discharge of their duties as fireman, or in the case of death resulting from injuries so received or diseases contracted by reason of such duties as such, or for the further purpose of paying a pension to members who are unfit for service after having served for a period of not less than 20 years in the department, such pension not to exceed in amount one-half of the monthly salary at the date of retirement; or for the purchase of insurance which would provide for any and all of the foregoing purposes for which such fund is authorized. The firemen's relief association is hereby authorized to loan part or all of such funds to the city to be used by the city in the improvement of its fire department and equipment thereof, and the city is hereby authorized to borrow such funds and issue to the secretary-treasurer of the firemen's relief association its warrant therefor bearing interest payable semiannually at a rate not to exceed six percent per annum.~~

Section 38. That section 2.130.100, Funeral expenses – Gratuities and beneficiaries, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Funeral expenses – Gratuities and beneficiaries.**~~

~~The firemen's relief association may pay up to $2,500 to defray the necessary funeral expenses incurred upon the death of any member when killed in the discharge of their duties as a fireman, or who die from a disease or illness contracted by reason of their duties as a fireman. The association shall pay to the widow or those dependent upon the member a gratuity in the amount of $5,000, at the rate of $500.00 per month for 10 months, when a member is killed in the discharge of their duties as a fireman or dies from a disease or illness contracted by reason of their duties as a fireman.~~

Section 39. That section 2.135.010, Affirmative action policy, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.010 and amended to read as follows:

~~**Affirmative action p**~~**Policy.**

(a) Policy Statement. It is the policy of the ~~c~~City to take affirmative action to achieve equal treatment, diversity and inclusion ~~in~~when employing~~ment for~~ individuals ~~regardless of race, religion, creed, color, sex, disability which is unrelated to the ability to perform a particular job or occupation, national origin or ancestry, in~~and not to discriminate against any individual based on his/her age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law ("Protected Class"). This shall apply to all personnel actions and procedures including, but not limited to, recruitment, hiring, training, transfer, promotion, compensation and other benefits.

(b) General Objectives.

(1) Intensify efforts to recruit applicants within a protected class for every level of responsibility;

(2) Develop special training programs to qualify persons within a protected class for beginning level positions and for advancement; and

(3) Develop procedures for monitoring the application flow, final hiring and disposition of persons within a protected class.

(c) Administrative Responsibility. The City Manager and all Department Directors shall be responsible for ensuring that the City takes affirmative action to achieve equal opportunity, inclusion and diversity when employing individuals within all departments in accordance with the equal employment opportunity/affirmative action policy. The Human Resources Department shall be responsible for developing recruitment and training programs to include employment goals for each City department.

Section 40. That section 2.135.020, Definition, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Definition.**~~

~~As used in this chapter, the following words and phrases shall have the following meanings:~~

~~(a) The affirmative action program is a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to race, religion, creed, color, sex, sexual orientation, gender identity, disability, national origin or ancestry or age which is unrelated to the ability to perform a~~

~~particular job or occupation.~~

~~(b) "Gender identity" means the persistent sense of one's gender-related identity, appearance, behavior, and other characteristics of an individual, as perceived by the individual or another, and without regard to the individual's actual or assigned sex at birth.~~

~~(c) "Sexual orientation" means perceived or actual heterosexuality, homosexuality or bisexuality.~~

~~(d) A good faith effort to treat employees equally without regard to sexual orientation will include an effort to contract for health coverage for domestic partners registered on the city's domestic partner registry and any children of such registered domestic partners.~~

Section 41. That section 2.135.030, General objectives, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**General objectives.**~~

~~General objectives of the affirmative action program are to:~~

~~(a) Intensify efforts to recruit minorities and women applicants for every level of responsibility;~~

~~(b) Develop special training programs to qualify persons for beginning level positions and for advancement; and~~

~~(c) Develop procedures for monitoring the application flow, final hiring and disposition of minorities and women.~~

Section 42. That section 2.135.040, Unlawful employment practices, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.020 and

amended to read as follows:

~~Unlawful e~~Employment ~~p~~Practices.

~~I~~t shall be an unlawful employment practice for an official, ~~d~~Department ~~head~~Director, agent or employee of the ~~c~~City~~,~~ ~~because of race, religion, creed, color, sex, disability, familial status, national origin or ancestry, age, sexual orientation or gender identity, which is unrelated to the ability to perform a particular task or occupation, of any person~~ to refuse to hire or employ, or to bar or to discharge from employment, ~~such~~a person because he/she is a member of a protected class, or to otherwise discriminate against such person in relation to his/her compensation or ~~in~~the terms, conditions or privileges of his/her employment; ~~or to limit, segregate, separate, classify or make any designation in regard to employees;~~ or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business ~~motive~~reason.

Section 43. That section 2.135.050, Employment recruitment procedures, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.030 and amended to read as follows:

~~Employment r~~Recruitment ~~p~~Procedures.

~~(a)~~ The ~~personnel d~~Director of Human Resources shall devise and implement written procedures for the efficient and expeditious recruitment of employees in accordance with federal, state and ~~c~~City laws and guidelines regarding equal employment opportunity.

~~(b) The provisions of subsection (a) of this section arenot mandatory for part-time, temporary or seasonal employees, as defined in the city's personnel rules.~~

Section 44. That section 2.135.060, Administrative responsibility, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Administrative responsibility.**~~

~~All administrative personnel and department heads will be responsible for carrying out all aspects of the affirmative action program within their division or department. The personnel division shall be responsible for development of recruitment and training programs to include employment goals for each city department.~~

Section 45. That section 2.135.070, Equal opportunity officer - Designated, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.050 and amended to read as follows:

Equal ~~o~~Opportunity ~~o~~Officer ~~– Designated~~.

(a) Designated Officer. The ~~personnel d~~Director of Human Resources is designated as the equal opportunity officer to ~~coordinate the city's efforts in the implementation of its affirmative action program~~ensure equal employment opportunities.

(b) General Duties. It shall be the duty of the equal opportunity officer to:

(1) Conduct periodic departmental reviews to determine compliance with the City's equal employment opportunity/affirmative action policy;

(2) Report results obtained, problems encountered, and/or resistance or failure to implement the equal employment opportunity/affirmative action policy to the Governing Body, City Manager and Human Relations Commission and provide recommendations to resolve any problems identified;

(3) Serve as a consultant to the Governing Body, City Manager and Department Directors in developing recruitment programs, selection procedures,

training programs or other personnel functions necessary to implement the City's equal employment opportunity/affirmative action policy.

(4) Recruit personnel in such a manner that clearly demonstrates the City's interest in employing persons within a protected class; and

(5) Establish communication with institutions and organizations that provide referral of qualified applicants within a protected class for available positions.

Section 46. That section 2.135.080, Equal opportunity officer – Duties generally, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Equal opportunity officer – Duties generally.**~~

~~It shall be the duty of the equal opportunity officer to:~~

~~(a) Conduct periodic departmental reviews to determine compliance with the city's affirmative action program;~~

~~(b) Report to the city manager, human relations commission and the city council results obtained with the affirmative action program, problems encountered, resistance or failure to implement the policy of the city, and recommend remedies; and~~

~~(c) Serve as a consultant to the city manager, mayor, city council and department heads in the development of recruitment programs, selection procedures, training programs or other personnel functions necessary to implement the city's affirmative action program.~~

Section 47. That section 2.135.090, Equal opportunity officer – Recruitment and selection, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Equal opportunity officer – Recruitment and selection.**~~

~~The personnel director shall:~~

~~(a) Recruit personnel in such a manner that clearly demonstrates the city's interest in the employment of minorities and women; and~~

~~(b) Establish communication with institutions and organizations which provide referral of qualified minorities and women applicants for positions which may become available in the city.~~

Section 48. That section 2.135.100, Audit procedures, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.040 and amended to read as follows:

~~Audit procedures~~Reports and records.

~~(a)~~ The ~~personnel d~~Director of Human Resources shall comply with required equal employment opportunity/affirmative action reporting~~prepare an annual affirmative action report including all personnel within each department. This report will indicate numbers of persons employed, position of employment, race and sex~~. Position interview records and information related to new hires, transfers, promotions and terminations shall be maintained by the Human Resources Department.

~~(b) A position interview record shall be completed by any hiring authority interviewing applicants for positions of employment indicating race, sex, source of recruitment and, if not hired, reason for failure to employ. These records are to be maintained in the personnel division.~~

~~(c) Each department shall prepare a monthly report of new employees, transfers, promotions and terminations indicating the personnel who have resigned, retired, were fired or were released by reduction of work force, noting the race, sex and position of~~

~~employment or position change. The report shall include all personnel of the city and should include a statistical summary of new employees, transfers, promotions and terminations by race and sex. The report shall be filed with the personnel director.~~

Section 49. That section 2.140.010, Increase in Payments under 1939 Retirement System, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Increase in Payments under 1939 Retirement System.**~~

~~(a) Whereas the City established an employees retirement system in 1939; and, whereas, the employees retirement system was subsequently abolished on April 6, 1951; and, whereas, all employees who had retired prior to April 2, 1951, were and are entitled to receipt of benefits pursuant to such established employees retirement system, pursuant to now-repealed K.S.A. 13-3037; and, whereas, the Governing Body is now desirous of raising payments made pursuant to the employees retirement system to those persons who are still entitled to its benefits, in order to provide equity of payment after consideration of the effect of inflation upon such payments as had previously been authorized; the council hereby establishes authorization for payment of retirement benefits for all persons previously and presently entitled to payments under the original employee retirement system.~~

~~(b) All persons previously subject to the employee retirement system established in 1939, and who retired prior to April 6, 1951, and who are presently alive and receiving retirement benefits pursuant to now-repealed K.S.A. 13-3037, shall be henceforth entitled to payment of $200.00 per month.~~

~~(c) All payments authorized by subsection (b) of this section shall cease upon the death of the person entitled to the payments.~~

~~(d) The time and method of payment under this section shall be determined by the Administrative and Financial Service Director.~~

Section 50. That section 2.140.020, Benefits extended, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.010 and amended to read as follows:

Benefits extended.

(a) The City hereby extends the benefits of Title II of the Federal Social Security Act, in conformity with the applicable provisions of such Act, to the employees of the City~~,~~ in accord~~ance~~~~ing to~~ with the provisions of K.S.A. Chapter 40, Article 23 (K.S.A. 40-2301 et seq.)~~, in accordance with~~ and ~~under~~ the terms of the following plan of coverage of the City~~,~~ for extending the benefits of Title II of the Federal Social Security Act to the employees of the City.

(b) The City submits the following plan contained in this ~~a~~Article I to the state Department of Administration~~Civil Service, referred to in this article as the Department of Civil Service~~, ~~as~~ the authorized state agency~~,~~ for approval as authorized by K.S.A. Chapter 40, Article 23 (K.S.A. 40-2301 et seq.).

Section 51. That section 2.140.030, State act incorporated, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.020.

Section 52. That section 2.140.040, Services covered, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.030 and amended to read as follows:

Services covered.

The plan contained in this article includes coverage of all services performed by

employees of the city, except as specifically excluded by law or the plan of coverage, and including elected officials of the city.

Section 53. That section 2.140.050, Contribution by city, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.040 and amended to read as follows:

Contribution by city.

(a) The City hereby agrees to pay to the ~~Department of Civil Service~~Internal Revenue Service (IRS), at such time or times and in such manner as prescribed by the Internal Revenue Code~~department may by regulation prescribe, amounts equivalent to the sum of the taxes which would be imposed by Sections 1400 and 1410 of the Internal Revenue Code if the services of the employees covered by this agreement constituted employment as defined in Section 1426 of such code~~.

(b) ~~The City agrees to deduct~~Amounts deducted from any remuneration paid to an employee subject to the provisions of this plan shall be remitted to the IRS as prescribed by the Internal Revenue Code~~an amount equivalent to the sum of the taxes which would be imposed by Section 1400 of the Internal Revenue Code if the services of such employee constituted employment as defined in Section 1426 of such code~~.

Section 54. That section 2.140.060, Sources of city's contribution, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.050 and amended to read as follows:

Sources of city's contribution.

The City will pay its contributions from the same fund that the wages from which the contribution in TMC ~~2.140.050~~2.125.040(b) is made are paid or from any other

funds available to it for the purpose or that it will annually or when necessary levy at the time of its levy for other purposes, a tax which may be in addition to all other taxes authorized or limited by law, for the purpose of making its contributions under ~~subsection (c) of Section 5 of the sS~~State a~~A~~ct K.S.A. 40-2305(c), which tax together with any other funds available to the City for such purpose shall be sufficient to enable it to make its contributions~~; provided, that in the year 1951, the City may, if current funds are not available, issue no-fund warrants for the purpose of providing funds to make such contributions for wages earned during the calendar year 1951, and provide for the redemption of such warrants as provided by K.S.A. 40-2305(e); provided further, that funds for the City's contributions will be properly and adequately budgeted for the year 1952, if this plan takes effect in time for such budgeting at budgeting time in 1951, and in subsequent years, and contributions will be made in 1951 and 1952 whether such expenditures are budgeted or not, as authorized by K.S.A. 40-2305(e). The City verily believes that with the current funds that may be available and the unlimited tax levy authorized by K.S.A. 40-2305(e), there is a reasonable assurance that sources will be adequate for the purposes of K.S.A. 40-2305(c)(1) and (d).~~

Section 55. That section 2.140.070, Compliance with regulations, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.060 and amended to read as follows:

Compliance with regulations.

The City agrees that it will comply with such rules and regulations as the Department of Administration~~Civil Service~~ may prescribe to carry out the purposes of Section 218 of the Social Security Act, as amended.

Section 56. That section 2.140.080, Modification of plan, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.070.

Section 57. That section 2.140.090, Termination by city, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Termination by city.**~~

~~The City, upon giving at least two years' advance notice in writing to the Department of Civil Service, may terminate this plan, either in its entirety or with respect to any coverage group, effective at the end of a calendar quarter specified in the notice. The plan may be terminated in its entirety only if it has been in effect not less than five years prior to receipt of such notice. It may be terminated with respect to any coverage group only if it has been in effect with respect to such coverage group for not less than five years prior to receipt of such notice.~~

Section 58. That section 2.140.100, Termination by Department of Civil Service for cause, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Termination by Department of Civil Service for cause.**~~

~~If the Department of Civil Service, after reasonable notice and opportunity for hearing to the City, finds that the City has failed or is no longer legally able to comply substantially with any provision of this plan or of Section 218 of the Social Security Act, as amended, the Department of Civil Service shall notify the City by giving notice in writing that this plan will be terminated in its entirety, or with respect to any one or more coverage groups, at such time, not later than two years from the date of such notice, as the Department of Civil Service deems appropriate, unless prior to such time it is found there no longer is any failure or that the cause of such legal inability has been removed~~.

Section 59. That section 2.140.110, Failure to make payments when due, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Failure to make payments when due.**~~

~~If the City fails to make, at the time or times due, the payments provided for under this plan, there shall be added, as part of the amount due, interest at the rate of six percent per annum from the date due until paid, and the Department of Civil Service may deduct such amount as is delinquent, plus accrued interest, from any amounts due the City from the state. Amounts so deducted shall be deemed to have been paid to the City.~~

Section 60. That section 2.140.120, Effective date, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.080.

Section 61. That section 2.140.130, Injury on job – Workers compensation interrelationship with forms of leave, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.100 and amended to read as follows:

~~**Injury on job – Workers compensation interrelationship with forms of leave**~~**Workers compensation - General.**

(a) Employees injured or ill from an occupational disease arising out of and in the course of their employment for the ~~c~~City are eligible to receive workers compensation benefits while they are temporarily totally disabled and still employed as a regular employee of the ~~c~~City, in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and rules. ~~Where temporary total disability results from the injury or occupational disease, no compensation (temporary total benefits) shall be paid during the first week of disability unless the temporary total~~

~~disability exists for three consecutive weeks, in which case compensation shall be paid for the first week of disability. Temporary total benefits shall not be charged against leave accruals.~~

~~(b) Employees injured or ill as a result of an impact/contact injury arising out of and in the course of their employment, and who are eligible to receive workers compensation while they are temporarily totally disabled and still employed as a regular employee of the city, may elect to receive compensation from the city from accrued leaves in an amount representing the difference between their total base compensation including longevity from the city and the amount received from workers compensation, if the latter amount is less. Under this election, the employee's accrued sick or other leave shall be prorated (accrual shall be proportionate to the amount of leave being used) while the employee is receiving temporary total disability workers compensation benefits, provided the total amount received by the employee from the city does not exceed the amount of a normal paycheck per pay period. When the employee's accrued leaves are depleted, any additional compensation from the city shall cease.~~

~~(c) Department heads may, at their discretion, establish light duty positions for permanent full-time or permanent part-time employees injured or ill from an occupational disease arising out of and in the course of city employment and who are medically recommended to perform light duty work, but unable to perform their regular work duties for a limited time. If established light duty positions are available and a position is vacant, the department head, at his sole discretion, may place the injured or ill employee in the position. The department head will notify the city risk manager whenever an employee is placed in a light duty position. The department head may~~

~~remove an employee from a light duty position at any time. The department head will notify the city risk manager whenever an employee is removed from a light duty position but not returned to regular duty. An employee removed from light duty whose medical status continues to prevent him from returning to regular duty shall be eligible for workers compensation benefits in accordance with K.S.A. 44-510c.~~

Section 62. That section 2.140.140, Assessment against city department--Rate, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 3.25.060 and amended to read as follows:

~~Assessment against city department—Rate~~Self-Insurance Fund.

(a) ~~Commencing on January 1, 1976, each city department shall each month transfer one-twelfth the amount of the city workers compensation self-insurance fund assessment for such city department for such fiscal year to the credit of the city~~Established; Rate of Assessment. A workers compensation self-insurance fund was established January 1, 1976.

~~(b)~~ The rate of the ~~c~~City workers compensation self-insurance fund assessment for all ~~c~~City departments shall be set by the ~~city risk manager~~Human Resources Director or his/her designee using applicable workers compensation rates based upon payroll~~,~~ and shall ~~further~~ be sufficient to pay any and all claims reasonably expected to be brought thereunder, ~~and~~as well as all administrative costs~~, which balance shall include an initial fund amount of $225,000~~.

(b) Annual Self-Insurance Permit Required. State law requires that cities wishing to self-insure for workers compensation apply for a corresponding permit. This application must contain financial information sufficient to ensure there is adequate

reserve funding available. The City shall complete all steps necessary to obtain this permit.

Section 63. That section 2.140.150, Claims for compensation – Service of claims – Defense of fund, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.110 and amended to read as follows:

Claims ~~for compensation~~ – Service; Process; Defense ~~of claims – Defense of fund~~.

(a) ~~All claims under this article against any city department for claims arising on and after January 1, 1976, shall be made against the city workers compensation self-insurance fund.~~Service. Workers compensation claims shall be served upon the ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, in his/~~ or~~ her capacity as administrator of the ~~c~~City workers compensation self-insurance fund in the manner provided for claims against other employers under the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) The ~~c~~City ~~m~~Manager shall be authorized to secure outside counsel to defend any claim against the ~~c~~City workers compensation self-insurance fund.

(b) Investigation. The ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, shall investigate or cause to be investigated each claim against the ~~c~~City workers compensation self-insurance fund. For the purposes of such investigations, the ~~risk manager~~Human Resources Director, or his/her designee, is authorized to obtain expert advice regarding the injuries, occupational diseases, disabilities and damages involved in such claims.

(c) Claim Payments. If, based upon such investigation and any other

available information, the ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, finds that there is no material dispute as to any issue involved in a workers compensation claim, that the claim is valid and that the claim should be settled by agreement, the ~~manager~~Human Resources Director, or his/her designee, with concurrence of the City Manager, may proceed to enter into such an agreement with the claimant, for the ~~c~~City workers compensation self-insurance fund, for any settlement not in excess of $~~10~~35,000. For any workers compensation settlement amounts in excess of $~~10~~35,000, ~~the city risk manager~~Human Resources Director, or his/her designee, shall obtain the approval of the ~~g~~Governing ~~b~~Body, and any settlement made without ~~g~~Governing ~~b~~Body approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by the ~~city risk manager~~Human Resources Director, or his/her designee, and all such workers compensation agreements shall be filed ~~in the office of such director for approval~~ as provided in K.S.A. 44-527. All other claims for workers compensation against such funds shall be paid in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) pursuant to awards or orders of the ~~workers compensation director~~Kansas Department of Labor or a court.

(~~c~~d) Funds to be Reserved. The ~~city risk manager~~Director of Administrative and Financial Services and the Director of Human Resources shall ~~encumber (~~reserve~~)~~ funds sufficient to meet anticipated expenses for workers compensation claims ~~expected to exceed $1,000 ~~in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and experience data.

Section 64. That section 2.140.300, Created, of The Code of the City of

Topeka, Kansas, is hereby renumbered as § 2.125.200 and amended to read as follows:

Created.

~~(a) There is hereby created in the city treasury a separate accounting unit within the law enforcement special revenue fund to be known as the police benefit account.~~

~~(b) Any remaining balance in the police benefit fund as of January 1, 2010, shall be transferred to the law enforcement special reserve fund.~~

There is hereby created a separate accounting unit within the Law Enforcement Special Revenue Fund to be known as the Police Benefit Account.

Section 65. That section 2.140.310, Fees credited to fund, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.210 and amended to read as follows:

Fees credited to fund.

~~There shall be credited to the police benefit account in the law enforcement special revenue fund, the f~~Fees ~~for~~related to the issuance and service of municipal court warrants ~~from the municipal court, when and as such fees which~~ shall be collected by ~~the chief of police~~municipal court, ~~are turned over~~remitted to the Administrative and ~~f~~Financial~~e~~ Services ~~d~~Department and credited to the police benefit account in the law enforcement special revenue fund ~~by the chief of police~~.

Section 66. That section 2.140.320, Purpose, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.220 and amended to read as follows:

Purpose.

The police benefit account shall be held by the ~~finance~~Administrative and Financial Services department for the ~~following~~ purpose~~s~~ ~~and for none other: the~~of providing relief ~~of~~to a member~~s~~ of the police department who ~~may be~~has been injured ~~while on duty~~ or who ~~may~~has become ill or has otherwise incurred medical expense while he/she is an employee~~s~~ of the department ~~by providing cash payments or reimbursements of part or all of the medical expenses actually incurred by members of the department or by providing life, health or accident insurance for such purposes~~.

Section 67. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.125.230, which said section reads as follows:

Benefits provided.

Reimbursements cover part or all of the medical expenses actually incurred by members of the department related to the purpose set forth in TMC 2.125.220.

Section 68. That section 2.140.330, Payment of benefits, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.240 and amended to read as follows:

Payment ~~of benefits~~.

(a) The extent and proportion to which members of the ~~p~~Police ~~d~~Department shall become eligible for ~~cash payments or for~~ reimbursement of medical expenses actually incurred~~, and whether or not life, accident or health insurance shall be provided, and to what extent, from the account~~, shall be determined by the members of the Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund, ~~incorporated,~~ as provided for in the bylaws of the Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund~~, incorporated~~. The eligibility of a particular claimant to

~~the~~receive any of the benefits provided ~~in~~through this article shall be ~~passed upon~~decided by the ~~b~~Board of ~~t~~Trustees of the Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund~~, incorporated~~.

(b) The Director of Administrative and ~~f~~Financial Services ~~department~~, or his/her designee, is hereby authorized to make payments from the law enforcement special revenue fund only upon receipt of a signed voucher(s) ~~signed~~ and ~~by the individual claimant,~~ approval~~ed~~ by majority vote of the ~~b~~Board of ~~t~~Trustees of the Topeka ~~p~~Police ~~b~~Benefit ~~f~~Fund~~, incorporated,~~ and approval~~ed~~ by Accounts Payable~~the finance and budget director or designee, but not otherwise~~.

Section 69. That section 2.140.340, Group health insurance plan and fund, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.300 and amended to read as follows:

Group ~~h~~Health ~~i~~Insurance ~~p~~Plan and ~~f~~Fund.

(a) The ~~c~~City hereby recognizes the employees' group health insurance plan (the "plan") to provide or otherwise make available certain health care benefits for its eligible employees and their respective dependent family members and the health insurance fund (the "fund") to provide for the payment of such health care benefits. The ~~c~~City hereby ratifies and confirms the validity of the ~~c~~City's health self-insurance plan (also known as the employees' group health insurance plan) and the health insurance fund in existence immediately prior to the effective date of the ordinance codified in this article.

(b) The ~~c~~City ~~m~~Manager is hereby authorized and directed to administer the plan and the fund in accordance with the terms and conditions of this ~~a~~Article ~~and~~

~~applicable provisions of the personnel code approved by the city council~~.

Section 70. That section 2.140.350, Eligibility, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.310 and amended to read as follows:

Eligibility.

Except as otherwise provided herein, all benefit-eligible employees ~~(as defined in Article I, Section 2.B of the city's personnel code)~~, elected officials and retirees of the ~~c~~City, including those employees who retire with KPERS' disability (collectively "eligible employees"), and their respective dependent family members, shall be entitled to participate in the plan in accordance with the terms and conditions set forth in this Aarticle ~~and provisions of the personnel code approved by the city council~~. No person hired by the ~~c~~City to fill any job or position classified as seasonal or temporary shall be entitled or otherwise eligible to participate in the plan regardless of the number of hours any such seasonal or temporary employee is permitted or required to work during any pay period or combination of pay periods.

Section 71. That section 2.140.360, Plan coverage, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.320 and amended to read as follows:

Plan coverage.

The plan may offer and make available certain "basic health care coverage" and one or more "extended health care coverage" options for medical, vision, dental, prescription drug and other ~~medical expenses~~voluntary benefits to each eligible employee and his/~~ or~~ her dependent family members.

Section 72. That section 2.140.370, Retirees, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.330 and amended to read as follows:

Retirees.

(a) Each person vested under the Kansas Public Employees Retirement System, including KP&F, who is employed by the ~~c~~City and who retires or retired from active employment after December 31, 1988, shall be eligible to receive health care benefits coverage under the plan upon written application filed with the ~~d~~Director of ~~h~~Human ~~r~~Resources within 30 days following retirement of the employee. Retirees and their dependent family members who have coverage under the ~~c~~City's ~~employees'~~ group health insurance ~~or self-insurance~~ plan immediately prior to the effective date of the ordinance codified in this article shall remain covered and eligible to continue such coverage under the plan without filing a written application under this section as a condition of retaining or continuing such coverage.

(~~a~~b) Each retiree who elects to obtain or continue health care benefits coverage hereunder shall be required to contribute premium payments to the plan for the basic or extended coverage elected, including the administrative costs thereof, but such contribution shall not exceed the percentage of the premium cost for other similarly situated employees as specified by state law.

(~~b~~c) Eligibility for coverage under the plan may cease to be made available upon (1) the retired employee reaching age 65 ~~and/~~or becoming eligible for Medicare~~,~~ ~~whichever is later~~, (2) the retired employee failing to make required premium payments on a timely basis, or (3) the retired employee becoming covered under a health care

benefits plan of another employer.

Section 73. That section 2.140.380, Contributions, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.340 and amended to read as follows:

Contributions.

Contributions by the ~~c~~City and eligible employees, including elected officials and retirees ~~under TMC 2.140.370~~, for the premium cost of health care benefits coverage under the plan, including the administrative costs thereof, shall be deposited in or credited to the fund as of the date each contribution is made; such contributions to the fund will be made by the ~~c~~City no less frequently than on a monthly basis. Moneys may be paid into or credited to the fund from any source, including transfers from the general fund and/or the operating budget account of any department of the ~~c~~City, which may be lawfully utilized for the provision of group health care benefits, and contributions deposited in or credited to the fund shall not be transferred or otherwise utilized for any other purpose. Interest earned on the investment of contributions or other money paid into or credited to the fund shall be credited to the fund. However, no interest, surplus and/or investment earning credited to the fund shall be utilized to finance any portion of the ~~c~~City's contributions on behalf of eligible employees.

Section 74. That section 2.140.390, Health care advisory committee, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.350 and amended to read as follows:

Health ~~c~~Care ~~a~~Advisory ~~c~~Committee.

The ~~c~~City hereby establishes a health care advisory committee (the "committee")

to review the employees' group health insurance plan and the health insurance fund, including an assessment of operational performance and cost effectiveness, the extent to which the plan and the fund meet the needs of eligible employees, retirees and their dependent family members and any options that may be available to preserve or enhance existing levels of health care coverage while maintaining or reducing its cost to the ~~c~~City, eligible employees and dependent family members.

(a) The committee shall be comprised of the ~~d~~Director of ~~h~~Human ~~r~~Resources, or ~~the director's~~ designee; the ~~d~~Deputy ~~m~~Mayor, or his/her~~the deputy mayor's~~ designee of a current councilmember; three members appointed by the ~~c~~City ~~m~~Manager to serve as representatives of management; one member appointed from each of the ~~c~~City's recognized employee organizations to serve as representatives of employee bargaining units; and one non-bargaining unit/non-supervisory employee and one retiree appointed by the ~~c~~City ~~m~~Manager. The committee shall meet on a schedule as determined by the committee but not less than quarterly and no more than once per month unless a majority of the committee votes to call an additional meeting. The committee shall be afforded access, upon request, to plan design options; to any and all documents and information involving performance and/or administration of the plan and the fund, including any contracts or agreements between the ~~c~~City and any person or entity involving the operation and/or administration of the plan and/or the fund; and to any statistical data (historical, actual and projected) regarding benefit claims, and financial data regarding payments and administrative costs or expenses. Individually identifiable medical information and any records protected from disclosure by state or federal law are specifically excluded from the provisions of this subsection.

(b) To the fullest extent practicable, committee meetings shall be held during normal business hours and each member shall be excused from the performance of other duties, for a period of time not to exceed two hours per meeting, in order to attend such meetings unless a longer meeting is scheduled in advance by the ~~d~~Director of ~~h~~Human ~~r~~Resources.

(c) The ~~d~~Director of ~~h~~Human ~~r~~Resources, or ~~the director's~~ designee, shall serve as the chairperson of the committee. The chairperson shall schedule and preside at committee meetings and ensure that each member receives written notice of the date, time and place of any committee meeting at least five calendar days prior to the meeting. The committee may appoint, by majority vote of the members, a vice-chairperson and a recording secretary. The vice-chairperson shall preside at any meeting or part of any meeting during the chairperson's absence and the recording secretary shall prepare minutes of each committee meeting. The appointments referenced herein shall be made so that the ~~d~~Director of ~~h~~Human ~~r~~Resources can schedule the committee's first meeting on or before April 6, 2012.

(d) A simple majority of the members appointed to serve on the committee shall constitute a quorum authorized to conduct scheduled committee business, including the approval of recommendations. Any requirement for action shall be based upon a majority vote. In the event of a tie vote, the ~~c~~City ~~m~~Manager shall cast the tie-breaking vote.

(e) Upon a majority vote of the members and whenever deemed necessary or appropriate, the committee shall be authorized to approve and transmit to the ~~c~~City ~~m~~Manager any recommendation or proposal for change that the committee believes will

materially improve the operation, performance and/or administration of the plan and/or the fund on behalf of the ~~c~~City, eligible employees, retirees and dependent family members. ~~However, no later than the first meeting in June of e~~Each year, the committee may ~~transmit~~submit its recommendations to the ~~c~~City ~~m~~Manager regarding ~~the scope of~~ health care coverage, schedule of benefits and schedule of premiums and recommendation on the RFP process for the selection of the plan administrator(s). ~~Within 20 days, the city manager shall transmit any recommendations received from the health care advisory committee to the city council~~.

DIVISION 3. BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES

Section 75. That original Chapter 2.05 TMC, Boards and Commissions, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.205.

Section 76. That original Chapter 2.13 TMC, Citizens Government Review Committee, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.210.

Section 77. That original Chapter 2.40 TMC, Board of Building and Fire Appeals, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.235.

Section 78. That original Chapter 2.45 TMC, Board of Zoning Appeals, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.220.

Section 79. That original Chapter 2.55 TMC, Human Relations Commission, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.255.

Section 80. That original Chapter 2.60 TMC, Landmarks Commission, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.230.

Section 81. That original Chapter 2.65 TMC, Topeka Planning Commission, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.225.

Section 82. That original Chapter 2.70 TMC, Public Building Commission, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.215.

Section 83. That original Chapter 2.75 TMC, Office of the Arts, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.245.

Section 84. That original Chapter 2.80 TMC, Americans with Disabilities Act Advisory Council, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.250.

Section 85. That original Chapter 2.95 TMC, Sustainability Advisory Board, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.240.

Section 86. That original §§ 2.25.030, 2.25.040, 2.25.050, 2.25.060, 2.125.030, 2.125.040, 2.125.050, 2.125.060, 2.125.070, 2.125.080, 2.125.090, 2.125.100, 2.125.120, 2.125.140, 2.125.150, 2.125.160, 2.125.180, 2.125.190, 2.125.210, 2.125.220, 2.125.250, 2.125.270, 2.125.280, 2.125.290, 2.125.300, 2.125.310, 2.125.350, 2.125.360, 2.125.380, 2.125.390, 2.125.400, 2.125.410, 2.125.420, 2.130.010, 2.135.010, 2.135.040, 2.135.050, 2.135.070, 2.135.100, 2.140.020, 2.140.050, 2.140.060, 2.140.070, 2.140.130, 2.140.140, 2.140.150, 2.140.310, 2.140.320, 2.140.330, 2.140.340, 2.140.350, 2.140.360, 2.140.370, 2.140.380 and 2.140.390 of The Code of the City of Topeka, Kansas, are hereby specifically repealed.

Section 87. That the City's "Personnel Rules and Regulations" originally approved by Ordinance No. 16404 as the City's official personnel code is hereby repealed; and that Resolution Nos. 6448, 7758, 7985, 8235 and 8381 amending the

Personnel Code are hereby rescinded.

Section 88. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 89. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 90. 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

UPDATES

to

PREVIOUS DRAFT

of

TITLE 2 ORDINANCE

Shown on Proposed
Ordinance for Adoption – 9/10/19

PROPOSAL ONE

Chapter on Civil Service for Police Officers and Firefighters

Specifically

Rather than proceeding with (1) re-numbering and (2) adopting non-substantive revisions, Sections 28-69 has been removed and replaced with a single Section 28.

Section 28 simply re-numbers this Chapter, for now, pending discussion of the language with members of the Civil Service Commission – after which substantive revisions will be proposed for adoption (in a few months).

Staff concurs

**Sections 28 through 69, Pages 11-29, Lines 253-655 (previous draft)*

***Section 28, Page 11, Lines 252-254 (proposed ordinance for adoption)*

purposes, a violation of departmental rules and/or regulations shall be considered the same as a violation of the Personnel Manual.

(f) Compliance. Any person who knowingly violates or conspires to violate the provisions of TMC Title 2 or the Personnel Manual may be disciplined consistent with the nature and extent of the violation.

Section 27. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.040, which said section reads as follows:

Personnel Records.

(a) Annual Accounting of Personnel. Each year, in conjunction with the budget process, the Director of Administrative and Financial Services and the Director of Human Resources shall ensure that the number of personnel and corresponding compensation accurately reflects the information contained in the adopted budget. This statement shall be in a format determined by the Director of Human Resources.

(b) Payroll Records. The Administrative and Financial Services Department shall be required to keep adequate records of all persons employed, with a corresponding pay scale, time worked and accrued leave.

(c) Authorized Employees. The number of employees in a department shall generally be limited to the number of authorized employees within each departmental budget. Variances shall be approved by the City Manager.

Section 28. That original Chapter 2.125 TMC, Civil Service for Police Officers and Firefighters, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.120.

Section 29. That section 2.130.010, Created, of The Code of the City of

PROPOSAL ONE

PROPOSAL TWO

Chapter on Firemen's Relief Association

Section 2.130.010(a) [current]/[suggested]

Specifically

Replace the words "paid members" with the words "sworn employees."

Staff concurs

**Section 70, page 29, Line 660 (previous draft)*

***Section 29, Pages 11-12, Line 259 (proposed ordinance for adoption)*

purposes, a violation of departmental rules and/or regulations shall be considered the same as a violation of the Personnel Manual.

(f) Compliance. Any person who knowingly violates or conspires to violate the provisions of TMC Title 2 or the Personnel Manual may be disciplined consistent with the nature and extent of the violation.

Section 27. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 2.110.040, which said section reads as follows:

Personnel Records.

(a) Annual Accounting of Personnel. Each year, in conjunction with the budget process, the Director of Administrative and Financial Services and the Director of Human Resources shall ensure that the number of personnel and corresponding compensation accurately reflects the information contained in the adopted budget. This statement shall be in a format determined by the Director of Human Resources.

(b) Payroll Records. The Administrative and Financial Services Department shall be required to keep adequate records of all persons employed, with a corresponding pay scale, time worked and accrued leave.

(c) Authorized Employees. The number of employees in a department shall generally be limited to the number of authorized employees within each departmental budget. Variances shall be approved by the City Manager.

Section 28. That original Chapter 2.125 TMC, Civil Service for Police Officers and Firefighters, of The Code of the City of Topeka, Kansas, is hereby renumbered as Chapter 2.120.

Section 29. That section 2.130.010, Created, of The Code of the City of

PROPOSAL TWO

Topeka, Kansas, is hereby amended to read as follows:

~~Created~~Composition-Governance.

(a) There is ~~hereby created a firemen's~~firefighters relief association composed of all full-time sworn employees of the fire department.

(b) The firefighters relief association is governed by the Firefighters Relief Act, K.S.A. 45-1701 et seq.

Section 30. That section 2.130.020, Composition - Officers, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Composition – Officers.**~~

~~(a) The firemen's relief association shall be composed of all full-time paid members of the fire department.~~

~~(b) The officers of the firemen's relief association shall be members and shall consist of a president, two vice-presidents, a secretary-treasurer and a board of directors. The board of directors shall be composed of the president, the two vice-presidents, the secretary-treasurer and an elected representative from each fire station.~~

Section 31. That section 2.130.030, Bylaws, rules and regulations, of The Code of the City of Topeka, Kansas, is hereby repealed.

~~**Bylaws, rules and regulations.**~~

~~The firemen's relief association shall adopt such bylaws, rules and regulations as it may deem advisable in carrying out and promoting the object of the association, not inconsistent with this chapter or the laws of the state.~~

Section 32. That section 2.130.040, City attorney to advise directors, of The Code of the City of Topeka, Kansas, is hereby repealed.

PROPOSAL THREE

Chapter on Employment Practices; Diversity and Inclusion

Section 2.135.050 [current]/Section 2.105.030 [suggested]

Specifically

Delete the last sentence: "The provisions of subsection (a) of this section are not mandatory for part-time, temporary or seasonal employees, as defined in the city's personnel rules."

Staff concurs

**Section 84, pages 36-37, Lines 837-839 (previous draft)*

***Section 43, Page 19, Lines 438-439 (proposed ordinance for adoption)*

amended to read as follows:

~~Unlawful e~~Employment p~~P~~ractices.

~~I~~t shall be an unlawful employment practice for an official, ~~d~~Department ~~head~~Director, agent or employee of the ~~c~~City~~,~~ ~~because of race, religion, creed, color, sex, disability, familial status, national origin or ancestry, age, sexual orientation or gender identity, which is unrelated to the ability to perform a particular task or occupation, of any person~~ to refuse to hire or employ, or to bar or to discharge from employment, ~~such~~a person because he/she is a member of a protected class, or to otherwise discriminate against such person in relation to his/her compensation or ~~in~~the terms, conditions or privileges of his/her employment; ~~or to limit, segregate, separate, classify or make any designation in regard to employees;~~ or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business ~~motive~~reason.

Section 43. That section 2.135.050, Employment recruitment procedures, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.105.030 and amended to read as follows:

~~Employment r~~Recruitment p~~P~~rocedures.

~~(a)~~ The ~~personnel d~~Director of Human Resources shall devise and implement written procedures for the efficient and expeditious recruitment of employees in accordance with federal, state and ~~c~~City laws and guidelines regarding equal employment opportunity.

~~(b) The provisions of subsection (a) of this section are~~not mandatory for part-time, temporary or seasonal employees, as defined in the city's personnel rules.

PROPOSAL THREE

PROPOSAL FOUR

Chapter on Benefits
Article on Workers Compensation

I.

Section 2.140.140 [current]/Section 3.25.060 [suggested]

Specifically

Replace the reference to "risk manager" with "Human Resources Director, or his/her designee."

Staff concurs

**Section 103, pages 47-48, Line 1085 (previous draft)*
***Section 62, Page 30, Lines 685-686 (proposed ordinance for adoption)*

II.

Section 2.140.150 [current]/Section 2.125.110 [suggested]

Specifically

A. Replace the reference to "risk manager" with "Human Resources Director, or his/her designee."

B. Revise language to clarify State involvement by deleting "in the officer of such director for approval" which infers department director and replacing "workers compensation director" with "Kansas Department of Labor."

Staff concurs

**Section 63: A. Pages 48-49, Lines 1103, 1108, 1110, 1114, 1119 and 1122*
B. Page 49, Lines 1123, 1126 and 1127 (previous draft)
***Section 63: A. Pages 31-32, Lines 703, 709-710, 712, 716-717, 719-720, 723, 726-728 and 731*
B. Page 32, Lines 738 and 741 (proposed ordinance for adoption)

~~remove an employee from a light duty position at any time. The department head will notify the city risk manager whenever an employee is removed from a light duty position but not returned to regular duty. An employee removed from light duty whose medical status continues to prevent him from returning to regular duty shall be eligible for workers compensation benefits in accordance with K.S.A. 44-510c.~~

Section 62. That section 2.140.140, Assessment against city department--Rate, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 3.25.060 and amended to read as follows:

~~Assessment against city department—Rate~~Self-Insurance Fund.

(a) ~~Commencing on January 1, 1976, each city department shall each month transfer one-twelfth the amount of the city workers compensation self-insurance fund assessment for such city department for such fiscal year to the credit of the city~~Established; Rate of Assessment. A workers compensation self-insurance fund was established January 1, 1976.

~~(b)~~ The rate of the ~~c~~City workers compensation self-insurance fund assessment for all ~~c~~City departments shall be set by the ~~city risk manager~~Human Resources Director or his/her designee using applicable workers compensation rates based upon payroll~~,~~ and shall ~~further~~ be sufficient to pay any and all claims reasonably expected to be brought thereunder, ~~and~~as well as all administrative costs~~, which balance shall include an initial fund amount of $225,000~~.

(b) Annual Self-Insurance Permit Required. State law requires that cities wishing to self-insure for workers compensation apply for a corresponding permit. This application must contain financial information sufficient to ensure there is adequate

PROPOSAL FOUR I.

reserve funding available. The City shall complete all steps necessary to obtain this permit.

Section 63. That section 2.140.150, Claims for compensation – Service of claims – Defense of fund, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.110 and amended to read as follows:

Claims ~~for compensation~~ – Service; Process; Defense ~~of claims – Defense of fund~~.

(a) ~~All claims under this article against any city department for claims arising on and after January 1, 1976, shall be made against the city workers compensation self-insurance fund.~~Service. Workers compensation claims shall be served upon the ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, in his/~~ or~~ her capacity as administrator of the ~~c~~City workers compensation self-insurance fund in the manner provided for claims against other employers under the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) The ~~c~~City ~~m~~Manager shall be authorized to secure outside counsel to defend any claim against the ~~c~~City workers compensation self-insurance fund.

(b) Investigation. The ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, shall investigate or cause to be investigated each claim against the ~~c~~City workers compensation self-insurance fund. For the purposes of such investigations, the ~~risk manager~~Human Resources Director, or his/her designee, is authorized to obtain expert advice regarding the injuries, occupational diseases, disabilities and damages involved in such claims.

(c) Claim Payments. If, based upon such investigation and any other

PROPOSAL FOUR II.

available information, the ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, finds that there is no material dispute as to any issue involved in a workers compensation claim, that the claim is valid and that the claim should be settled by agreement, the ~~manager~~Human Resources Director, or his/her designee, with concurrence of the City Manager, may proceed to enter into such an agreement with the claimant, for the ~~c~~City workers compensation self-insurance fund, for any settlement not in excess of $~~10~~35,000. For any workers compensation settlement amounts in excess of $~~10~~35,000, ~~the city risk manager~~Human Resources Director, or his/her designee, shall obtain the approval of the ~~g~~Governing ~~b~~Body, and any settlement made without ~~g~~Governing ~~b~~Body approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by the ~~city risk manager~~Human Resources Director, or his/her designee, and all such workers compensation agreements shall be filed ~~in the office of such director for approval~~ as provided in K.S.A. 44-527. All other claims for workers compensation against such funds shall be paid in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) pursuant to awards or orders of the ~~workers compensation director~~Kansas Department of Labor or a court.

(~~c~~d) Funds to be Reserved. The ~~city risk manager~~Director of Administrative and Financial Services and the Director of Human Resources shall ~~encumber (reserve)~~ funds sufficient to meet anticipated expenses for workers compensation claims ~~expected to exceed $1,000~~ in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and experience data.

~~Section 64. That section 2.140.300, Created, of The Code of the City of~~

PROPOSAL FIVE

Chapter on Benefits

Article on Police Benefit Account

Section 2.140.300 [current]/Section 2.125.200 [suggested]

Specifically

There were no revisions originally proposed to this particular section – it was only going to be renumbered. However, because the language still refers to a date nine years ago (January 2010) -- which is when the "police benefit fund" was re-designated as the "police benefit account" and made part of the "law enforcement special revenue fund" -- the following revision is proposed to: (1) eliminate reference to the specific date and (2) clarify that the "police benefit account" is a separate accounting unit within the "law enforcement special revenue fund."

Current:

(a) There is hereby created in the city treasury a separate accounting unit within the law enforcement special revenue fund to be known as the police benefit account.

(b) Any remaining balance in the police benefit fund as of January 1, 2010, shall be transferred to the law enforcement special reserve fund.

Revised:

There is hereby created a separated accounting unit within the Law Enforcement Special Revenue Fund to be known as the Police Benefit Account.

Staff concurs

**Section 105, Page 50, Lines 1133 and 1134 (previous draft)*

***Section 64, Pages 32-33, Lines 741-748 (proposed ordinance for adoption)*

available information, the ~~c~~City's ~~risk manager~~Human Resources Director, or his/her designee, finds that there is no material dispute as to any issue involved in a workers compensation claim, that the claim is valid and that the claim should be settled by agreement, the ~~manager~~Human Resources Director, or his/her designee, with concurrence of the City Manager, may proceed to enter into such an agreement with the claimant, for the ~~c~~City workers compensation self-insurance fund, for any settlement not in excess of ~~$10~~35,000. For any workers compensation settlement amounts in excess of ~~$10~~35,000, ~~the city risk manager~~Human Resources Director, or his/her designee, shall obtain the approval of the ~~g~~Governing ~~b~~Body, and any settlement made without ~~g~~Governing ~~b~~Body approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by ~~the city risk manager~~Human Resources Director, or his/her designee, and all such workers compensation agreements shall be filed ~~in the office of such director for approval~~ as provided in K.S.A. 44-527. All other claims for workers compensation against such funds shall be paid in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) pursuant to awards or orders of the ~~workers compensation director~~Kansas Department of Labor or a court.

(~~c~~d) Funds to be Reserved. The ~~city risk manager~~Director of Administrative and Financial Services and the Director of Human Resources shall ~~encumber (reserve)~~ funds sufficient to meet anticipated expenses for workers compensation claims ~~expected to exceed $1,000~~ in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and experience data.

Section 64. That section 2.140.300, Created, of The Code of the City of

PROPOSAL FIVE

Topeka, Kansas, is hereby renumbered as § 2.125.200 and amended to read as follows:

Created.

~~(a) There is hereby created in the city treasury a separate accounting unit within the law enforcement special revenue fund to be known as the police benefit account.~~

~~(b) Any remaining balance in the police benefit fund as of January 1, 2010, shall be transferred to the law enforcement special reserve fund.~~

There is hereby created a separate accounting unit within the Law Enforcement Special Revenue Fund to be known as the Police Benefit Account.

Section 65. That section 2.140.310, Fees credited to fund, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.210 and amended to read as follows:

Fees credited to fund.

~~There shall be credited to the police benefit account in the law enforcement special revenue fund, the f~~Fees for~~related to~~ the issuance and service of municipal court warrants ~~from the municipal court, when and as such fees which~~ shall be collected by ~~the chief of police~~municipal court~~, are turned over~~remitted to the Administrative and ~~f~~Financiale Services ~~d~~Department and credited to the police benefit account in the law enforcement special revenue fund ~~by the chief of police~~.

Section 66. That section 2.140.320, Purpose, of The Code of the City of Topeka, Kansas, is hereby renumbered as § 2.125.220 and amended to read as follows:

CLEAN

Title 2
ADMINISTRATION, OFFICERS AND EMPLOYEES

DIVISION 2 "Employees"

Chapter 2.105
"Employment Practices; Diversity and Inclusion"

(Former Chapter 2.135, Article I)

2.105.010 Policy.

(a) Policy Statement. It is the policy of the City to take affirmative action to achieve equal treatment, diversity and inclusion when employing individuals and not to discriminate against any individual based on his/her age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law ("Protected Class"). This shall apply to all personnel actions and procedures including, but not limited to, recruitment, hiring, training, transfer, promotion, compensation and other benefits. **Former 2.135.010** **Personnel Code Article II, Section 2**

(b) General Objectives.

(1) Intensify efforts to recruit applicants within a protected class for every level of responsibility;

(2) Develop special training programs to qualify persons within a protected class for beginning level positions and for advancement; and

(3) Develop procedures for monitoring the application flow, final hiring and disposition of persons within a protected class. **Former 2.135.030** **Personnel Code Article II, Section 3**

(c) Administrative Responsibility. The City Manager and all Department Directors shall be responsible for ensuring that the City takes affirmative action to achieve equal opportunity, inclusion and diversity when employing individuals within all departments in accordance with the equal employment opportunity/affirmative action policy. The Human Resources Department shall be responsible for developing recruitment and training programs to include employment goals for each City department. **Former 2.135.060** **Personnel Code Article II, Section 3**

2.105.020 Employment practices.

It shall be an unlawful employment practice for an official, department director, agent or employee of the City to refuse to hire or employ, or to bar or to discharge from employment, a

person because he/she is a member of a protected class, or to otherwise discriminate against such person in relation to his/her compensation or the terms, conditions or privileges of his/her employment; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business reason. Former 2.135.040 Personnel Code Article II, Section 3

2.105.030 Recruitment procedures.

The Director of Human Resources shall devise and implement written procedures for the efficient and expeditious recruitment of employees in accordance with federal, state and City laws and guidelines regarding equal employment opportunity. These provisions shall not be required for part-time, temporary or seasonal employees, as defined in the City's Personnel Manual. Former 2.135.050 Personnel Code Article II, Section 3

2.105.040 Reports and Records.

The Director of Human Resources shall comply with required equal employment opportunity/affirmative action reporting. Position interview records and information related to new hires, transfers, promotions and terminations shall be maintained by the Human Resources Department. Former 2.135.100 Personnel Code Article II, Section 3

2.105.050 Equal opportunity officer.

(a) Designated Officer. The Director of Human Resources is designated as the equal opportunity officer to ensure equal employment opportunities. Former 2.135.070 Personnel Code Article II, Section 3

(b) General Duties. It shall be the duty of the equal opportunity officer to:

(1) Conduct periodic departmental reviews to determine compliance with the City's equal employment opportunity/affirmative action policy; Former 2.135.080 Personnel Code Article II, Section 3

(2) Report results obtained, problems encountered, and/or resistance or failure to implement the equal employment opportunity/affirmative action policy to the Governing Body, City Manager and Human Relations Commission and provide recommendations to resolve any problems identified; Former 2.135.080

(3) Serve as a consultant to the Governing Body, City Manager and Department Directors in developing recruitment programs, selection procedures, training programs or other personnel functions necessary to implement the City's equal employment opportunity/affirmative action policy; Former 2.135.080

(4) Recruit personnel in such a manner that clearly demonstrates the City's interest in employing persons within a protected class; and Former 2.135.090

(5) Establish communication with institutions and organizations that provide referral of qualified applicants within a protected class for available positions. Former 2.135.090

Chapter 2.110
"General"

(Former Chapter 2.25, Article I)
EXCEPT Sections 2.25.010 and 2.25.020, which are in new Chapter 2.115

2.110.010 Oath.

(a) Required. All officers of the City, whether elected or appointed, as well as each person employed by the City, shall, before entering upon the duties of his/her respective office, appointment or employment, take and subscribe an oath or affirmation, as follows:

> I do solemnly swear (or affirm, as the case may be) that l will support the Constitution of the United States of America and the Constitution of the State of Kansas and faithfully discharge the duties of _____ (here enter name of office or employment). So help me God. **Former 2.25.030(a)**

(b) Officers. All officers required by law to take and subscribe such oath or affirmation shall be provided with the necessary forms to accomplish this requirement at the expense of the City and, upon taking, subscribing and/or signing any such oath or affirmation, such completed original or copies of oaths shall be filed with the City Clerk. Oaths or affirmations required under this section shall be administered before such officers and in the manner prescribed by state law. **Former 2.25.040(b)**

(c) Employees. All employees required by law to take and subscribe such oath or affirmation shall be provided with the necessary forms to accomplish this requirement at the expense of the City and, upon taking, subscribing and/or signing any such oath or affirmation, such completed original or copies of oaths shall be filed with the Department of Human Resources. Oaths or affirmations required under this section shall be administered before such officers and in the manner prescribed by state law. **Former 2.25.040(c)**

(d) No Funds until Oath Taken. The Department of Administrative and Financial Services shall not disburse any funds in payment for services to any officer or employee of the City until the original oath or affirmation provided for in this section shall have been duly subscribed and the original or a copy is filed with the City Clerk or the Department of Human Resources. **Former 2.25.040(d)**

2.110.020 Residency Required. *NEW TMC SECTION*

Employees, including department directors, employed after December 31, 1981, by the City must be bona fide residents of Shawnee County, except at the time of appointment or employment when they need not be residents of Shaw nee County, but shall establish residency in Shawnee County within six (6) months after completion of the initial employment probation. Employees employed in a public safety position, as defined by the Director of Human Resources, shall within six (6) months after completion of the initial employment probation, reside within the boundaries of Shawnee County at a location which is no more than thirty (30) minutes travel time from the assigned reporting station or office. Said residency shall be maintained within the boundaries of Shawnee County for the duration of the employee's employment. The City

Manager may grant one (1) extension not to exceed six (6) months for establishment of residency upon the request of an individual employee for good cause shown. **Personnel Code Article II, Section 5**

2.110.030 Administrative Policies, Rules, Regulations and Procedures – Personnel Manual.

(a) Promulgation and Posting. The City Manager, in consultation with the Director of Human Resources, shall promulgate and issue administrative policies, rules, regulations and procedures related to personnel, as well as amendments to such provisions, through a Personnel Manual. **Personnel Code Article I, Section 3 A** The City Manager, in conjunction with the Director of Human Resources, shall ensure that this Personnel Manual is in effect and updated on a periodic basis. The City Clerk shall post the Personnel Manual on the City's website and maintain one copy of the City Personnel Manual in his/her office for purposes of making said document available to the public. The City Clerk shall make copies available pursuant to the City's open records policy. **Former 2.25.110**

NEW TMC SUBSECTION

(b) Scope. All persons employed by the City shall be subject to the provisions of the Personnel Manual with the exception of elected officials and independent contractors. **Personnel Code Article II, Section 1, first sentence -- Also in Section 1.3 of Personnel Manual**

NEW TMC SUBSECTION

(c) Conflicts with Bargaining Unit Agreements. Any terms or conditions contained in: (i) an agreement negotiated between the City and a recognized bargaining unit, (ii) an applicable ordinance or resolution; or (iii) the Topeka Municipal Code shall control in the event of a conflict with specific terms or conditions contained in the Personnel Manual. Furthermore, no salary increases granted by the City pay plan shall be or become effective for any employees covered by such an existing labor agreement or for any employees subject to or involved in labor negotiations during the term of such agreement or negotiations, unless specifically provided in a labor agreement. **Personnel Code Article II, Section 1, second sentence -- Also in Section 1.4 of Personnel Manual**

NEW TMC SUBSECTION

(d) Deviations. The City Manager and the Director of Human Resources may permit deviations from the provisions contained in the Personnel Manual; provided however, that any approved deviation must be in writing and executed by the City Manager and the Director of Human Resources. **Personnel Code Article I, Section 3 C**

NEW TMC SUBSECTION

(e) Standard Operating Procedures. In addition to the provisions contained in the Personnel Manual, a department director shall have the authority to issue written rules and regulations concerning personnel matters in order to govern situations that are unique to the particular department; provided, however, that the department adheres to the same process for amending the Personnel Manual. For disciplinary and termination purposes, a violation of departmental rules and/or regulations shall be considered the same as a violation of the Personnel Manual. **Personnel Code Article I, Section 4 -- Also in Section 1.6 of Personnel Manual**

NEW TMC SUBSECTION

(f) Compliance. Any person who knowingly violates or conspires to violate the provisions of this Title 2 or the Personnel Manual may be disciplined consistent with the nature and extent of the violation. **Personnel Code Article II, Section 4 -- Also in Section 14.1 of Personnel Manual**

2.110.040 Personnel Records. *NEW TMC SECTION*

(a) Annual Accounting of Personnel. Each year, in conjunction with the budget process, the Director of Administrative and Financial Services and the Director of Human Resources shall ensure that the number of personnel and corresponding compensation accurately reflects the information contained in the adopted budget. This statement shall be in a format determined by the Director of Human Resources. **Personnel Code Article I, Section 5 A**

(b) Payroll Records. The Administrative and Financial Services Department shall be required to keep adequate records of all persons employed, with a corresponding pay scale, time worked and accrued leave. **Personnel Code Article I, Section 5 B**

(c) Authorized Employees. The number of employees in a department shall generally be limited to the number of authorized employees within each departmental budget. Variances shall be approved by the City Manager. **Personnel Code Article I, Section 5 C**

2.110.050 Protective Insurance Required.

The City shall provide insurance to protect the City from losses caused by employee neglect of duty or malfeasance. **Former 2.25.040**

2.110.060 Approval of Employment Agreements.

Approval by the Governing Body shall be required prior to the City Manager signing any employment contract that does not follow the Human Resources Department's process for recruitment and selection. Such contracts shall not be subject to the procurement ordinances, Chapter 3.30 TMC. **Former 2.25.060(a)**

2.110.070 Approval of Severance Pay.

(a) Prior Authorization Required. No severance or other payments beyond those authorized by federal, state or local law, or contract, shall be made to a current or former employee without prior authorization by the Governing Body. **Former 2.25.060(b)**

NEW TMC SUBSECTION

(b) Eligibility; Permanent Reduction in Force. Severance pay set forth herein is available only to employees who meet all of the following eligibility requirements: **Personnel Code Article VIII, Section 2 C 1 a-d**

(1) The employee's position has been eliminated pursuant to a reduction in force;

(2) The employee has been employed with the City for one or more continuous years of service;

(3) The employee has not accepted a position with the City or with another governmental entity pursuant to a consolidation agreement;

(4) The employee has not accepted a transfer of employment to an entity that is assuming operational responsibility via contract with the City; and

(5) The employee has executed an agreement and complete release of all claims against the City.

NEW TMC SUBSECTION

(c) Payment.

(1) Eligible employees hired prior to January 1, 2011, shall be eligible to receive severance pay according to the following schedule; provided, however, that in no event shall severance pay exceed one year of salary:

Length of Service	Separation Pay
Zero to Less than One Year	Zero
One Year to Less than Ten Years	One week's salary for each complete year of service, as of the date of separation
Over Ten Years	Two weeks' salary for each complete year of service, as of the date of separation

(2) Eligible employees hired on January 1, 2011 and after, shall be eligible to receive severance pay at the rate of one week of salary for every year of service, pro-rated to the nearest month, but in no case less than four weeks salary and in no case more than twenty-six (26) weeks salary. **Personnel Code Article VIII, Section 2 C 2 a**

(3) Severance pay shall be calculated using the employee's regular base hourly wage and shall not include any premium payments. **Personnel Code Article VIII, Section 2 C 2 b**

(4) The City may elect to make severance payments in equal increments on a pay period basis until such time as the employee receives all severance pay due. In such a case, the payment will amount at least to the base pay of a regular bi-weekly pay period. **Personnel Code Article VIII, Section 2 C 3**

(5) Whether employees can draw both severance pay and unemployment compensation benefits will be dependent upon applicable state law. **Personnel Code Article VIII, Section 2 D 2**

(6) Employees who resign, retire or are terminated for cause shall not be eligible to receive severance pay. **Personnel Code Article VIII, Section 2 E**

Chapter 2.115
"Bargaining Unit Employees"

(Former Chapter 2.25, Article I

2.115.010 Right of Employees to Organize. (Former 2.25.010)

The City hereby elects to come under the provisions of K.S.A. 75-4321 to 75-4335, inclusive.

2.115.020 Approval of Memorandum Agreements in conjunction with the Meet and Confer Process. (Former 2.25.020)

(a) The power and authority of the City to enter into memorandum agreements with City employees represented by a recognized employee organization shall be vested in the Governing Body. Except as otherwise provided in this section, no memorandum of agreement between the City and a recognized employee organization shall be valid unless the agreement is approved by the Governing Body and signed by the City Manager.

(b) The City Manager or designee shall represent the City as head of the negotiating team when collectively bargaining with a recognized employee organization. The City Manager or designee shall negotiate all terms and provisions of a memorandum agreement and may reach a tentative agreement on those terms and provisions with a recognized employee organization.

(c) If a tentative agreement is reached between the City and the recognized employee organization, a memorandum agreement will be prepared within fourteen (14) days and presented to the Governing Body for approval. The Governing Body, as soon as practicable after receiving a report from the Director of Administrative and Financial Services on the fiscal effect the terms of such memorandum agreement will have upon the City, shall consider the memorandum agreement and take appropriate action.

(d) The Governing Body shall take appropriate action to implement the memorandum agreement. If the Governing Body rejects a proposed memorandum agreement, the matter shall be returned to the City negotiating team and the employee organization for further deliberation.

Chapter 2.120
"Civil Service for Police Officers and Firefighters"

(Former Chapter 2.125 – *no substantive revisions*)

Article I. Generally

2.120.010 Scope – Terms of Labor Contract/Collective Bargaining Agreement to take Precedence. (Former section 2.125.010)

All persons employed as civil service personnel of the fire and police departments shall be subject to the rules and compensation policies set forth in this Chapter. When the terms of any collective bargaining agreement between the City and employees governed by this Chapter are inconsistent with the provisions of this Chapter, the terms of the collective bargaining agreement shall take precedence. No salary adjustments provided within an ordinance shall be or become effective for any employees subject to an existing labor contract during the term of such contract or negotiations.

2.120.020 Departmental Regulations. (Former section 2.125.020)

Department Directors may formulate, in writing, reasonable administrative regulations for the conduct of his/her department, which shall be available to all departmental employees. Nothing in this Chapter shall be construed as granting any department authority to adopt regulations in violation of, or in conflict with, personnel regulations.

Article II. Civil Service Commission

2.120.030 Created – Terms – Technical Advisor – Quorum. (Former section 2.125.030)

(a) Terms. A civil service commission is hereby established in the City. The Mayor of the City shall initially appoint five civil service commissioners, who shall hold office for terms of four years. Members shall not serve beyond the end of his/her appointed terms. Upon expiration of a term, the position shall remain vacant until a successor is appointed. To be eligible for appointment as a commissioner, an individual may not be an employee of the city and shall have at least three years of experience in a responsible position requiring knowledge of the legal issues involved in the hiring or disciplining of employees.

(b) Technical Advisor. The City Manager shall designate a representative of the City to serve as a nonvoting member of the civil service commission. This nonvoting member will serve as a technical advisor to the commission.

(c) Quorum. A quorum for conducting business is three voting members.

2.120.040 Oath. (Former section 2.125.040)

Before entering upon the duties of the office, each civil service commissioner appointee shall take and subscribe an oath, which shall be kept in the Human Resources Department, to support the Constitutions of the United States and this state, to obey the laws and to endeavor to secure

and maintain an honest and efficient force, free from partisan influence or control; and to perform the duties of office to the best of his/her ability.

2.120.050 Meetings – Support. (Former section 2.125.050)

(a) The City shall provide suitable rooms in which members of the civil service commission may hold their meetings and shall supply such commission with any equipment, training and documents necessary to properly conduct the duties of the commission.

(b) The City Attorney shall file or defend any lawsuit, action or proceeding on behalf of the civil service commission. The City Attorney shall have direct access to any and all records which, in his/her opinion, are necessary in order to adequately prepare for such lawsuit, action or proceeding. No special counsel shall be retained to represent the commission except by the City Attorney, and such special counsel shall serve solely under the direction of the City Attorney.

2.120.060 Examinations. (Former section 2.125.060)

The civil service commission shall control all examinations. With advice from the Fire Chief, Police Chief, technical advisor and City Attorney, or their respective designees, the commission shall provide uniform rules with respect thereto, and shall hold such examinations as are necessary for the purpose of determining the qualifications and fitness of applicants for positions on the fire and police departments. All such examinations shall be practical and shall fairly test the fitness of applicants to discharge the position to which they seek to be appointed. No questions shall relate to religious faith or party affiliations.

2.120.070 Reports – Rules – Regulations. (Former section 2.125.070)

The civil service commission may make periodic reports to the City Manager or his/her designee, and the City Manager or the City Manager's designee may require special reports from the civil service commission at any time. The civil service commission may prescribe such rules and regulations for the proper conduct of its business as deemed expedient and advisable.

2.120.080 Notification of Vacancies. (Former section 2.125.080)

The Fire Chief or Police Chief, whichever is applicable, shall immediately notify the chairperson of the civil service commission whenever a vacancy exists in his/her department when the vacant position is one that may be filled by appointment only from the applicants examined by the civil service commission.

2.120.090 Certification of Applicants; Eligibility List. (Former section 2.125.090)

The civil service commission shall certify the names and addresses of eligible applicants to the Fire Chief or Police Chief, whichever is applicable, who shall make appointments only from such list so certified. Whenever the eligible list of the civil service commission contains fewer than double the number of applicants to fill the vacancy or vacancies existing, the Human Resources Department shall advertise for applicants and the examination procedure shall commence as soon as practical thereafter. The civil service commission shall document why a candidate is, or is not, certified. What documentation required will be decided by the City Attorney and the technical advisor appointed by the City Manager. The Director of Human Resources shall provide whatever support is appropriate to provide such documentation.

2.120.100 Equal Opportunity. (Former section 2.125.100)

No applicant or employee shall be discriminated against based on his/her age, color, disability, familial status, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status or any other factor protected by law; except as may be otherwise provided by law.

2.120.110 Striking Applicants from List. (Former section 2.125.110)

The civil service commission may strike from the eligible list the names of all applicants after they have remained thereon for more than one year and have failed to be appointed.

2.120.120 Removal from Employment. (Former section 2.125.120)

All employees, other than probationary employees subject to civil service examination, may be removed from office or employment only upon charges preferred in writing for misconduct or failure to perform their duties; provided, however, that, pending the hearing of such charges, the respective Department Director may suspend with pay any such officer. All such charges shall be heard by the civil service commission after a copy of the charges has been transmitted to the employee against whom filed and due opportunity has been provided to him/her to defend. The civil service commission shall, after hearing the evidence, either revoke, affirm or modify the order appealed from, and their action shall be final.

2.120.130 Hearing Powers. (Former section 2.125.130)

The civil service commissioners shall have the power to require by subpoena the attendance of witnesses and the production of books and papers, and the power to administer oaths.

2.120.140 New Applicants for Police and Fire Positions to Submit to Exam. (Former section 2.125.140)

All new applicants for positions in the fire and police departments shall be required to submit to a civil service examination for position of police officer or firefighter.

2.120.150 Probationary Period for Police. (Former section 2.125.150)

(a) Length. All appointments, other than the Police Chief, shall be for a probationary period of 18 months; provided, however, the probationary period for promotions shall be 12 months.

(b) Employment Status. If during such probationary period the conduct or capacity of the probationer is not satisfactory, then, and in that event, the Police Chief shall forthwith notify the employee and the Director of Human Resources, in writing, that he/she will not receive permanent appointment; in the absence of such notice, such probationer shall forthwith receive permanent appointment at the expiration of his/her probationary period.

2.120.160 When Employee does not Receive Permanent Appointment. (Former section 2.125.160)

In the case of a patrol officer not receiving permanent appointment, employment shall cease immediately. In all other cases of employees not receiving permanent appointment, such employee may resume his/her former position and pay scale.

Article III. Classification and Pay Plan

2.120.170 Rate of Pay – Determined by Position. (Former section 2.125.170)

All civil service employees of the fire and police departments shall be paid at the rates prescribed for the position in which they are employed.

2.120.180 Rate of Pay – Salary Increases and Decreases. (Former section 2.125.180)

(a) The promotion of an employee to a class with a higher salary range shall include an increase in salary to at least the minimum for the new classification.

(b) If an employee is reclassified or demoted to a lower classification, the salary may be lowered; but in no event shall it be fixed at an amount greater than the employee was earning immediately prior to reclassification or demotion.

(c) All salary increases or decreases given for promotions or demotions, either voluntary or involuntary, shall be given in accordance with the personnel provisions promulgated by the Director of Human Resources to effectuate the provisions of the City Personnel Manual, or as otherwise provided for in a labor agreement.

2.120.190 Effective Date of Salary Increase. (Former section 2.125.190)

All salary increases and paydays shall be effective on a date specified in personnel provisions promulgated by the Director of Human Resources, or as otherwise provided for in a labor agreement.

2.120.200 Hours of Work. (Former section 2.125.210)

All employees of the fire and police departments shall work a basic schedule, which shall comply with all provisions of the Fair Labor Standards Act and as the Fire Chief or Police Chief designates.

2.120.210 Notice of Termination. (Former section 2.125.220)

(a) An employee who terminates his/her employment voluntarily shall give a minimum of two weeks' notice to his/her immediate supervisor or Department Director, unless a shorter period of notice is approved by the Department Director.

(b) An employee who is removed without cause shall be entitled to at least two weeks' notice. The City may elect to grant two weeks' pay in lieu of such notice.

2.120.220 Pay on Termination. (Former section 2.125.230)

Any employee who is terminated or who voluntarily resigns shall receive their earned wages not later than the next regular payday upon which they would have been paid if still employed.

2.120.230 Effect of Reemployment within 120 Days. (Former section 2.125.240)

If an employee who has been terminated in good standing is reemployed within a period of 120 days, he/she may be reinstated at not more than the salary he/she was receiving at the time of his/her termination; and he/she shall receive credit for all unused sick leave accrued at the time of termination.

Article IV. Grievances

2.120.240 Defined. (Former section 2.125.250)

A "grievance" is a complaint by a permanent employee alleging a misinterpretation or misapplication of a practice or policy under the personnel provisions set out in this chapter or applicable provisions of the Personnel Manual or rules and regulations of the Human Resources Department that has a detrimental effect upon the employee. The departmental policies, rights and prerogatives of management inherent by virtue of law cannot be the subject of a grievance.

2.120.250 Conference with Supervisor. (Former section 2.125.260)

Any employee who has a grievance shall confer with the employee's supervisor within five working days of the incident causing the grievance.

2.120.260 Appeal from Supervisor's Determination. (Former section 2.125.270)

(a) If the grievance is not resolved, the employee may file an appeal in writing with an appeal officer, which shall be the bureau or division commander if the bureau or division commander is a higher rank than the employee's supervisor, or to the management person to whom the employee's supervisor reports if the employee's supervisor is the bureau or division commander or higher rank. Such appeal shall be filed in writing with the appeal officer under this subsection within 10 calendar days following the meeting with the supervisor. The appeal officer to whom the appeal is addressed shall provide an opportunity for an oral presentation within five days of the grievance being forwarded to such person and shall render a written decision within five days following the date of the hearing.

(b) If a grievance is not resolved, the employee may file an appeal in writing to the Fire Chief or Police Chief, whichever is applicable. Such appeal shall be filed within 30 calendar days following the receipt of the decision under subsection (a) of this section.

2.120.270 Contents of Appeal. (Former section 2.125.280)

Each appeal under TMC 2.120.270 shall contain the following:

(a) A brief and concise statement of the facts surrounding the complaint.

(b) The ordinance, regulation or policy the employee feels has been violated.

(c) The date of the incident causing the grievance and the date the employee conferred with the supervisor.

(d) A list of persons the employee intends to call as witnesses.

(e) A list of any documents or written evidence the employee intends to use to substantiate the grievance.

(f) The remedial action requested by the employee.

2.120.280 Determination of Appeals. (Former section 2.125.290)

(a) Response by the Chief. The Chief shall respond to the grievant within ten calendar days of the filing of appeal, stating his/her determination in the matter.

(b) Appeal from Determination by the Chief.

(1) In cases of suspension or in cases of termination, an aggrieved employee shall be granted ten calendar days from receipt of the decision of the Chief to file an appeal of the Chief's determination with either the Human Resources Department or civil service commission, but not both. In cases of lesser disciplinary action or cases involving an interpretation of personnel provisions, an aggrieved employee shall be granted ten calendar days from receipt of the response of the chief to file an appeal with the Human Resources Department.

(i) Upon receiving a grievance, the Director of Human Resources or the civil service commission, whichever is applicable, shall meet within 10 working days to consider the grievance and shall give not less than three working days' notice in writing to the grievant and all interested parties of the time and place of such meeting.

(ii) If the grievance arises from an interpretation of rules and regulations, or if the grievance concerns a disciplinary action less severe than a suspension, the Director of Human Resources shall investigate and shall issue a ruling concerning the matter within 15 calendar days of receipt of the grievance.

(2) If the aggrieved employee does not consider that the ruling from the Director of Human Resources satisfactorily resolves the matter, the employee shall be granted five calendar days from receipt of the ruling from the Director of Human Resources in which to file a notice of intent to arbitrate with the Human Resources Department; after which the Director of Human Resources shall request a listing of five arbitrators from the Federal Mediation Service from which the parties shall select an arbitrator utilizing the alternative striking method. Fees and expenses for the arbitrator's services shall be borne equally by the parties, except that the City shall pay for all fees and expenses for the arbitrator's services if the grievance involves a disciplinary action.

(3) Hearings before an arbitrator or the civil service commission shall comply with the following rules:

(i) Hearings shall be closed to the public at the request of any party to that grievance. Transcribing costs of the hearing, if any, shall be paid by the party requesting the

transcript. City costs of recording and transcribing shall be paid from a non-departmental appropriation in the general operating fund for such purpose.

(ii) The arbitrator or the civil service commission, whichever applies, shall submit its findings to the employee and Department Director within 30 working days after the hearing, and its recommendations shall be binding.

Article V. Compulsory Physical Examinations

2.120.290 Request for Examination. (Former section 2.125.300)

(a) Written Request of Chief. Any employee of the fire or police department shall submit to a physical examination to test the employee's ability to perform his/her duties upon the written request of the chief of the department when there is reason to believe that a medical problem may exist which might limit the employee's ability to perform the employee's duties. Such written request shall specify the time and place of such physical examination.

(b) City Medical Advisor to Select Examining Physician. The physical examination shall be conducted by a physician selected by the City Medical Advisor.

(c) Cost Paid by City. The cost of the physical examination requested pursuant to this Article V shall be paid by the City.

(d) Periodic Physicals. Nothing in this section may be construed as limiting the right of the Fire Chief or Police Chief to mandate periodic physicals for all sworn personnel.

2.120.300 Report of Examining Physician. (Former section 2.125.310)

The report by the physician shall be immediately forwarded to a physician appointed by the Director of Human Resources, who shall be designated for the purposes of this chapter as the City Medical Advisor. If the City Medical Advisor determines that such employee is physically disqualified from properly performing the duties of a firefighter or police officer, and if reasonable accommodations cannot be provided, he/she shall be retired from service at the end of the month in which such determination is made by the City Medical Advisor, if permitted under applicable pension plan, or terminated.

2.120.310 Request for Reexamination. (Former section 2.125.320)

Any employee found to be physically disqualified from properly performing the duties as a firefighter or police officer shall have the right to reexamination by written request directed to the chief of the department. The written request for a reexamination shall be delivered to the chief of the department within 10 calendar days from the date the employee is notified of the finding of physical disqualification.

2.120.320 Reexamination by Three Physicians. (Former section 2.125.330)

The reexamination of an employee under this article shall be made within 20 calendar days from the date of delivery of the notice by the employee to the chief of the department. All costs of the reexamination shall be borne by the City. For the purposes of such reexamination, the employee shall designate one physician, the City Medical Advisor shall designate one physician (who shall

not be the same physician who made the original examination) and the two physicians so designated shall designate a third physician. The employee affected and the City Medical Advisor shall appoint a physician within seven calendar days from the date of delivery of the notice demanding reexamination to the chief of the department.

2.120.330 Report of Reexamining Physicians – Determination of City Medical Advisor. (Former section 2.125.340)

A written report of the reexamination, signed by each of the examining physicians, shall be filed with the City Medical Advisor. If the City Medical Advisor determines that the reexamination confirms the original finding as to physical disqualification, the original order of compulsory retirement shall remain effective. If the City Medical Advisor determines that the reexamination discloses that the employee is capable of properly performing as a firefighter or police officer, the employee shall be retained in the department without loss of time or pay.

2.120.340 Frequency of Examination. (Former section 2.125.350)

No employee of the Fire Department or Police Department shall be subjected to more than one compulsory physical examination in any six-month period by the City Manager, or the Fire Chief or Police Chief, whichever is applicable.

Article VI. Disciplinary Action

2.120.350 Authority of Department Directors. (Former section 2.125.360)

Department Directors shall have authority to discipline employees, up to, and including, termination for the serious, willful or repeated violation of personnel provisions or departmental regulations. Department Directors shall have authority to discipline employees, up to, and including, termination.

Article VII. Personnel Records

2.120.360 Personnel Records to be Maintained. (Former section 2.125.370)

The Human Resources Department shall keep and preserve in a permanent form a full record of all proceedings pertaining to all police and fire employees for the full duration of employment and for a minimum of three years after termination of employment. The Fire Chief and Police Chief shall be responsible for ensuring that these records are forwarded immediately to the Human Resources Department upon their creation.

2.120.370 Annual Performance Evaluation. (Former section 2.125.380)

It shall be the duty and responsibility of the Fire Chief and Police Chief to cause an appraisal of the performance of each member of the department at least once a year by the division chief or immediate supervisor of each member of the department appointed under civil service. The Fire Chief and Police Chief shall endorse on each appraisal his/her personal appraisal of each individual member of the department or any comments pertinent thereto. They shall also see to it that each appraisal is discussed with the employee being appraised, the purpose of these discussions being to constructively develop the appraised employee to improve his/her job performance and potential for advancement.

2.120.380 Evaluation Ratings to be made Part of Personnel Record. (Former section 2.125.390)

The periodic evaluations required by Section 2.120.390 above shall be made a part of the permanent personnel file of each individual member of the department and shall be considered whenever a member of the department is subject to promotion, demotion, dismissal or a major change of assignment.

2.120.390 Inspection. (Former section 2.125.410)

The records kept under this article are subject to the exclusionary provisions of the state Open Records Act (K.S.A. 45-215 et seq.) Therefore, these records shall be given the same level of confidentiality as are all other personnel records maintained by the Human Resources Department.

2.120.400 Violation of Chapter. (Former section 2.125.420)

Any official who shall violate the provisions of this Chapter shall be subject to corrective action, up to, and including, termination.

Chapter 2.125
"Benefits"

Article I. Social Security

2.125.010 Benefits Extended – State Act Incorporated. [Former 2.140.020 and 2.140.030]

(a) The City hereby extends the benefits of Title II of the Federal Social Security Act to the employees of the City in accordance with the provisions of K.S.A. Chapter 40, Article 23 (K.S.A. 40-2301 et seq.) and the following plan of coverage.

(b) The City submits the following plan of coverage to the state Department of Administration, the authorized state agency for approval, and agrees that the provisions of K.S.A. Chapter 40, Article 23 (K.S.A. 40-2301 et seq.) shall be, and are agreed to as, part of such plan.

2.125.020 Services Covered. [Former 2.140.040]

The plan contained in this Article I includes coverage of all services performed by employees of the City, except as specifically excluded by law or the plan of coverage, and includes elected officials of the City.

2.125.030 Contribution by City. [Former 2.140.050]

(a) The City hereby agrees to pay to the Internal Revenue Service (IRS), at such time or times and in such manner as prescribed by the Internal Revenue Code.

(b) Amounts deducted from any remuneration paid to an employee subject to the provisions of this plan shall be remitted to the IRS as prescribed by the Internal Revenue Code.

2.125.040 Sources of City's Contributions. [Former 2.140.060]

The City will pay its contributions required under K.S.A. 40-2305 from the same fund that the wages for which such contribution is made are paid or from any other funds available to it for the purpose. The City may levy a tax, which may be in addition to all other taxes authorized or limited by law, for the purpose of making its contributions under K.S.A. 40-2305(c), which tax together with any other funds available to the City for such purpose shall be sufficient to enable it to make such contributions.

2.125.060 Compliance with Regulations. [Former 2.140.070]

The City agrees that it will comply with such rules and regulations as the Department of Administration may prescribe to carry out the purposes of Section 218 of the Social Security Act, as amended.

2.125.070 Modification of Plan. [Former 2.140.080]

This plan may be modified at the request of the City to include additional groups, or additional services not now included, such modification to be consistent with the provisions of Section 218 of the Social Security Act, as amended, and the State Act.

2.125.080 Effective Date. [Former 2.140.120]

This plan shall be effective as of January 1, 1951.

Article II. Workers Compensation

2.125.100 Workers Compensation – General. (Former 2.140.130)

(a) Employees injured or ill from an occupational disease arising out of and in the course of their employment for the City are eligible to receive workers compensation benefits while they are temporarily totally disabled and still employed as a regular employee of the City, in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and rules.

2.125.110 Claims – How Served; Processed; Defended. (Former 2.140.150)

(a) Service. Workers compensation claims shall be served upon the City's Risk Manager in his/her capacity as administrator of the City workers compensation self-insurance fund in the

manner provided for claims against other employers under the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.)

(b) Investigation. The City's Risk Manager shall investigate or cause to be investigated each claim against the City workers compensation self-insurance fund. For the purposes of such investigations, the Risk Manager is authorized to obtain expert advice regarding the injuries, occupational diseases, disabilities and damages involved in such claims.

(c) Claim Payments. If, based upon such investigation and any other available information, the City's Risk Manager finds that there is no material dispute as to any issue involved in a workers compensation claim, that the claim is valid and that the claim should be settled by agreement, the City Manager may proceed to enter into such an agreement with the claimant, for the City workers compensation self-insurance fund, for any settlement not in excess of $35,000. For any workers compensation settlement amounts in excess of $35,000, the City's Risk Manager shall obtain the approval of the Governing Body, and any settlement made without Governing Body approval shall be invalid. Any such agreement may provide for lump sum settlements subject to approval by the City's Risk Manager and all such workers compensation agreements shall be filed in the office of such Director for approval as provided in K.S.A. 44-527. All other claims for workers compensation against such funds shall be paid in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) pursuant to awards or orders of the workers compensation director or a court.

(d) Outside Counsel. The City Manager shall be authorized to secure outside counsel to defend any claim against the City workers compensation self-insurance fund.

(e) Funds to be Reserved. The Director of Administrative and Financial Services and the Director of Human Resources shall reserve funds sufficient to meet anticipated expenses for workers compensation claims in accordance with the Workers Compensation Act (K.S.A. 44-501 et seq., 44-5a01 et seq.) and experience data.

Article III. Police Benefit Account

2.125.200 Created. (Former 2.140.300)

(a) There is hereby created in the City treasury a separate accounting unit within the law enforcement special revenue fund to be known as the police benefit account.

(b) Any remaining balance in the police benefit fund as of January 1, 2010, shall be transferred to the law enforcement special reserve fund.

2.125.210 Fees Credited to Fund. (Former 2.140.310)

Fees related to the issuance and service of municipal court warrants shall be collected by municipal court, remitted to the Administrative and Financial Services Department and credited to the police benefit account in the law enforcement special revenue fund.

2.125.220 Purpose. (Former 2.140.320 – first part)

The police benefit account shall be held by the Administrative and Financial Services Department for the purpose of providing relief to a member of the Police Department who has been injured or who has become ill or has otherwise incurred medical expense while he/she is an employee of the department.

2.125.230 Benefits Provided. (Former 2.140.320 – second part)

Providing reimbursement to cover part or all of the medical expenses actually incurred by members of the department related to the purpose set forth in Section 2.125.220.

2.125.240 Payment. (Former 2.140.330)

(a) The extent and proportion to which members of the Police Department shall become eligible for reimbursement of medical expenses actually incurred, shall be determined by the members of the Topeka Police Benefit Fund, as provided for in the bylaws of the Topeka Police Benefit Fund. The eligibility of a particular claimant to receive any of the benefits provided through this article shall be decided by the Board of Trustees of the Topeka Police Benefit Fund.

(b) The Director of Administrative and Financial Services, or his/her designee, is hereby authorized to make payments from the law enforcement special revenue fund only upon receipt of a signed voucher(s) and approval by majority vote of the Board of Trustees of the Topeka Police Benefit Fund and approval by Accounts Payable.

Article IV. Health Insurance

2.125.300 Group Health Insurance Plan and Fund. (Former 2.140.340)

(a) The City hereby recognizes the employees' group health insurance plan (the "plan") to provide or otherwise make available certain health care benefits for its eligible employees and their respective dependent family members and the health insurance fund (the "fund") to provide for the payment of such health care benefits. The City hereby ratifies and confirms the validity of the City's health self-insurance plan (also known as the employees' group health insurance plan) and the health insurance fund in existence immediately prior to the effective date of the ordinance codified in this article.

(b) The City Manager is hereby authorized and directed to administer the plan and the fund in accordance with the terms and conditions of this Article.

2.125.310 Eligibility. (Former 2.140.350)

Except as otherwise provided herein, all benefit-eligible employees, elected officials and retirees of the City, including those employees who retire with KPERS' disability (collectively "eligible employees"), and their respective dependent family members, shall be entitled to participate in the plan in accordance with the terms and conditions set forth in this Article. No person hired by the City to fill any job or position classified as seasonal or temporary shall be entitled or otherwise eligible to participate in the plan regardless of the number of hours any such seasonal

or temporary employee is permitted or required to work during any pay period or combination of pay periods.

2.125.320 Plan Coverage. (Former 2.140.360)

The plan may offer and make available certain "basic health care coverage" and one or more "extended health care coverage" options for medical, vision, dental, prescription drug and other voluntary benefits to each eligible employee and his/her dependent family members.

2.125.330 Retirees. (Former 2.140.370)

(a) Each person vested under the Kansas Public Employees Retirement System, including KP&F, who is employed by the City and who retires or retired from active employment after December 31, 1988, shall be eligible to receive health care benefits coverage under the plan upon written application filed with the Director of Human Resources within 30 days following retirement of the employee. Retirees and their dependent family members who have coverage under the City's group health insurance plan immediately prior to the effective date of the ordinance codified in this article shall remain covered and eligible to continue such coverage under the plan without filing a written application under this section as a condition of retaining or continuing such coverage.

(b) Each retiree who elects to obtain or continue health care benefits coverage hereunder shall be required to contribute premium payments to the plan for the basic or extended coverage elected, including the administrative costs thereof, but such contribution shall not exceed the percentage of the premium cost for other similarly situated employees as specified by state law.

(c) Eligibility for coverage under the plan may cease to be made available upon (1) the retired employee reaching age 65 or becoming eligible for Medicare, (2) the retired employee failing to make required premium payments on a timely basis, or (3) the retired employee becoming covered under a health care benefits plan of another employer.

2.125.340 Contributions. (Former 2.140.380)

Contributions by the City and eligible employees, including elected officials and retirees, for the premium cost of health care benefits coverage under the plan, including the administrative costs thereof, shall be deposited in or credited to the fund as of the date each contribution is made; such contributions to the fund will be made by the City no less frequently than on a monthly basis. Moneys may be paid into or credited to the fund from any source, including transfers from the general fund and/or the operating budget account of any department of the City, which may be lawfully utilized for the provision of group health care benefits, and contributions deposited in or credited to the fund shall not be transferred or otherwise utilized for any other purpose. Interest earned on the investment of contributions or other money paid into or credited to the fund shall be credited to the fund. However, no interest, surplus and/or investment earning credited to the fund shall be utilized to finance any portion of the City's contributions on behalf of eligible employees.

2.125.350 Health Care Advisory Committee. (Former 2.140.390)

The City hereby establishes a health care advisory committee (the "committee") to review the employees' group health insurance plan and the health insurance fund, including an assessment

of operational performance and cost effectiveness, the extent to which the plan and the fund meet the needs of eligible employees, retirees and their dependent family members and any options that may be available to preserve or enhance existing levels of health care coverage while maintaining or reducing its cost to the City, eligible employees and dependent family members.

(a) The committee shall be comprised of the Director of Human Resources, or designee; the Deputy Mayor, or his/her designee of a current councilmember; three members appointed by the City Manager to serve as representatives of management; one member appointed from each of the City's recognized employee organizations to serve as representatives of employee bargaining units; and one non-bargaining unit/non-supervisory employee and one retiree appointed by the City Manager. The committee shall meet on a schedule as determined by the committee but not less than quarterly and no more than once per month unless a majority of the committee votes to call an additional meeting. The committee shall be afforded access, upon request, to plan design options; to any and all documents and information involving performance and/or administration of the plan and the fund, including any contracts or agreements between the City and any person or entity involving the operation and/or administration of the plan and/or the fund; and to any statistical data (historical, actual and projected) regarding benefit claims, and financial data regarding payments and administrative costs or expenses. Individually identifiable medical information and any records protected from disclosure by state or federal law are specifically excluded from the provisions of this subsection.

(b) To the fullest extent practicable, committee meetings shall be held during normal business hours and each member shall be excused from the performance of other duties, for a period of time not to exceed two hours per meeting, in order to attend such meetings unless a longer meeting is scheduled in advance by the Director of Human Resources.

(c) The Director of Human Resources, or designee, shall serve as the chairperson of the committee. The chairperson shall schedule and preside at committee meetings and ensure that each member receives written notice of the date, time and place of any committee meeting at least five calendar days prior to the meeting. The committee may appoint, by majority vote of the members, a vice-chairperson and a recording secretary. The vice-chairperson shall preside at any meeting or part of any meeting during the chairperson's absence and the recording secretary shall prepare minutes of each committee meeting. The appointments referenced herein shall be made so that the Director of Human Resources can schedule the committee's first meeting on or before April 6, 2012.

(d) A simple majority of the members appointed to serve on the committee shall constitute a quorum authorized to conduct scheduled committee business, including the approval of recommendations. Any requirement for action shall be based upon a majority vote. In the event of a tie vote, the City Manager shall cast the tie-breaking vote.

(e) Upon a majority vote of the members and whenever deemed necessary or appropriate, the committee shall be authorized to approve and transmit to the City Manager any recommendation or proposal for change that the committee believes will materially improve the operation, performance and/or administration of the plan and/or the fund on behalf of the City, eligible

employees, retirees and dependent family members. Each year, the committee may submit its recommendations to the City Manager regarding health care coverage.

Chapter 2.130
"Firefighters Relief Association"

2.130.010 Composition. (Former 2.130.010 and 2.130.020)

(a) There is a firefighters relief association composed of all full-time paid members of the fire department.

(b) The firefighters relief association is governed by the Firefighter's Relief Act, K.S.A. 40-1701 et seq.

PERSONNEL CODE OF THE CITY OF TOPEKA

X- References to Personnel Manual (administrative)
X- References to Topeka Municipal Code (legislative)

TABLE OF CONTENTS

ARTICLE I ADMINISTRATION ..... **Page 3**

Section 1 Statement of Purpose ..... PManual 1.1 3
Section 2 Definitions ..... located throughout PManual in relevant Sections 3
Section 3 Administrative Rules and Regulations ..... PManual 1.2 + 1.5 TMC 2.110.030 (a) + (d) 8
Section 4 Independent Departmental Regulations ..... PManual 1.6 TMC 2.110.030 (e) 10
Section 5 Records ..... TMC 2.110.040 (a) - (c) 10

ARTICLE II EMPLOYMENT POLICIES ..... **Page 11**

Section 1 Scope ..... PManual 1.3 (1st p) + 1.4 (2nd p) TMC 2.110.030 (b) + (c) 11
Section 2 Equal Opportunity ..... PManual 2.1 + 2.2 TMC 2.105.010 + 020 12
Section 3 Affirmative Action ..... PManual 2.1 + 2.2 TMC 2.105.030, 040 + 050 12
Section 4 Compliance with Provisions ..... PManual 1.4, 1.6 + 14.1 TMC 2.110.030 (f) 12
Section 5 Residency Requirement ..... PManual 2.4 TMC 2.110.020 13
Section 6 Personal Business ..... PManual 3.8E.3 13
Section 7 Conflict of Interest ..... PManual 3.4 13
Section 8 Consideration Given To Achieve Promotion ..... PManual 3.3A 14
Section 9 Political Activity ..... PManual 3.5 14
Section 10 Employment of Relatives ..... PManual 3.3D 15
Section 11 Multiple City Positions by One Employee ..... PManual 3.10 15
Section 12 Solicitation ..... PManual 3.6 15
Section 13 Work Breaks ..... PManual 4.10 + 4.5B1a 15
Section 14 Alcohol and Drug Use in the Work Place ..... PManual 10.3 16
Section 15 Attitude, Smoking, Attire ..... PManual 3.13 + 10.5 17
Section 16 * Patents and Copyrights. Common Law controls whether employer or employee 17
Section 17 Outside Employment ..... PManual 3.11 18

ARTICLE III EMPLOYEE DEVELOPMENT, HEALTH AND SAFETY ..... **Page 18**

Section 1 Employee Development ..... PManual 7.1, 7.2 + 7.3 18
Section 2 Employee Health ..... PManual 10.1 19
Section 3 Employee Safety ..... PManual 10.8 + 10.9 23
Section 4 Group Insurance ..... PManual 5.2 23

ARTICLE IV INITIAL EMPLOYMENT AND COMPENSATION ..... **Page 24**

Section 1 Classification and Pay Plan ..... PManual 4.2 24
Section 2 Compensation ..... PManual 4.4, 4.5, 4.6, 5.4, 10.2 + 12.7 25
Section 3 Probationary Period ..... PManual 9.1 27
Section 4 Hours of Employment ..... PManual 4.5 + 4.6 29
Section 5 Receipt of Pay ..... PManual 4.5E 31
Section 6 Temporary and Seasonal Employees ..... PManual 2.3B5, 2.3C3 + 2.5J 32

* NOTE: owns a patent or copyright + is dependent on several factors. Recommend Review on a case-by-case basis.

ARTICLE V PERFORMANCE EVALUATION- SALARY / MERIT REVIEW..... Page 33
Section 1 General..... PManual 9.1 A+C 33
Section 2 Provisions..... PManual 9.1 33
Section 3 Confidentiality ..... PManual 9.1 E 34
Section 4 Appeals ..... PManual 9.1 F 34
Section 5. Salary / Merit Review ..... PManual 9.2 36

ARTICLE VI PROMOTIONS ..... Page 37
Section 1 General..... PManual 8.1 37
Section 2 Qualifications..... PManual 8.1 37
Section 3 Salary ..... PManual 8.1 38

ARTICLE VII BENEFITS ..... Page 38
Section 1 Flexible Compensation Plan ..... PManual 5.2A 38
Section 2 Holidays..... PManual 6.4 41
Section 3 Vacations..... PManual 6.3 42
Section 4 Leaves or Absence ..... * See Below 42
Section 5 Extended Sick Leave Benefits ..... PManual 6.7 51
Section 6 Retirement Systems ..... PManual 5.3 53

ARTICLE VIII NON-DISCIPLINARY REDUCTION IN FORCE ..... Page 53
Section 1 Short Term Reduction in Force: Layoffs..... PManual 13.1 TMC 2.110.080(a)+(b) 53
Section 2 Permanent Reduction in Force - Severance Pay..... PManual 13.2 TMC 2.110.080(c) 57
Section 3 Administrative Leave..... PManual 6.17 60

ARTICLE IX CORRECTIVE AND DISCIPLINARY ACTIONS..... Page 61
Section 1 General..... PManual 14.1 C 61
Section 2 Disciplinary Actions ..... PManual 14.1 A+B 61
Section 3 Performance Related Corrective Actions..... PManual 9.1 B2c 64

ARTICLE X GRIEVANCES..... Page 65
Section 1 General..... PManual 15.1 65
Section 2 Ground Rules ..... PManual 15.2 66
Section 3 Grievance ..... PManual 15.3 67
Section 4 Scope of Rights ..... PManual 15.4 70

(*) Personal Leave Day ... PManual 6.2
Sick Leave ... PManual 6.5
FMLA ... PManual 6.6 ("Medical Disability Leave")
Family Crisis ... PManual 6.8
Bereavement ... PManual 6.10
Voting ... PManual 6.11
Court ... PManual 6.12
Military ... PManual 6.13
Leave Without Pay ... 6.14
Inclement Weather ... 6.15

PROPOSED

TOPEKA MUNICIPAL CODE
TITLE 2
[Table of Contents *Post Recodification*]

"ADMINISTRATION"

DIVISION 1
GENERAL; OFFICIALS AND DEPARTMENTS

Chapters:

2.05 Seal and Crest
2.10 City Records
2.15 Mayor – City Council
*Moved *former Section 2.25.050 "Reimbursements for conferences, seminars, conventions and short courses attended by governing body members") into Division 1 under Chapter pertaining to Mayor and City Council as new Section 2.15.110 and renamed "Reimbursements for Official Travel and Related Expenses".*
2.20 Established Positions -- Departments Created
2.25 Community Development
2.30 Fire Service
2.35 Law Enforcement
2.40 Municipal Court
2.45 Appeals and Administrative Hearings Procedure
2.50 Domestic Partnership Registry
2.55 *Public Contracts
2.60 Civil Emergencies

DIVISION 2
EMPLOYEES

Chapters:

2.105 Employment Practices; Diversity and Inclusion

2.105.010 Policy. (**Personnel Code** Article II, Section 2; Current **TMC** 2.135.010, 2.135.030 and 2.135.060)

2.105.020 Employment Practices. (**Personnel Code** Article II, Section 2; Current **TMC** 2.135.040)

2.105.030 Recruitment Procedures. (**Personnel Code** Article II, Section 3; Current **TMC** 2.135.050)

2.105.040 Reports and Records. (**Personnel Code** Article II, Section 3; Current **TMC** 2.135.100)

2.105.050 Equal Opportunity Officer. (**Personnel Code** Article II, Section 3; Current **TMC** 2.135.070, 2.135.080 and 2.135.090)

Article II of Chapter 2.135 "Public Contracts" (Sections 2.135.110 through 2.135.170) is being moved to Title 3 ("Finance"/Chapter 3.30 "Contracts and Purchases"); although the code company may consider moving it into Chapter 2.55 ("Public Contracts") when the recodification occurs.

2.110 General

2.110.010 Oath. (Current **TMC** 2.25.030)

2.110.020 Residency Required. (**Personnel Code** Article II, Section 5)

2.110.030 Administrative Policies, Rules, Regulations and Procedures – Personnel Manual. (**Personnel Code** Article I, Sections 3A, 3C, 4 and Article II, Sections 1 and 4; Current **TMC** 2.25.110)

2.110.040 Personnel Records. (**Personnel Code** Article I, Sections 5A, 5B and 5C)

2.110.050 Protective Insurance Required. (Current **TMC** 2.25.040)

NOTE -- Moved *current TMC 2.25.050* ("Reimbursements for conferences, seminars, conventions and short courses attended by governing body members") into Division 1 under Chapter pertaining to Mayor and City Council as *new TMC 2.15.110* and renamed "Reimbursements for Official Travel and Related Expenses".

2.110.060 Approval of Employment Agreements. (Current **TMC** 2.25.060(a))

2.110.070 Approval of Severance Pay. (Current **TMC** 2.25.060(b); **Personnel Code** Article VIII, Section 2C)

2.115 Bargaining Unit Employees

2.115.010 Right of Employees to Organize. (Current **TMC** 2.25.010)

2.115.020 Approval of Memorandum Agreements in Conjunction with the Meet and Confer Process. (Current **TMC** 2.25.020)

2.120 Civil Service for Police Officers and Firefighters

(NOTE: **No revisions will be made to this chapter until discussion with members of the Civil Service Commission has occurred. Revisions will then be submitted (likely prior to the end of 2019).**

Article I. General

2.120.010 Scope – Terms of Labor Contract – Collective Bargaining Agreement to take Precedence. (Current **TMC** 2.125.010)

2.120.020 Departmental Regulations. (Current **TMC** 2.125.020)

Article II. Civil Service Commission

2.120.030 Created – Terms – Technical Advisor -- Quorum. (Current **TMC** 2.125.030)

2.120.040 Oath. (Current **TMC** 2.125.040)

2.120.050 Meetings -- Support. (Current **TMC** 2.125.050)

2.120.060 Examinations. (Current **TMC** 2.125.060)

2.120.070 Annual and Special Reports – Rules – Regulations. (Current **TMC** 2.125.070)

2.120.080 Notification of Vacancies. (Current **TMC** 2.125.080)

2.120.090 Certification of Applicants; Eligibility List. (Current **TMC** 2.125.090)

2.120.100 Equal Opportunity. (Current **TMC** 2.125.100)

2.120.110 Striking Applicants from List. (Current **TMC** 2.125.110)

2.120.120 Removal from Employment. (Current **TMC** 2.125.120)

2.120.130 Hearing Powers. (Current **TMC** 2.125.130)

2.120.140 New Applicants for Police and Fire Positions to Submit to Exam. (Current **TMC** 2.125.140)

2.120.150 Probationary Period for Police. (Current **TMC** 2.125.150)

2.120.160 When Employee does not Receive Permanent Appointment. (Current **TMC** 2.125.160)

Article III. Classification and Pay Plan

2.120.170 Rate of Pay – Determined by Position. (Current **TMC** 2.125.170)

2.120.180 Rate of Pay – Salary Increases and Decreases. (Current **TMC** 2.125.180)

2.120.190 Effective Date of Salary Increase. (Current **TMC** 2.125.190)

2.120.200 Hours of Work. (Current **TMC** 2.125.210)

2.120.210 Notice of Termination. (Current **TMC** 2.125.220)

2.120.220 Pay on Termination. (Current **TMC** 2.125.230)

2.120.230 Effect of Reemployment within 120 Days. (Current **TMC** 2.125.240)

Article IV. Grievances

2.120.240 Defined. (Current **TMC** 2.125.250)

2.120.250 Conference with Supervisor. (Current **TMC** 2.125.260)

2.120.260 Appeal from Supervisor's Determination. (Current **TMC** 2.125.270)

2.120.270 Contents of Appeal. (Current **TMC** 2.125.280)

2.120.280 Determination of Appeals. (Current **TMC** 2.125.290)

Article V. Compulsory Physical Examinations

2.120.290 Request for Examination. (Current **TMC** 2.125.300)

2.120.300 Report of Examining Physician. (Current **TMC** 2.125.310)

2.120.310 Request for Reexamination. (Current **TMC** 2.125.320)

2.120.320 Reexamination by Three Physicians. (Current **TMC** 2.125.330)

2.120.330 Report of Reexamining Physicians – Determination of City Medical Advisor. (Current **TMC** 2.125.340)

2.120.340 Frequency of Examination. (Current **TMC** 2.125.350)

Article VI. Disciplinary Action

2.120.350 Authority of Department Directors. (Current **TMC** 2.125.360)

Article VII. Personnel Records

2.120.360 Personnel Records to be Maintained. (Current **TMC** 2.125.380)

2.120.370 Annual Performance Evaluation. (Current **TMC** 2.125.390)

2.120.380 Evaluation Ratings to be made Part of Personnel Record. (Current **TMC** 2.125.400)

2.120.390 Inspection. (Current **TMC** 2.125.410)

2.120.400 Violation of Chapter. (Current **TMC** 2.125.420)

2.125 Benefits

***DELETED: Former* Article I. General**

(NOTE: **This article can be deleted in its entirety**: The individuals who would have been eligible to retire effective April 1, 1951 are deceased.)

~~2.130.010 Increase in payments under 1939 retirement system.~~ (Current **TMC** 2.140.010)

Article I. Social Security (**former Chapter 2.140, Article II*)

2.125.010 Benefits Extended – State Act Incorporated. (Current **TMC** 2.140.020 and **TMC** l2.140.030)

2.125.020 Services Covered. (Current **TMC** 2.140.040)

2.125.030 Contribution by City. (Current **TMC** 2.140.050)

2.125.040 Source of City's Contributions. (Current **TMC** 2.140.060)

2.125.050 Compliance with Regulations. (Current **TMC** 2.140.070)

2.125.060 Modification of Plan. (Current **TMC** 2.140.080)

2.125.070 Effective date. (Current **TMC** 2.140.120)

Article II. Workers Compensation (**former Chapter 2.140, Article III*)

2.125.100 Workers Compensation – General. (Current **TMC** 2.140.130)

NOTE** -- **Moved *current TMC 2.140.140* ("Assessment against city department -- rate") into Title 3 "Finance" under Chapter 3.25 "Funds" as *new TMC 3.25.060* and renamed "Self-Insurance Fund".

2.125.110 Claims – Service; Process; Defense. (Current **TMC** 2.140.150)

***DELETED: Former* Article IV. Police and Fire Pension Funds**

(NOTE: **This article can be deleted in its entirety**: These local plans were *abolished 40 years ago -- on January 1, 1979* -- when the City elected to extend participation in KP&F to include coverage for all Topeka fire and police, regardless of date of employment. (*Both KPERS and KP&F are addressed in Section 5.3 of the Personnel Manual.) Staff has informed the attorney for IAFF about these outdated provisions.)

~~2.140.130 Creation.~~

~~2.140.140 Maintenance by council.~~

~~2.140.150 Benefit and disability benefit rights under prior laws saved.~~

~~2.140.160 Administration of benefit funds by board of trustees.~~

~~2.140.170 Investment.~~

~~2.140.180 Membership fee and contributions – Refunds – Limitations.~~

~~2.140.190 Payment to widow or children of deceased firefighter or police officer.~~

~~2.140.200 Permanent disability benefits.~~

~~2.140.210 Exemption of pension and benefit funds from civil liability.~~

~~2.140.220 Funeral expenses.~~

~~2.140.230 Payment of pensions and benefits – Annual report of treasurer.~~

~~2.140.240 Service in military may be credited on retirement time.~~

~~2.140.250 Compulsory retirement.~~

~~2.140.260 Transfer of benefits to police and fire fund of the state Public Employees Retirement System.~~

Article III. Police Benefit Account (**former Chapter 2.140, Article V*)

2.125.200 Created. (Current **TMC** 2.140.300)

2.125.210 Fees Credited to Fund. (Current **TMC** 2.140.310)

2.125.220 Purpose. (Current **TMC** 2.140.320)

2.125.240 Benefits. (Current **TMC** 2.140.320)

2.125.250 Payment. (Current **TMC** 2.140.330)

Article IV. Health Insurance (**former Chapter 2.140, Article VI*)

2.125.300 Group Health Insurance Plan and Fund. (Current **TMC** 2.140.340)

2.125.310 Eligibility. (Current **TMC** 2.140.350)

2.125.320 Plan Coverage. (Current **TMC** 2.140.360)

2.125.330 Retirees. (Current **TMC** 2.140.370)

2.125.340 Contributions. (Current **TMC** 2.140.380)

2.125.350 Health Care Advisory Committee. (Current **TMC** 2.140.390)

2.130 Firefighters Relief Association

(NOTE: **Most of this chapter has been deleted**: The vast majority (if not all) of the provisions are set out in/governed by State Statute. There is no need for duplication. Staff has contacted the attorney for IAFF and has communicated with various members of the Firefighter's Relief Association Board. Board members have indicated they refer directly to the State Statutes for purposes of conducting their duties and responsibilities – not the TMC. The only section left intact will outline the composition of the Associations and direct the reader to the applicable State Statute.

2.130.010 Composition -- Governance. (Current **TMC** 2.130.010 and 2.130.020)

~~2.130.020 Members – Officers – Board of Directors.~~

~~2.130.030 Bylaws, Rules and Regulations.~~

~~2.130.040 City Attorney to Certify Expenditures, Payments.~~

~~2.130.050 Records.~~

~~2.130.060 Secretary-Treasurer.~~

~~2.130.070 Funds – Investment.~~

~~2.130.080 Funds – Held in Trust; Limitation on Use and Distribution.~~

~~2.130.090 Funeral Expenses – Death Benefits.~~

~~2.130.100 Loans to City.~~

DELETED (former section #): 2.25.100(a) and (b); 2.125.200; 2.125.370; Chapter 2.130 (all except 2.130.010); 2.135.020(a)-(d); Article I of Chapter 2.140 (all); Article IV of Chapter 2.140 (all); 2.140.090; 2.140.100; 2.140.110; 2.140.130(b) and (c). *Also, repealing the Personnel Code (currently an uncodified Ordinance) after transferring the legislative, policy-related matters to the TMC.

ADDED (current section #): 2.110.020; 2.110.030; 2.110.040; 110.080(b) and (c)

DIVISION 3
BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES

Chapters:

2.205 **Boards and Commissions**
2.210 **Citizens Government Review Committee**
2.215 **Public Building Commission**
2.220 **Board of Zoning Appeals**
2.225 **Topeka Planning Commission**
2.230 **Landmarks Commission**
2.235 **Board of Building and Fire Appeals**
2.240 **Sustainability Advisory Board**
2.245 **Office of the Arts**
2.250 **Americans with Disabilities Act Advisory Council**
2.255 **Human Relations Commission (Review in conjunction w/Title 9 overview)**

COMMITTEE REFERRAL SHEET
COMMITTEE REPORT

Name of Committee: Policy and Finance

Issue: Comprehensive review/reorganization/update of personnel-related provisions contained in the Personnel Code, the Topeka Municipal Code and the numerous administrative policies, rules and regulations.

Date Governing Body referred Issue to P & F Committee: March 19, 2019

Why Need to Address Issue: The document commonly referred to as the "Personnel Code" was created via Ordinance No. 16404, effective January 6, 1992. [This document contained language that was previously incorporated as part of the Topeka Municipal Code.] Article I, Section 1 of the Personnel Code refers to Charter Section A2-3, calling for the adoption of a comprehensive personnel system. However, this language no longer exists – it was repealed and replaced 15 years ago in July 2004 when the form of government changed. Charter Section A2-25(a) states that the Governing Body "....shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of Kansas. It shall have no administrative powers." The proposed recommendation would separate legislative authority from administrative authority regarding personnel-related matters.

Recommendation: Repeal the Personnel Code created via Ordinance No. 16404 since the vast majority of what is contained in this document is already part of the Personnel Manual, which is administrative in nature. Prior to this repeal, however, amend relevant chapters of Topeka Municipal Code (TMC) to incorporate legislative, policy-related language contained in Personnel Code (Article I, Sections 3, 4 and 5 and Article II, Sections 1, 2, 3, 4 and 5) and update any personnel-related language currently contained in TMC chapters (through amendment or repeal).

Date P & F Committee referred Recommendation to Governing Body:	July 29, 2019
Committee Action:	Motion by Councilmember Jensen, seconded by Councilmember Emerson, to submit recommendation to the full Governing Body. Motion passed with a vote of 3-0-0.
Members of Committee:	Councilmembers Jeff Coen (chair), Tony Emerson and Brendan Jensen
Governing Body Meeting Dates:	September 3, 2019 Agenda – Discussion September 10, 2019 Agenda – Action
Attachments:	Charter Sections A2-24(a)(viii) and A2-25(a)

that if any territory annexed or consolidated prior to June 1 of the year preceding a city election shall contain population sufficient in number to upset the approximate equality of the established districts, the Council shall provide for redistricting the city in accord with the procedures described in this section.

(d) Requirements for reestablishing district boundary lines. The boundary lines for District 1 through District 9 from which districts Councilmembers shall be elected shall be reestablished by the Commission of Electors and the Council so as to:

(1) Contain within each district a population which to the greatest extent feasible is equal to one-ninth (1/9) of the total population of the city, but which under no circumstances shall be greater or less than one-ninth (1/9) of the total population of the city by more than two and one-half (2.5) percent based on the most recent U. S. decennial or State of Kansas census;

(2) Maintain a reasonably compact area in each district and avoid when possible any noncontiguous zones or any unusually exaggerated extension of district lines;

(3) Follow election precinct lines as established by the Shawnee County Election Commissioner and be described in terms of the wards and precincts contained in each district;

(4) Avoid use of number of registered voters by party or other partisan data;

(5) Maintain, as much as possible, the integrity of broadly cohesive areas of interest;

(6) Avoid boundary lines that result in a Councilmember residing outside his or her elected district during the Councilmember's current term of office. (C.O. 94 § 9, 7-20-04.)

Cross Reference: Council districts, TMC 2.15.090.

Sec. A2-24. Mayor – Functions, powers and duties.

(a) The Mayor shall be the chief elected officer of the city, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

The Mayor shall:

(i) Recommend to the governing body such measures and legislation as he or she deems necessary concerning the affairs of the city.

(ii) Encourage programs for the physical, economic, social, and cultural development of the city.

(iii) Actively promote economic development to broaden and strengthen the commercial and employment base of the city.

(iv) Serve as ceremonial head of the city.

(v) Represent the city in intergovernmental relations.

(vi) Provide community leadership.

(vii) Preside as Chair of governing body meetings.

(viii) Have no administrative powers.

(ix) Have the right to vote on all matters, except for ordinances for which state law gives the mayor the right to veto.

(b) This section A2-24 of the charter ordinances of the City of Topeka shall only be amended or repealed upon approval by a majority of the electors voting during an election called for such purpose. (C.O. 114 § 1, 12-9-14.)

Sec. A2-25. Powers of the governing body.

(a) The Council and Mayor shall be the governing body of the city. It shall exercise the corporate powers of the city and, subject to the expressed limitations of this Charter Ordinance, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of Kansas. It shall have no administrative powers.

(b) This section A2-25 of the charter ordinances of the City of Topeka shall only be amended or repealed upon approval by a majority of the electors voting during an election called for such purpose. (C.O. 96 § 3, 5-23-06/8-28-06; C.O. 94 § 11, 7-20-04.)

Sec. A2-25.5. Powers of the City Council.

Repealed by C.O. 117. (C.O. 98 § 3, 2-24-09.)

Sec. A2-26. Meetings – Deputy Mayor.

(a) The governing body shall establish, by ordinance, a meeting schedule for each calendar year, with a minimum of two meetings each month.

(b) The governing body shall elect a Councilmember to serve as deputy mayor in the absence or temporary disability of the mayor. The deputy mayor elected in April of 2016 shall serve until a successor is elected at the first governing body meeting in January of 2017 to serve a term that expires on January 8, 2018. Thereafter, a deputy mayor shall be elected at the third meeting in January for a one year term. (C.O. 117 § 5, 2-9-16.)

Sec. A2-27. Compensation – Expenses.

(a) At the first regular meeting of the Council following voter approval of this Charter Ordinance, the Council shall establish the annual compensation of the Councilmembers and Mayor. The annual compensation of the district Councilmembers shall not thereafter be increased or decreased except by ordinary ordinance, provided such ordinance is considered no more than once every four (4) years thereafter following voter approval of this Charter Ordinance.

(b) The Mayor and district Councilmembers shall receive payment of their actual and necessary expenses incurred in the performance of the duties of their office in such form and manner as the Council may authorize. (C.O. 94 § 13, 7-20-04.)

Sec. A2-28. Prohibitions.

(a) Holding other office. Except as authorized by law, no Councilmember nor Mayor shall hold any other elected public office while serving the term for which the member was elected to the Council. No Councilmember nor Mayor shall hold any other city office or employment during the term for which the member was elected to the Council. No former Councilmember nor Mayor shall hold any compensated appointive city office or employment with the city until one (1) year after the expiration of the term for which the member was elected to the Council. For purposes of this section, the phrase "compensated appointive city office or employment" does not include the offices of district Councilmember or Mayor.

Nothing in this section shall be construed to prohibit the Council from selecting any current or former Councilmembers or the Mayor to represent the city on the governing board of any regional or other intergovernmental agency.

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND FINANCE 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: April 22, 2019
Time: 3:30 p.m.
Location: Classroom A; Law Enforcement Center 320 S. Kansas

Attendance
Committee members Present: Brendan Jensen, Jeff Coen (Chair)
Councilmember Tony Emerson was absent
City Staff Present: Lisa Robertson (City Attorney), Jacque Russell (Human Resources Director), Catherine Walter (Legal), Shawn Maisberger (HR)

1) Call to Order
Councilmember Jeff Coen called the meeting to order. Councilmembers and staff introduced themselves.

Councilmember Tony Emerson was absent.

2) Approve April 1, 2019 Minutes
Councilmember Jensen made a motion to approve the minutes. Councilmember Coen accepted the motion. The minutes were approved 2:0:1, with Councilmember Emerson being absent.

3) Introduction of Personnel Code
Lisa Robertson, City Attorney, referred to the City of Topeka's Personnel Code, which was provided to the Committee, indicating that Staff started its review going forty (40) years back (to 1980). Over eighteen (18) years ago, in 1991, personnel provisions were moved from the Topeka Municipal Code (TMC) into a stand-alone Personnel Code. In 2004, the form of government changed (from strong-Mayor to Council-Manager). When this happened, the responsibilities of the governing body became focused more on legislative, budgetary and policy matters, with administrative duties and responsibilities being shifted to the City Manager. (Charter Ordinance A2-25(a) states that the governing body "shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government" and that it "shall have no administrative powers.")

Since the change in the form of government fifteen (15) years ago, there have been very few substantives revisions to the Personnel Code. There are many examples that can be found throughout the document where language does not match up and there are many inconsistencies. Staff believes now is a good time to make these changes. Ms. Robertson, Catherine Walter (Legal), Jacque Russell (HR Director) and Shawn Maisberger (HR Manager) have been meeting over the past year to locate these inconsistencies and discuss proposed resolutions to address the inconsistencies with the Committee.

Ms. Robertson provided further explanation that in the Personnel Code, language is provided to give the Human Resources Director the ability to adopt administrative rules and regulations (Article I, Section 3). Human Resources has engaged in this process over the past fifteen (15) years in an effort to compliment the Personnel Code; however, the list of ARRs has become lengthy and the language was never subsequently codified in either the Personnel Code or the TMC. If a grievance is filed, Staff is required to review the Personnel Code, the TMC, the Polices, the ARRS, the Bargaining Unit Agreements (if applicable), etc. to locate language that touches upon each piece of the equation so that an informed decision can be made. The goal would be to come up with one complete document (or at least fewer documents) that would serve as the main point of reference.

Councilmember Jensen inquired if the compiled document has been organized by staff. Ms. Robertson noted that the Personnel Code is in place, but that each of the policies and administrative rules and regulations that were implemented since 1991 to interpret the provisions of the Personnel Code are all separate documents. [Ms. Robertson also noted that employees have access to viewing the various personnel documents through the City's intranet.] Each of these separate documents have been reviewed and updated over the course of years in accordance with a series of steps that include department director review and employee public hearings. Shawn Maisberger, Human Resources Manager, noted that the meetings are posted and although some had low attendance, comments (many seeking clarification regarding bargaining units) and feedback had been received and welcomed. Ms. Robertson noted that the vehicle use policy review meetings were well attended with lots of feedback from employees that was ultimately incorporated.

Councilmember Jensen inquired about the language found in the Personnel Code. Ms. Robertson noted that much of the language in the 1991 Personnel Code has been subsequently updated by a separate administrative rule and regulation (Article I, Section 3). Ms. Robertson provided the example of Workman's Comp, which is currently in the TMC (Chapter 2.140, Article III), noting that workers' comp issues are more appropriately handled administratively, via an administrative rule or regulation, rather than being a matter handled by the Governing Body.

Councilmember Jensen inquired if the intent of Staff was to get rid of the entire document series and begin a new one, or to have a base document and merge the other items into it. Ms. Robertson noted that part of meeting with the Committee would be to make these type of decisions and begin moving forward. Ms. Robertson suggested that the Committee review a few of the provisions at the next meeting and discuss best practices.

Councilmember Jensen inquired about the pros and cons of each decision and if there are other reasons to review the document other than it just being a task that has not been completed in a number of years. Jacque Russell, Human Resources Director, echoed the issued previous raised by Ms. Robertson. Discussion occurred between Committee and Staff members regarding the Governing Body's role in personnel matters.

Councilmember Coen inquired about the process of sending the product to the Governing Body for final approval. Ms. Robertson suggested that the Committee decide on a final product and take it to the Governing Body as an action item. The document could also be brought forth as a discussion item; however, if the same level of detailed discussion occurs at the Governing Body meeting as that which occurred at the Committee meetings, it will be very lengthy. Councilmember Jensen stated he would prefer to begin with a founding document to begin with and work through designing a comprehensive final product to present to the Governing Body.

Councilmember Jensen inquired if research had been done to see if other cities had done a process similar to this. Jacque Russell noted she had not completed any research; but that some municipalities do have a personnel-related document. She would just need to verify how many of the provisions contained in such personnel-related documents are codified. Ms. Russell

clarified that Staff has been reviewing each of the City's existing policies, rules and regulations to determine the most appropriate place for them. Ms. Russell stated a decision would need to be made regarding the language currently contained in the Personnel Code – and what the Governing Body's position is related to where policy-related provisions should be located, as opposed to where administrative-related provisions should be located. Lisa Robertson noted the reasons brought up by Ms. Russell was the reason for the large packet of information that was provided to the Committee. Ms. Robertson asked that Committee members review the information and begin getting an idea of what questions they may wish to discuss at the next meeting.

Councilmember Jensen inquired with Staff as to how much of the Personnel Code dealt with budgetary oversight, stating that budget oversight is one of the Governing Body's main functions. Ms. Russell noted that the compensation system presented in 2017 was adopted by the Governing Body. The new management and executive pay plan as that is currently in the Personnel Code; but also has a budgetary impact. One way of looking at it would be if the City Manager is managing those items within the adopted budget and that is the policy or having a policy that the Governing Body makes with regard to those specific items.

4) Other Items Before the Committee

No other items.

5) Adjourn

Councilmember Coen adjourned the meeting.

The Policy and Finance Committee will be meeting on April 29, 2019 at 3:00pm in the 1st Floor Conference Room of the Holliday Building 620 SE Madison to discuss best practices with regard to the City of Topeka's Personnel Code.

The video of this meeting can be viewed at: https://youtu.be/ZaGkR1lANv4

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

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

POLICY AND FINANCE COMMITTEE

Committee: Policy and Finance
Date: April 29, 2019
Time: 3:00 P.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen & Brendan Jensen, Jacque Russell (HR Director), Shawn Maisberger (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order

Councilmember Coen introduced the committee members. Councilmember Emerson was absent.

2) Approve April 22, 2019 Minutes

Councilmember Jensen made a motion to approve the minutes as presented. Councilmember Coen seconded the motion. Minutes approved 2:0:1.

3) Discuss Best Practices

Lisa Robertson, City Attorney, noted that discussion items for the meeting would involve reviewing items found within the existing Personnel Code, and comparing them with the provisions that have been adopted over the past twenty-eight years (since 1991) through Administrative Rules and Regulations.

- Personnel Code Article 2 Section 6: Personal Business – Conducting personal business while on duty shall be prohibited.
    - City's Adopted Policy 131 – Code of Conduct is more descriptive, than the Personnel Code language.
    - Councilmember Coen inquired if the subject was an issue for City of Topeka employees. Ms. Robertson stated it is common practice to have something stated in a Personnel Code regarding the subject. Jacque Russell, HR Director, noted that the issue of employees using company time to conduct personal business comes up from time to time but that it is not a frequent occurrence.
    - Councilmember Jensen stated that trying to ban this activity completely was not realistic. Ms. Russell noted that taking a personal phone call or checking an

email while at work was a topic is covered in greater detail in the Telecommunications Policy, which will be covered at another meeting. Incidental use of the City's systems to conduct a phone call or send an email are not prohibited.
    - Councilmember Jensen suggested removing the ban or elaborating on the section description within the Personnel Code. Ms. Robertson noted that the purpose of reviewing these items was for the committee and Governing Body to note the preferred language and combine the information into one document.

- Personnel Code Article 2 Section 7: Conflict of Interest – This section lists exceptions and more explanation to Section 6 and gives permission to the City Manager to authorize an exception to employees conducting outside business on City time. P131 Code of Conduct has a lot more detail listed out.

- Personnel Code Article 2 Section 8: Consideration Given to Achieve Promotion. This section aligns with page 14 of the Code of Conduct P131, Section 3: Fair and Equal Treatment, §A.

- Personnel Code Article 2 Section 9 §A, B, C: Political Activity – This language is different from what is found in P131, Section 7 §A-G: Involvement in Political Process. Language in P131 is more specific and detailed.

  Councilmember Coen inquired if employees would be allowed to put a candidate's campaign sign in their yard. Ms. Russell noted that employees could do so. If an employee was running for a local office, they would be required to take a leave of absence during the campaign period so that there would be no perceived or actual conflict. This requirement would apply to state, municipal and county government offices. Councilmember Jensen felt that requiring leave for campaigning for offices outside of City government was unnecessary. Ms. Russell noted that it would be a case-by-case review. Councilmember Jensen would be open to discuss this topic further and would like to know what other cities require.

- Personnel Code Article 2 Section 10: Employment of Relatives and P131 Section 3D: Nepotism Restrictions. Language is similar in both documents. Some language was added into P131 to include step-children/step-siblings.

  Councilmember Jensen inquired about the process for promotion if siblings worked together directly. Ms. Russell noted that siblings or spouses are not allowed to be in the same department division or the same shift.

- Personnel Code Article 2 Section 11: Multiple City Positions by One Employee. This language is also covered in Administrative Rule and Regulation (ARR) 125: Multiple City Positions. Ms. Robertson noted the language is fairly straightforward in both.

  Councilmember Jensen inquired about the balance between the workload of a vacant position amongst remaining employees. Ms. Russell noted that there is another section that will be reviewed at a later time, which discusses out-of-class pay for additional duties that have been assigned to an employee to make up for that pay differential.

- Personnel Code Article 2 Section 12: Solicitation and P131 Section C(3)(b). Additional language to is included in P131 to cover gambling.

  Councilmember Jensen inquired if this policy would prohibit employees from bringing a fundraiser form for their child to work. Ms. Russell noted that it would prohibit employees from participating in said activity in the work space during work time. However, it would be acceptable for an order sheet to be placed in an employee break room for other staff to view during breaks. However, sending mass electronic communication to other staff would be prohibited.

  Councilmember Coen inquired if Governing Body members were currently violating this policy when members discussed and encouraged the community to participate in charitable events during Governing Body Meetings. Ms. Robertson indicated that these rules did not directly apply to Governing Body members, but rather employees. Ms. Robertson also noted that during the announcement time, Governing Body members were more or less providing information about community events and not soliciting.

- Personnel Code Article 2 Section 13: Work Breaks. There is a provision contained in the P133 Time and Attendance that covers this subject more in depth. In the Personnel Code, there is currently no definition of a "work break", (for example, fifteen minutes in the morning and fifteen minutes in the afternoon). Ms. Robertson suggested adding that language in the updated document.

  Councilmember Jensen inquired how to balance the language found in the policy with what is found in the bargaining unit contracts. Ms. Russell noted that in both cases, parameters are set for the fifteen minute breaks to be paid; but any time taken away from duties longer than fifteen minutes would be considered part of the lunch break or would require a leave request. Councilmember Jensen inquired about smoking breaks. Ms. Russell noted that those individuals would be required to smoke during those designated work breaks.

- Personnel Code Article 2 Section 14: Alcohol and Drug Use in the Work Place. This section contains fairly standard language. However, ARR 128 Drug and Alcohol Free Workplace contains much more specific language related to this topic. Councilmember Jensen inquired about the language for employees who are subject to call-backs. Ms. Russell noted that parameters related to call-backs/stand-by are outlined in bargaining unit agreements.

  Councilmember Coen inquired when drug and alcohol testing occurs. Ms. Russell replied that testing takes place pre-hire. CDL holders and police have random testing. Fire has post-accident testing.

- Personnel Code Article 2 Section 15: Attitude, Smoking, Attire. The language in this section is reflected in P131 Section 2 Professional Integrity, P112 Food and Beverage, P128 Smoke and Tobacco Free Workplace, and P106 Work Attire-Personal Appearance

  Councilmember Jensen inquired about a perceived bad attitude by specifically a police officer and what the language would be in the bargaining unit. Ms. Russell stated those provisions were covered in the bargaining unit agreements.

  Councilmember Coen noted that the styles of today have changed from years ago and something considered abnormal or inappropriate before may now be considered normal or not as taboo. Councilmember Coen inquired how this language could be changed to address this topic. Ms. Russell noted that this may be something that could be left up to the Department Director. A provision found in P106 notes that Department Directors have the discretion to alter or relax some of the requirements. An emphasis is placed on a neat appearance rather than specific modifications such as hair color, piercings, and body art.

  Councilmember Coen inquired about potential language that could be added with regard to unnatural hair coloring, body piercings, and tattoos. Jacque Russell noted that the current language tries to allow Department Directors to set the specific dress attire; however it is more focused on a neat appearance rather than hair color, etc. Councilmember Jensen inquired about how women's current fashion is discussed or defined within the code. Ms. Russell noted that the definitions are meant to be as gender neutral as possible. Examples of language were provided.

  Councilmember Jensen inquired about what language is used to refrain from being gender biased with regard to women's fashion. Ms. Russell noted that language and

examples included in the policy were non-gender specific and also emphasized modesty and a neat appearance.

- Personnel Code Article 2 Section 16: Patents and Copyrights. There is no corresponding policy or ARR, but Ms. Robertson noted that additional language may need to be added or that the subject may need to be addressed in the Municipal Code.

  Councilmember Jensen noted that in the private sector, if someone creates something, it belongs to the employer and not the individual.

  Ms. Russell noted that perhaps this was section was implemented for the purpose of introducing guidelines for employees to ensure that the City, specifically media and communications, were appropriately citing proprietary information on materials produced.

- Personnel Code Article 2 Section 17: Outside Employment and P131 Section 4(C) Conflict of Interest.

  Councilmember Coen inquired if there were any provisions speaking to an employee who has a second job with a company that is contracted with the City. Ms. Robertson noted that there were provisions in the Conflict of Interest provision that would cover this and stated that as long as an employee was not directly benefiting from said position, there would likely not be a problem.

  Councilmember Jensen inquired if more information with regard to conflict of interest could be codified. Ms. Robertson noted that most of this type of information is found in state statutes, as well as the proposed Conflict of Interest policy.

- Personnel Code Article 3 Section 1: Employee Development, Health and Safety. ARR 104 Tuition Reimbursement and ARR 127 Training and Development, provide more detailed information about the tuition reimbursement processes and continued training and education for employees both in-house and through outside sources.

  Councilmember Jensen inquired if there was a required amount of time that an employee must stay with the City if said employee was receiving financial reimbursement assistance. Councilmember Coen also voiced a concern for this topic. Ms. Russell noted that there was currently no provision requiring a length of stay.

- Personnel Code Article 3 Section 2: Employee Health. This is a prime example of an outdated provision. Staff created ARR 126 Occupational Health Program, ARR 105

Fitness for Duty, and ARR 101Temporary Assignments to provide more accurate information on current practices, including additional definition and more specific language.

Councilmember Jensen inquired if family members of employees were covered by these provisions. Ms. Russell noted that the Occupational Health program was created for employees and their ability to perform specified job duties. Ms. Robertson noted that there is an Employee Health Care Plan that will be discussed at a later meeting.

- Personnel Code Article 3 Section 3: Employee Safety. This section addresses safety regulations and required safety gear. P111 Employee Management, Employee Safety, and Building Security provides greater detail. Pages 2 and 3 of P111 relate to the Employee Safety aspect referred to in the Personnel Code.

  Councilmember Jensen inquired about a policy that would require escorts for guests in City buildings. Ms. Robertson noted that provisions related to guests in city buildings are found in the Building Security section of P111. Councilmember Jensen noted he would like to see a requirement placed on staff to escort visitors in non-public areas within City buildings.

  Councilmember Coen inquired if there had been prior discussion regarding hand guns in the work place. P101 Concealed Guns in the Workplace discusses this and is part of the discussion. Councilmember Coen inquired about when this subject was last discussed. Catherine Walter, Sr. Assistant City Attorney, noted that some of the amendments that pertained to exemptions of guns within the workplace expired in 2018, and prompted the update in February 2019.

- Personnel Code Article 3 Section 4: Group Insurance. This is another prime example of an outdated provision. ARR 106 Employee Healthcare Benefits provides a more robust description of actual practice to include Employee Healthcare Advisory Committee, which was formed in 2012.

  Councilmember Jensen inquired about adult children who are covered by their parent's employee insurance plan. Ms. Russell noted that under the regulations, children are not tested for the wellness incentive plan and only spouses are required to participate in the testing under the wellness regulations. Councilmember Jensen inquired if a change to the language would be beneficial or necessary to require adult children to follow the same health guidelines as other adults. Ms. Russell stated that those proposed changes could only occur after the Federal Affordable Care Act and HIPPA regulations were removed.

For the May 10th meeting, staff will follow up on items discussed at this meeting, and will present Articles 4, 5, and 6 of the Personnel Code and the City policies and ARRs that cover the information contained in the 1991 Code.

4) Other Items Before the Committee
No other items.

5) Adjourn
Councilmember Jensen made a motion to adjourn the meeting. Councilmember Coen adjourned the meeting.

The Policy & Finance Committee will meet next on May 10 at 9:00am in the Holliday 1st Floor Conference Room at the Holliday Building 620 SE Madison

Video of this meeting can be found at: https://youtu.be/nwC8VEOveDY

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

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

POLICY AND FINANCE COMMITTEE

Committee: Policy and Finance
Date: May 10, 2019
Time: 9:00 A.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen(Chair), Tony Emerson & Brendan Jensen, Jacque Russell (HR Director), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order

Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve April 29, 2019 Minutes

Councilmember Jensen made a motion to approve the April 29th meeting minutes. Councilmember Emerson seconded the motion. Minutes were approved 3:0.

3) Continued Discussion of Personnel Code: Articles 4-7

Staff provided follow up information for questions from the April 29th meeting.

- Catherine Walter, Senior Assistant Attorney, provided copies of Resolution 7473 from 2004 which speaks to Conflict of Interest. The resolution, along with State Statute SOSI (Statement of Substantial Interest) serve as guiding pieces. One of the questions that Legal receives the most is clarification related to the receipt of gifts/services. Ms. Walter noted that receiving more than $500 of goods and services must be reported. After this information has been reported, the Governing Body member can then vote. Lisa Robertson, City Attorney, also noted that staff had discussed the option of codifying the language into the TMC (Topeka Municipal Code). However, because state statues might change, having a one-page document that could be provided to each Governing Body member as a reference would be more advisable. Ms. Robertson noted that the challenge with codifying this language into the TMC, would be if there was a lapse in updating it. Ms. Robertson suggested continuing to have this succinct summary available that could be updated and made available as necessary.

  Councilmember Jensen found the one-page "guideline sheet" that Ms. Walter provided to be very helpful and would like to have this information posted to

the City's website. Ms. Robertson noted that this could be done. Councilmember Jensen suggested making this document an accepted policy, which would allow for it to be changed as necessary. Councilmember Emerson agreed that the information was useful and would like to see it added to the website.

- The second issue stated at the April 29th meeting was that of City Employees being required to take a leave of absence to run in local or state elections. Ms. Walter stated there was a state statute that prohibits city employees from running for city elections while on city time. All of the cities contacted prohibit city employees from running for city council or mayoral positions, and require a leave of absence or resignation during the campaign season. Some cities require a resignation. Some cities provide that an employee cannot be a candidate for an elected office that is a conflict, or is incompatible. Wyandotte County has a stricter policy noting that employees who receive federal money cannot continue in their position. The City of Topeka does not currently have this type of language but could add it. Cities included in the research were: Manhattan, Olathe, Overland Park, Wyandotte County, Wichita, and Lawrence.

  Councilmember Jensen inquired about an employee who might be running for a lower seat office such as school board. Ms. Walter noted that according to current language, employees might need to take a leave of absence.

  Councilmember Coen inquired about the requirements imposed by Shawnee County. Staff was unsure of what Shawnee County requires of its employees who are running for an elected position. Ms. Russell provided a few scenarios of when exceptions were made in the City. One was for an employee seeking to serve on the Seaman school board. That individual was not required to take a leave of absence from their City position was not one that was likely to be in conflict with the board position. A second was a City employee who held a management position and ran for Sheriff. That employee *did* take a leave of absence during the campaign period, continuing through the election.

  Councilmember Jensen inquired about what the timeline was for when employees seeking to run for office would be required to take their leave of absence. Ms. Russell noted it would apply when the employee is actively campaigning.

- Ms. Robertson introduced the Tuition Reimbursement inquiry that was raised at the April 29th meeting and the question regarding if reimbursement would be required to be paid back to the city should the employee leave prior completing a determined number of years of service to the City.

Ms. Russell read a clause that could be added: "In the event that the employee voluntarily leaves the city within 12 months, or whatever time the Governing Body determines to be reasonable, the individual agrees to reimburse the city in full for the amount of tuition assistance that was received." Ms. Russell noted that the employee would be required to sign acknowledgement of this requirement prior to receiving the tuition funds. Ms. Russell noted that many private employers utilize this type of language.

Councilmember Jensen noted another way to get payment back could be to have the employee forfeit any unused vacation/sick leave.

Councilmember Emerson inquired what the "nominal amount" limit was. Ms. Russell responded that the limit is one-thousand dollars ($1,000) per calendar year based on available funding. This is consistent amongst the labor agreements as well.

4) New Business

- Personnel Code Article 4, Section 1: Classification and Pay Plan. An ARR was not adopted to cover compensation pieces, but Position Descriptions are discussed in ARR 133. The language contained in the ARR is more robust and descriptive to provide more clarification to employees and managers. Ms. Robertson indicated that she believed the Pay Plan was adopted by the City Council in 2017. Ms. Russell verified this.

- Personnel Code Article 4, Section 2(A): Salary & (B): Compensation. This language corresponds with ARR 101 Temporary Assignments, which encompasses acting and out-of-class assignments; P118 Relocation Expenses and ARR 131 Merit Increases. In ARR 101, the focus of review relates to compensation for acting assignments and out-of-class pay. For acting, it is the minimum of the grade, or 5% above current salary, whichever is greater; and for out-of-class, it is up to a 3% raise in the employee's current salary. New in P118, relocation expenses are considered to be a form of compensation and used in limited circumstances.

  Ms. Russell noted that such expenses are only applied to management-level positions and are made at the request of the Department Director. The approval is part of the consideration process by the Position Review Committee in the interest of filling the vacant position. Typically, this has been seen at the Department Director levels, and some other positions, such as Engineering, that are more difficult to fill. The relocation fees are part of the "Request to Fill" application so that it is applied toward whichever candidate is considered.

Councilmember Coen inquired as to the frequency that an employee is asked to temporarily fill a position. Ms. Russell noted that the frequency varies; however it is seen the most when a Deputy Director steps up to fill in as the Director. That individual then receives out-of-class pay to act as an Interim Director. What is most often seen is on large special projects, such as the new Utility Billing System, when employees are taken out of their regular "home" position and paid out-of-class pay to perform additional tasks. This would also be used as a professional development tool.

Councilmember Jensen inquired as to the possibility of offering an incentive for current or future employees to reside inside of the Topeka city limits. Councilmember Jensen's proposal would be along the lines of offering one-hundred dollars ($100) a year, up to five-hundred dollars ($500) (or something similar) and could be applied to employees who reside in the County limits but would be willing to move into the City limits to aid in the property taxes.

Councilmember Emerson agreed with Councilmember Jensen that some sort of pay incentive would be nice. Discussion between committee members ensued regarding the topic and possible ideas for what the framework of the incentive would look like. Staff will look at a few options that may be possible.

Ms. Robertson brought the discussion back to ARR 131 Merit Increases and noted that the City has done a big push with the merit system by using new software to conduct performance evaluations. The efforts seem to be producing the results that were anticipated. ARR 131 Refers to these processes paper for easier review and interpretation.

Councilmember Emerson inquired as to the specific guidelines and standards that were used during employee evaluations to retain the integrity of the process. Ms. Russell noted that the new merit-based system was put into place in 2017 with the adoption of the new pay plan and was implemented by the Governing Body. There have since been two evaluation cycles, as well as ongoing training with supervisors, to better define what each of the values mean. Ms. Russell noted that scoring a "5" is not easy to attain, nor was it meant to be easy to attain. Department Directors have to review all of their departments' evaluations and explain the outliers to the Review Committee. When an employee scores a "below meets" or "needs improvement" rating, a performance improvement plan for that employee is put into action with the hope being to see improved performance.

- Personnel Code Article 4, Section 2 (C)(2): Use of Private Vehicle. The corresponding policy is P104 Vehicle Use, specifically, section VII, which

specifically covers the use of private vehicles, and Section IX, covers driver safety guidelines.

- Personnel Code Article 4, Section 2(C)(3): Clothing and Cleaning Allowance. The corresponding policy which provides more specific language is P108 Taxability of Work Clothing and Uniforms.

  Councilmember Coen inquired as to whether the IRS (Internal Revenue Service) allows for deduction of these expenses. Councilmember Emerson shared that he thought if clothing or tools were provided, an individual would not be able to claim those. Ms. Robertson noted that the policy states personnel must comply with the IRS guidelines. This ensures employees are working with the Administrative and Financial Services Department to follow these directives in the proper manner.

  Ms. Russell noted that this policy was drafted closely with the Administrative and Financial Services Department. Ms. Russell explained that if an item is provided, it is not tax deductible. If the item is "logoed" and it is not able to be transferred into casual clothing, such as something that is easy to wear outside of work, the IRS would consider it to be taxable. However, if it is gear that is required by the employer, but will not be provided by the employer, those items could be deducted.

  Councilmember Jensen inquired if there were currently any issues with the process of requiring employees to purchase certain required items. Ms. Russell stated that most required uniforms are provided. The City also seeks to better comply with the IRS regulations by not providing a large amount of "logoed" items to staff members who are not working directly in the field.

  - Personnel Code Article 4, Section 2(C)(1): Professional Dues Payment and (4): Tools and Equipment. There were no corresponding ARRs or Policies attached, as these types of issues are typically covered by individual Departmental Rules and Regulations or SOPs (Standard Operating Procedures).

  - Personnel Code Article 4, Section 2(C)(5): Meals. The corresponding policy is P112 Food and Beverage which contains more explicit language. For example, the language contained in 2(A) and (B) is very descriptive for how travel expenses and meals during business meetings or workshops are provided. Ms. Robertson noted that the City's Travel Policy is even more explicit and is contained in a separate policy document.

Councilmember Jensen inquired about Per Diem. Ms. Russell noted that Per Diem is provided and is discussed in greater detail in the Travel Policy. The amount provided is based on the Federal reimbursement rate. If employees are participating in a training conference, they are required to provide a meeting agenda, which is then audited through the Administrative and Financial Services Department.

- Personnel Code Article 4, Section 3: Probationary Period. The corresponding text is ARR 132 Performance Evaluations; Probation. The language contained in this section of the Personnel Code is disjointed and difficult to follow. Staff hopes the language contained in the ARR provides a more organized and logical approach.

  Councilmember Jensen inquired if tuition reimbursement is available during the probation period. Ms. Russell noted that it is not.

  Councilmember Coen inquired if it was staff's intention to have specific language contained in the Personnel Code removed and replaced with the language contained in the ARRs and Policies. Ms. Robertson recommended that any text which is truly policy-driven, and a topic dealing with personnel, such as severance pay or budgetary actions, would require guidance from and approval by the Governing Body and should be codified within the TMC (Topeka Municipal Code). Any purely administrative duties, such as (for example) the travel policy or personnel evaluations, should be put into a separate document such as a Personnel Manual. All of the ARRs and Policies that are provided with excerpts from the Personnel Code are for the purpose of showing comparisons to what is currently in the Code and what has been adopted administratively within the past two decades. Topics that are of an administrative nature and are relevant/current have been addressed in these ARRs and Policies. Staff would like to see a separation between policy and administrative functions and recommends that functions of a policy nature be placed in the TMC. Ms. Robertson noted that the Personnel Code would likely not be needed if the steps above were completed.

- Personnel Code Article 4, Section 4: Hours of Employment. ARR 103 Overtime and Compensatory Time is the complementary document.

  Councilmember Jensen inquired about military leave and the impact of benefits and how those employees would be effected. Ms. Russell noted that employees who go out on military leave, which is generally two weeks of annual training or deployment, have the option of continuing to pay 100% of the premium. If an employee will be gone for longer than

thirty (30) days, they will have the option of acquiring military insurance. There is also a Leave of Absence process that will be completed prior to the employee leaving. Ms. Russell continued that there are also provisions that allow employees to get back onto the City benefits plan. This will be covered in greater detail later, during discussion on in Article 7, Section 4.

- Personnel Code Article 4, Section 5: Receipt of Pay. ARR 103(5)(E), which discusses the Fair Labor Standards Act (FLSA) for non-exempt employees, contains comparable language.

- Personnel Code Article 4, Section 6: Temporary and Seasonal Employees. Corresponding language is found in ARR 129 Recruitment and Selection and ARR 119 Out of Class Pay. ARR 129 defines temporary work. Temporary employees are defined as being hired through a Temporary Service Agency. ARR 118(X) Background Checks further defines Temporary Service Agency Workers.

  Councilmember Jensen inquired why the City utilizes a temporary service agency, citing the large overhead fees. Ms. Russell noted that due to some of the regulation changes following adoption of the Affordable Care Act, it has been found to be easier to comply with those standards if assignments are run through a temporary service agency because then those individuals are employees of the temporary service agency and their benefits are based on varying assignments. A bill rate is associated; however worker's compensation is also covered through the agency. Individuals who serve short stints of temporary assignments, as well as paid internships, are on the City's payroll as City of Topeka employees.

- Personnel Code Article 5, Section 1: Performance Evaluation. Comparable language is found in ARR 132 Performance Evaluations; Probation and ARR 133 Position Descriptions.

  Councilmember Jensen inquired if there was a position description for Councilmembers, and noted that by perhaps having something of a similar nature posted to the City's website, it would answer questions that the public may have regarding the responsibilities of City Councilmembers. Staff noted that there currently was not.

- Personnel Code Article 5, Section 4: Appeals. Corresponding text is contained in ARR 132(5), which provides guidelines for an employee who wishes to appeal their evaluation results.

- Personnel Code Article 5, Section 5: Salary/Merit Review. Corresponding text is found in ARR 131 Merit Increases.

- Personnel Code Article 6: Promotions. Corresponding language is found in ARR 123 Promotions, Transfers, Demotions, Reassignments. The language in the ARR is much more explicit and provides more guidance to employees.

  Councilmember Emerson inquired if the requirement of one year of college or two years of experience was reviewed as cumulative. Ms. Russell confirmed that under the Personnel Code, those elements would be correct. However, under the ARR, directions would point back to the position description. Ms. Russell noted that having all positions able to have combined experience along with education may not be in the City's best interest when it came to certain positions such as an Accountant. The provisions found in the ARR allow the City Manager to determine which positions absolutely need a degree requirement.

  Councilmember Emerson voiced concern about replacing some position experience with degree requirements as potentially harmful and did not want to see employees with a long history and rich experience background lose out on promotions to an individual with less experience but a college degree. Ms. Russell noted that the Out-of-Class force aided in developing the skill set for individuals with the academic level but less professional experience.

  Councilmember Jensen noted that some colleges will take practical experience and apply it toward college credit hours and inquired if the City was currently partnering with any of these programs. Ms. Russell noted that the City currently works with some of the local colleges: Washburn University, Rasmussen and particularly the Police Academy to apply practical experience toward college credit. Those colleges come in annually to speak about those opportunities.

- Personnel Code Article 7, Section 1: Flexible Compensation Plan. Ms. Robertson noted that the majority of the language found in this section is very outdated. ARR 106 Employee Healthcare Benefits references Flexible Spending, but also provides information on: how to qualify, eligibility requirements, premium equivalents, the Health Care Advisory Committee, steps for enrollment, and continued coverage through COBRA. The information overall is much more up to date.

Committee members and staff discussed the process of codifying and creating one single, combined personnel document.

- Personnel Code Article 7, Section 2: Holidays. Corresponding language is found in ARR 108 Holidays; which provides a bit more explanation but is fairly similar to the language in the Personnel Code.

- Personnel Code Article 7, Section 3: Vacations. Corresponding language is found in ARR 107 Vacation Leave; which discusses how hours are accrued during probation, sets out the accrual rates are, provides a chart to show the difference between eight-hour employees versus twenty-four hour employees, and carry-over.

  Councilmember Jensen inquired if leave time of an entire office was covered in this section. Ms. Russell noted that it was not, but indicated that such action would be reviewed as a performance issue. Ms. Russell commented, further, that many of the bargaining units cover this topic and that most provisions are based on seniority. Ms. Robertson included an administrative perspective that most department directors or supervisors currently take the initiative to check with their employees to get an idea on the coverage situation before authorizing too much leave time. Ms. Russell noted the calendar tool that is found in the Intellitime time card application which allows directors and staff to view scheduled leave time. This assists in preventing over-authorization of leave.

- Personnel Code Article 7, Section 4(A): Sick Leave. ARR 110 Sick Leave is the corresponding administrative document.

  Councilmember Jensen inquired about sick-outs and if there were any provisions to prevent such an event. Ms. Russell noted there are no such provisions. Ms. Russell provided an example of a bargaining unit threatening such an action in the past, but that was determined to be a Prohibited Practices found under the Kansas PEERA, which prevented that action from happening.

- Personnel Code Article 7, Section 4(B) Medical Disability Leave. Staff belives this is now covered by FMLA (Family Medical Leave Assistance). P107 Family Medical Leave provides a lot more information and direction for employees who may need to take an extended leave of absence. Ms. Robertson noted that Section 4 Military Family Leave covers the military component of the FMLA; but that there is a separate policy that discusses military leave.

- Personnel Code Article 7, Section 4(C) Military Leaves. Corresponding ARR 124 Military Leave discusses this topic much more thoroughly.

Councilmember Emerson inquired about the pay differential, noting that some military pay is less than what would be received for the City job. Ms. Russell noted that under ARR 124, Section 4 "Pay" defines how eighty hours of paid leave is provided annually. The rational for eighty hours is tied to the two weeks of annual training, to hopefully off-set the lost income from the time away from their job. This form of pay continuation covers an employee until the point of long-term deployment. Councilmember Emerson noted that, in many cases, military service members are out longer than eighty hours and inquired about the process once those funds and time were exhausted. Ms. Russell noted that after eighty hours, the employee could elect to use accrued vacation and sick time to supplement their military pay, but that the paid service time is eighty hours. Councilmember Emerson would like staff to provide information on what the pay differential would be and what it would cost the City to provide long-term service pay.

- Personnel Code Article 7, Section 4(D): Court Appearance. ARR 113 Court Appearance Leave is straight forward and corresponds to the Code.

  Councilmember Jensen inquired about Councilmember leave for Jury duty with regard to missing Governing Body meetings, (in the event they are sequestered). Ms. Robertson noted that there would be no perceived problem if a Councilmember served as a sequestered jury member, and that Governing Body meetings would likely occur as scheduled without the Governing Body member who was serving.

  Councilmember Emerson inquired about long-term pay for employees who may be sequestered to serve on a jury for a long amount of time.

- Personnel Code Article 7, Section 4(E): Voting Time. The corresponding document is ARR 114 Voting Leave, which is pretty straight forward.

  Councilmember Jensen inquired about the possibility of having employees vote via mail. Ms. Walter noted that State Law prohibits employers from mandating the manner in which an employee chooses to vote.

- Personnel Code Article 7, Section 4(F): Leave Due to Inclement Weather. P116 Declaration of Inclement Weather provides the comparative language and provides much more clarification.

- Personnel Code Article 7, Section 4(G): Emergency Leave. ARR 121 Family Crisis Leave and ARR Funeral Leave address these situations in a more specific way.

- Personnel Code Article 7, Section 4(H): Personal Leave Day. ARR 112 Personal Leave Day contains straight forward and easy to understand language. On this subject.

  Councilmember Coen inquired about the history of the Personal Leave Day. Staff was unsure of the history on this.

- Personnel Code Article 7, Section 4(I): Leave of Absence Without Pay. The comparative document is ARR 120 Extended Leave of Absence.

  Councilmember Jensen inquired if an extended leave of absence was commonly used by employees. Ms. Russell noted that it was not, and that employees will generally utilize the FMLA system.

- Personnel Code Article 7, Section 4(G) Emergency Leave.

- Personnel Code Article 7, Section 5: Extended Sick Leave Benefits. ARR 109 Extended Sick Leave combines language contained in these two Personnel Code sections. This speaks to employees with a terminal illness and states that it should not extend to more than one year in length. In addition to the hours provided in the provision for extended sick leave, employees who have a long-term illness that is not terminal will be eligible to receive shared leave. Many times, these leave programs will work in tandem until the Long Term Disability with KPERS would go into effect.

- Personnel Code Article 7, Section 6: Retirement Systems. Corresponding ARR 130 Retirement Systems provides much more detailed language to walk an employee through the process.

  Councilmember Jensen inquired if there were any Legacy Pensions left over. Ms. Russell noted that KPERS has a Deferred Compensations program that could be a continuation of an employee's benefit system.

  Ms. Robertson noted that staff would like to finish Personnel Code Articles 8 through 10 at the next meeting, (May 15) and on June 3 will address what language should be incorporated into the TMC.

5) Other Items Before the Committee

No other items.

6) Adjourn

Councilmember Coen adjourned the meeting.

The Policy & Finance Committee will meet next on May 15th at 9:30am in the 1st Floor Conference Room of the Holliday Building – 620 SE Madison.

Video of this meeting can be found at: https://youtu.be/K82dtg_vM7Q

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND
FINANCE 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

Committee: Policy and Finance
Date: May 15, 2019
Time: 9:30 A.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen (Chair), Tony Emerson & Brendan Jensen, Jacque Russell (HR Director), Shawn Maisberger (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order
Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve May 10, 2019 Minutes
Councilmember Jensen made a motion to approve the May 10th, 2019 meeting minutes. Councilmember Emerson seconded the motion. Minutes were approved 3:0.

3) Continued Discussion of Personnel Code: Articles VIII through X
Lisa Robertson provided Articles VIII through X of the Personnel Code to the Committee members and noted that Article VIII pertains to Non-Disciplinary Reductions in Force, Article IX pertains to Corrective and Disciplinary Actions, and Article X pertains to Grievances. Ms. Robertson sought the committee's guidance for including this information, which is more administrative in nature, in the Personnel Manual. Ms. Robertson referred to the Charter Provisions that were put into place following the change in the form of government. These provisions outline the powers and responsibilities of the Governing Body; relaying that the last sentence contained in Section A2-25 Powers of the Governing Body – states "It shall have no administrative powers." and that the language contained in Section A2-28(c) refers to Councilmembers communicating with appointive officers and employees who are subject to the direction and supervision of the City Manager through the City Manager. The language contained in Articles VIII through X of the Personnel Code was adopted in 1991 and provides for administrative responsibilities. Ms. Robertson suggested removing Articles VIII through X from the Personnel Code deciding which pieces would be most appropriate for an administrative document and which pieces would be most appropriate for inclusion in the TMC.

Councilmember Jensen inquired about the lack of a clearly-documented line of authority with regard to the process of Governing Body members communicating to other staff through the City Council's Assistant and the Mayor's Assistant. Councilmember Jensen also inquired about the process for speaking to City staff in a private meeting if there was ever a concern about the City Manager, without the City Manager being present. Further inquiry was made regarding the role of the City Attorney during such an event and whether the City Attorney would represent the Governing Body or the City Manager. Ms. Robertson noted the duties of the City Attorney and how the inquiry raised by Councilmember Jensen has been raised in the past and continues to be a question. Another concern expressed related to priority and hierarchy as to the Executive Assistant of the City Council and the Executive Assistant of the Mayor – noting the dual roles those positions have to the Governing Body as well as to the City Manager. Ms. Robertson and Jacque Russell, Human Resources Director, confirmed that the duties and responsibilities for the aforementioned positions are found within the job descriptions. Ms. Robertson inquired as to whether or not the position description for the Council Assistant are provided to each Councilmember. Ms. Russell noted that changes had been made recently and that each Councilmember would receive this new description.
Topic moved back to the Personnel Code Articles.

- Personnel Code Article VIII: Non-Disciplinary Reductions in Force. Ms. Robertson briefly walked through some of the topics covered in Section 1 of the article, and noted that most are administrative in nature.

  Section 2 speaks to permanent reduction of force and discusses severance pay. Ms. Robertson suggested the language related to severance be codified in the TMC due to the budgetary impact that would occur in such a situation. The Governing Body should provide oversight in making these decisions.

  Section 3 covers Administrative Leave, and how it would be addressed during a disciplinary matter. Staff suggested moving this section to Article IX of the Personnel Code, which addresses Corrective and Disciplinary Actions.

- Personnel Code Article IX: Corrective and Disciplinary Actions. Ms. Robertson briefly mentioned the topics covered in Article IX and noted that they are of an administrative nature.

  Councilmember Emerson inquired about the language found in the second sentence of Article IX, Section 3 which states "An administrative leave is not considered a corrective or disciplinary action and is therefore not subject to the grievance process" and whether it would be

appropriate to move this section to Article IX. Ms. Russell noted that Administrative Leave is typically used during an investigation process when a policy-level infraction is being determined; or during a termination process when the employee has an opportunity to a due process hearing prior to being terminated. In Ms. Russell's opinion, administrative leave is a pre-cursor to a disciplinary action and would be appropriate to move to Article IX. Ms. Russell noted that the administrative leave process is sparingly used, and that the employee is receiving pay during this leave period. If an employee is temporarily removed from his/her position without pay, this action would fall under suspension. Councilmember Emerson inquired if a new article could be put in place to separate the two instances, one under Article VIII, and one under Article IX.

Councilmember Jensen inquired if Administrative Leave is used in Use of Force cases within the Police Department. Ms. Russell noted that it is not always used following a Use of Force action, but it is put into effect after an Officer Involved Shooting. Ms. Robertson noted another option would be to move Administrative Leave into the section covering the various types of Leaves of Absences.

Councilmember Jensen inquired if items in Article IX only applied to "at-will" employees. Ms. Russell explained that the items would pertain to employees who are benefit-eligible and are not covered by a bargaining unit. "At-will" employees are the Department Directors. Other employees covered under the Personnel Code could be subject to disciplinary actions found in the policy. Councilmember Jensen inquired about the terminology used to describe employees who are not Department Directors and also not part of a bargaining unit. Ms. Russell responded that those employees are considered to have Civil Service Protection. The Topeka Municipal Code specifically states that Department Directors serve at the will of the City Manager, hence the reference to that status.

Councilmember Coen noted references made to Parks and Recreation. Staff confirmed and responded that outdated references would need to be removed or corrected, including addition of references the Utilities Department needed to be added.

Councilmember Jensen inquired about levels of egregiousness for violations. Ms. Russell noted that Article IX, Section 2(B)(3) provides a list of examples of offenses that are not normally serious enough for suspension or termination. Additionally, Section 2(B)(4) provides a list of examples of offenses that would result in immediate suspension or

termination. These lists are not all inclusive, but provide a guideline for instances of a similar nature.

Councilmember Jensen inquired about what process could be put in place to reflect the types of disciplinary steps taken by private entities- versus what is currently found within government. Ms. Russell noted that within recent years, much work has been done to change the perception related to government disciplinary process – to that of being professional, similar in nature to the private sector.

Councilmember Emerson inquired about offenses that could be interpreted on either list and the process used to decipher which would be the appropriate action to take. Ms. Russell responded by noting that it is fairly common that situations may have numerous policy infractions that accompany some of the offenses listed and that the Human Resources staff assists Department Directors in navigating the best course of action.

Councilmember Coen inquired about events where employees commit a crime or infraction on personal time and inquired how it relates to their job position. Ms. Russell noted that there currently is nothing in the Personnel Code that discusses a conviction. Ms. Russell noted that one major difference between how the private sector deals with disciplinary actions versus how the public sector handles them relates back to the Constitutional rights of the employees, or Civil Service Protection. Further, the process of dealing with charges versus convictions is sometimes more difficult. Ms. Walter noted that the Personnel Manual contains language covering off-duty conduct. Ms. Russell commented that consideration of potential City liability is also factored into the equation when disciplinary matters are reviewed.

Ms. Russell provided further detail as to how performance-related corrective action is handled.

Ms. Robertson noted that Article IX, Section 3 covers Corrective Actions; however, there is an entire ARR that is dedicated to performance evaluations and probations. Ms. Robertson suggested removing this section from the Personnel Code entirely.

- Personnel Code Article X: Grievances. Following the discipline, an employee has the right to file a grievance if they choose to do so. The sequence of steps that must be followed is laid out in this article.

Ms. Robertson noted that the last three articles in the Personnel Code could be copied directly from the code and placed into the administrative document.

Councilmember Coen inquired about the next step of action. Ms. Robertson suggested that staff present portions of Title 2 of the TMC, with suggestions for restructuring, for the committee to review on June 3rd, 2019.

Ms. Robertson noted additional follow-up from questions brought up at prior meetings would be provided to the committee, as well.

4) Other Items Before the Committee
No other items.

5) Adjourn
Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: https://youtu.be/9xmmyA0ep0Q

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND
FINANCE 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

Committee: Policy and Finance
Date: June 3, 2019
Time: 3:00PM
Location: Classroom A; LEC – 320 S. Kansas Ave Ste 100
Attendance: Councilmembers Jeff Coen (Chair), Tony Emerson & Brendan Jensen, Jacque Russell (HR Director), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order
Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve May 15, 2019 Minutes
Councilmember Jensen made a motion to approve the May 15th, 2019 meeting minutes. Councilmember Emerson seconded the motion. Minutes were approved 3:0.

3) Review Article I, Sections 1-5 & Article II, Sections 1-5 of the Personnel Code
Lisa Robertson, City Attorney, noted that the committee has previously reviewed the Personnel Code, with the exception of Article I, Sections 1-5 and Article II, Sections 1-5.

- Personnel Code Article I: Administration.
    - Section 1 Statement of Purpose. Ms. Robertson noted that language found within the first sentence was repealed by Charter Ordinance 94 in 2004 when the form of Government changed. This provision is therefore out of date, and inaccurate. Staff took the Statement of Purpose from the Personnel Code and pasted it into the Personnel Manual. (The Personnel Manual is almost completed and will be sent to all City of Topeka employees on Wednesday, June 5th).
    - Section 2 Definitions. Most of these definitions have been referenced in separate ARRs.

      Councilmember Emerson inquired about the "Base Pay" definition, noting that not all definitions have a cross-reference number. Ms. Robertson

noted that each should have a cross-reference. Councilmember Emerson inquired about definitions being placed in the Personnel Manual or the Topeka Municipal Code (TMC). Ms. Robertson confirmed all definitions were placed in the Personnel Manual or the TMC with the exception being "Bumping", the definition was removed in 2012 through an amendment to the Personnel Code.

Ms. Robertson informed committee members that notes were made on the documents provided to the committee to identify where the items were placed, i.e., the TMC, in an ARR, etc.

- Section 3 Administrative Rules and Regulations. The documents that Human Resources has collected since 1991 (ARRs) have been pasted into the Personnel Manual. Ms. Robertson noted that relevant pieces of the Personnel Code have also been pasted into the new Personnel Manual.

- Section 4 Independent Departmental Regulations. This section covers the Standard Operating Procedures that various departments have in place, which are specific to those departments. This language has been pasted into the Personnel Manual.

- Section 5 Records. This topic is not discussed in the Personnel Manual; however this language is in the TMC.

- Personnel Code Article II Section 1 Scope. This paragraph was divided into two sections in the Personnel Manual as it pertains to two separate subjects: applicability and bargaining unit agreements.

- Personnel Code Article II Section 2 Equal Opportunity. Ms. Robertson noted that although there is only a brief mention of EEO in the Personnel Code & Personnel Manual, the TMC has an entire chapter dedicated to equal opportunity and affirmative action.

- Personnel Code Article II Section 3 Affirmative Action. This topic is also discussed in much greater detail in the TMC.

- Personnel Code Article II Section 4 Compliance with Provisions. This section infers that criminal prosecution available if there is non-compliance with personnel rules and regulations. Ms. Robertson noted that, in practice, employees who do not comply with personnel rules and regulations may be disciplined, but are not sent to jail.

- Personnel Code Article II Section 5 Residency Requirement. This section is not currently addressed in the TMC, and staff is recommending that it be added and codified in the TMC. The Residency Requirement would also be added to the Personnel Manual.

4) Review TMC Title 2: Administration and Personnel

- TMC Chapter 2.05 through 2.150 discusses boards, commissions, employment matters, and administration matters. Staff will be suggesting revisions in conjunction with the overall recodification of the Municipal Code, which is led by the City Clerk's Office. More specifically, the TMC is reviewed and evaluated by a Municipal Code company on a five or ten year basis to sure everything makes sense. Staff approached the selected vendor when the decision was made to conduct Policy & Finance Committee meetings to address personnel provisions. The company conducted an initial review of Chapter 2 of the TMC and provided the following recommendations:

    - Divide Title 2 into divisions. Division 1 would have provisions related to the City, Council, Mayor and other departments; everything that is not covered elsewhere. Division 2 would contain provisions regarding Employees. Division 3 would cover boards and commissions.

  Councilmember Emerson inquired about the numbering of divisions. Ms. Robertson noted that items would be re-numbered at a later time. Councilmember Emerson inquired if this re-numbering would change content. Ms. Robertson noted that the company would re-number the TMC once changes were made and approved by the Committee and Governing Body. The entire TMC will be updated online, as well as a printed copy that the Clerk's Office would retain. The City Clerk must retain one printed copy. Councilmember Emerson inquired about the cost. Ms. Robertson was not sure at the time of the meeting as to the cost of the re-codification process; however a RFP process was prepared and multiple responses were received.

  Councilmember Emerson inquired if there was a State law requiring the Clerk to maintain an original printed copy. Ms. Robertson replied that a hard copy must be maintained in the Clerk's office. If a KORA request came through requesting printed sections of the TMC, the City could be required to do that; however, most requests have been for electronic copies.

  Councilmember Jensen inquired if the chapters would be changed during this process. Ms. Robertson noted that she was not sure what the company would decide to do; however her understanding of the process was that once the language is acceptable to the City, the company would then go through and re-number the titles, sections, and chapters in a way that would make sense.

Ms. Robertson summarized that proposed Division 2 of Title 2 is what the committee will be reviewing. This division consists of five chapters: "Employees", "Civil Service for Police and Fire", "Firemen's Relief Association", "Affirmative Action Programs", and "Benefits".

Ms. Robertson supplied committee members with a color-coded Table of Contents for Chapter 2.135.

- Staff began with the first five chapters of Division 2 and tried to determine which of those would make sense to put first. The decision was made to put the Equal Opportunity/Affirmative Action piece first, as this would be something that would be viewed by individuals seeking employment. Staff made the recommendation to broaden the title of the Affirmative Action chapter to "Equal Employment Opportunity, Diversity, and Inclusion".

  The first section contains a basic policy statement as §(a), related to the City's affirmative action approach and identifying protected classes. A second section contains definitions related to gender classifications and gender identity. Staff removed these as it seemed odd to define only two categories, as opposed to all protected classes. Councilmember Jensen inquired if a general statement could be made to mention that the City does not discriminate against anyone for any reason. Catherine Walter, Senior Assistant C.A., noted that having an Affirmative Action statement is required by Federal law.

- The General Objectives was previously its own section 2.135.030. Staff incorporated the language into the policy statement to outline what the City's objectives are:

  - Intensify efforts to recruit applicants of protected classes
  - Develop special training for individuals of protected classes
  - Develop procedures for monitoring the application flow, final hiring and disposition.

  Ms. Robertson noted these practices are currently used by the Human Resources Department.

- Administrative Responsibility was previously its own section 2.135.070. Staff incorporated the language into the policy statement as §(c).

  Section 2.135.040 covers employment practices that are considered to be unlawful.

Section 2.135.050 discusses the recruitment procedures. This has not changed much and is in line with what the Human Resources Department does now.

- Equal Opportunity Officer (Section 2.135.070). The Human Resources Director is responsible for making sure policies and procedures are put into place. Jacque Russell, HR Director, noted that the primary duty of this officer is reporting and making sure the hiring practices are designed to be non-discriminatory and that the best-qualified candidate is hired regardless of status.

- Ms. Robertson noted that the next section (2.135.100) covers Reports and Records. Ms. Russell noted that interview records are kept for five years after the position has been filled.

- Chapter 2.25 The next chapter contains "first steps" for an upon starting employment. The employee Oath of Office, which occurs during the orientation process, as well as the Residency Requirement would be found in this chapter. The Residency Requirement would be pulled directly from the Personnel Code and placed in this chapter of the TMC as separate subsections.

  Councilmember Emerson noted an error in the Residency Requirement section noting it says "00 minutes" but should say "30 minutes" in reference to distance from an employee's office. Staff made a note to change this typo.

- A new section would be entitled Administrative Policies, Rules, Regulations, and Procedures. The first half is the new addition, carried over from the Personnel Code, giving authority to the HR Director to promulgate rules and regulations. References to the City Manager was included, however, as the City Manager would oversee the HR Director. The second paragraph contains new language related to the Personnel Manual being reviewed not less than every five years.

- Ms. Robertson commented that a provision of the Personnel Code which discusses the employee hearing process related to administrative rule promulgation was not carried over to the TMC, as it is a purely administrative function. It was added to the Personnel Manual.

Councilmember Coen noted that language found under "Scope" states that the Personnel Code is only for employees but not Elected Officials. He inquired about the reasoning behind this. Ms. Robertson noted that there was a

resolution passed by the Governing Body (Resolution Number 7473, 5-18-2004) that established a Code of Ethics. In reference to conflicts of interest, there are some state statutes that elected officials have to adhere to, but nothing else other than the resolution. Councilmember Jensen noted there would be some difficulty with holding elected officials to the same standards as employees, as elected officials cannot be reprimanded or terminated in the way an employee can be.

- Conflicts with Bargaining Unit Agreements. The language was pulled from the Personnel Code and states that if there is a conflict between what is in a bargaining unit agreement versus what is in the Personnel Manual, it will default in favor of the agreement.

- Deviations. The language was pulled from the Personnel Code and provides that the City Manager and HR Director may permit deviations from the Personnel Manual; provided however, that a written explanation must be included.

- Standard Operating Procedures. This language was pulled from the Personnel Code and provides that each department may have a SOP that it will follow.

- Compliance. The language was pulled from the Personnel Code, but staff removed the criminal prosecution language and focused on the discipline piece.

- In the existing TMC, there is a provision specifically discussing the Personnel Code. However, if the Personnel Code is repealed, this section will be removed. If the Personnel Code is not repealed, it will remain in the TMC.

- Personnel Records. This language was pulled from the Personnel Code and mainly deals with accounting of personnel and the corresponding compensation.

- Payroll Records. This language was pulled from the Personnel Code and provides that the administrative and financial services department must keep an accurate record of employees and the inpay scale.

- Authorized Employees. This language was pulled from the Personnel Code and provides that the number of employees is tied to their department budget. Staff feels it is important to add this subsection to the TMC as there is a clear budgetary aspect.

Councilmember Jensen inquired about the reasoning behind tying the section to the budget and not the scope of work. Ms. Robertson noted the position descriptions would cover the scope of work. Ms. Russell described the internal process of the Position Review Committee. Councilmember Jensen noted the current process is to set the budget and then try to fill positions within department budgets. Councilmember Jensen inquired if there was a way to show the number of employees that may be needed to complete a project; followed by a discussion of the financial impact to fund projects at various incremental percentages.

- Protective Insurance Required. This language is currently contained in the TMC (Section 2.25.040), and there have been no additional changes.

- Approval of Employment. This section (2.25.060(a)) states that if there is an employment agreement that the City Manager would like to sign, but the person who will be the subject of the contract has not gone through the HR process, the agreement must be approved by the Governing Body.

- Approval of Severance Pay. This section (2.25.060(b)), new to the TMC related to eligibility to receive severance due to a permanent reduction in force and the payment of severance. These two subsections require prior authorization of the Governing Body. Additional subsections were included, containing language was pulled from the Personnel Code. Staff felt it was important to include in the TMC given the budgetary impact and that the language would be tweaked later.

- Section 2.25.070. Staff suggests that this be deleted as it is a purely administrative function.

Ms. Robertson noted that clean versions of what was discussed has been provided to the committee.

Sections 2.25.010 and 2.25.020 deal with bargaining units. This language was pulled directly from the TMC but staff has not reviewed it yet.

For the next meeting, Ms. Robertson will bring forward revisions to the Severance and Bargaining Unit pieces, and touch upon Civil Service for Police and Fire (Chapter 2.125) and Benefits (Chapter 2.140). Staff does not anticipate many changes. Ms. Robertson noted that following the June 10, 2019 meeting, the committee will decide what they want to recommend to the Governing Body on June 18th. Perhaps waiting until after the budget is completed and to discuss the final changes in August. During that wait time, staff and committee members can have one-on-one conversations to answer questions.

Councilmember Jensen inquired if building the incentive for moving within the city limits would be something worth discussing prior to or during the budget discussions. Councilmember Jensen would be interested in seeing what incentivizing employees to move within the city limits from the County limits would look like. Councilmember Jensen mentioned $100/per year for five years, for a $500 total incentive per employee.

Ms. Robertson noted that an email will be sent to employees on Wednesday with the new Personnel Manual. This email will have a corresponding document attached to assist with showing employees the cross-references. Language from Personnel Code Articles VIII through X were taken verbatim from the Personnel Code and added to the Personnel Manual and cross-referencing to the Personnel Code was added.

5) Other Items Before the Committee
No other items.

6) Adjourn
Councilmember Jensen made a motion to adjourn the meeting. Councilmember Emerson seconded the motion. 3:0. Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: https://youtu.be/uDQexKrS2b0

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

POLICY AND FINANCE 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 10, 2019
Time: 3:00 P.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen (Chair), Tony Emerson & Brendan Jensen, Jacque Russell (HR Director), Shawn Maisberger (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order
Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve June 3, 2019 Minutes
Councilmember Emerson made a motion to approve the June 3, 2019 meeting minutes. Councilmember Jensen seconded the motion. Minutes were approved 3:0.

3) Review TMC Chapters 2.125 and 2.140
Lisa Robertson introduced a proposed Table of Contents for TMC Title 2. At the June 3rd meeting, Division 2 Employees, was reviewed. Ms. Robertson provided the committee with a proposed Table of Contents page. The code company suggested dividing Title 2 into divisions for ease of reference. Division 1 will cover general matters, officials and departments. Division 2 will be entitled Employees, and Division 3 will cover Boards, Commissions, and Council Committees.

Following the June 3rd, meeting, Chapter 2.105: Diversity and Inclusion was added. Ms. Robertson reminded the committee members of the information that was provided during that meeting. She then moved onto new information.

- New Chapter 2.10 – Section 2.110.070 Approval of Severance Pay. The language contained in subsection (a) speaks to requiring prior authorization of the Governing Body. The language in subsection (b) speaks to eligibility for receiving severance pay. Ms. Robertson noted that the tracking has been color coded to show the language currently found in the TMC and the language that staff is proposing to include. There are five eligibility requirements that employees must meet prior to receiving severance pay. They are:
    - The employee's position has been eliminated due to reduction in force.
    - The employee has been employed with the City for one or more continuous years of service

- The employee has not accepted a position with the City or with another governmental entity pursuant to a consolidation agreement. (Ms. Robertson provided the consolidation of the Parks and Recreation Department as an example of this requirement.)
- The employee has not accepted a transfer of employment to an entity that is assuming operational responsibility from the City. (Ms. Robertson provided an example of Friends of the Zoo (FOTZ) acquiring City employees in a public/private partnership.)
- The employee has executed an agreement and complete release of all claims against the City.

Councilmember Emerson inquired if an employee would need to meet all five of the requirements. Ms. Robertson confirmed.

Councilmember Jensen inquired about unemployment insurance, which is found in the private sector. Jacque Russell, HR Director, clarified that unemployment is separate and distinctly different from severance. Ms. Russell commented further that if a position is eliminated, and the employee does not have another position that he/she will be taking, that individual would be eligible for unemployment benefits. The State looks at how the severance is paid to determine when the unemployment reimbursement would begin.

Councilman Jensen inquired as to whether or not the City is required to pay unemployment insurance through the State in the same way as private business. Ms. Russell responded that the City is self-insured for unemployment purposes. The State invoices the City quarterly and the amount is based on any liability reports that are filed during that time. Councilmember Jensen asked for clarification regarding an employee receiving severance and unemployment. Ms. Russell noted that the State reviews the severance case and determines when to begin paying unemployment. If an employee is paid in a lump sum, the State may factor that differently than an employee who is being paid bi-weekly. The employee's unemployment eligibility would begin following the end date of receiving the State-determined severance pay. Councilmember Jensen inquired if the City receives any penalty if unemployment insurance is used. Ms. Russell replied that the City is not penalized, as the City is self-insured.

Councilmember Jensen had additional inquiries regarding the length of time that severance payments would remain in place. Ms. Robertson noted the next subsection addresses those questions. Ms. Robertson read the subsection; the language addresses the rate of severance pay in accordance with the length of time an employee was employed by the City of Topeka. Councilmember Jensen voiced concern about the need for an additional severance package if the City was already paying a State-mandated severance fee. Ms. Russell noted that the

two systems do not overlap, and that the severance pay is intended to be a benefit when a position is no longer necessary to help make the transition smoother for the individual. The State will determine when, and in what amount, the unemployment rate would be for an individual following the end of his/her severance pay.

Councilmember Emerson inquired if this would be included in the calculation for retirement eligibility and benefits. Ms. Russell noted that severance does not count toward retirement eligibility.

Ms. Robertson noted that a second piece to the payment part states that eligible employees hired prior to January 1, 2011 are entitled to receive severance according to the schedule noted. Ms. Robertson read that language, and the sections that followed, regarding severance pay. Ms. Robertson suggested referring to this information in the eligibility subsection.

Councilmember Jensen inquired as to how this would apply to a voluntary buy-out retirement incentive. Ms. Russell noted severance pay would not apply. When the city offered a retirement incentive several years ago, the incentive was to continue city healthcare contributions for an extended period of time. Employees who were eligible for KPERS retirement on a full or partial retirement basis could take advantage of this incentive.

Accounting Upon Separation from Employment. Staff is suggesting the removal of this section from the TMC and including it in the Personnel Manual, as it is administrative in nature.

- New Chapter 2.115 – Bargaining Unit. This new chapter was included to provide easier navigation (by placing language related to bargaining units and collective bargaining in the same chapter). Staff is not proposing substantive changes, as this language was reviewed and updated not too long ago.

- New Chapter 2.120 – Civil Services for Police Officers and Firefighters. Staff is not proposing changes at the current time. The language contained in this chapter relates to the processes of recruitment, discipline and other matters that are specific to the Police and Fire Departments.

- New Chapter 2.125 – Fireman's Relief Association. Ms. Robertson stated she is less familiar with this program and has sought out assistance from other staff members to obtain historical background. Mary Feighny, Deputy City Attorney, is the liaison to the board; however, her role has been limited to receiving specific types of information from the head of the association. Ms. Robertson's understanding is that language in this chapter discusses excess insurance payments, which are placed into a fund to assist other firefighters. State Law,

KSA 40-1701, addresses this type of association. Staff will likely recommend repealing this section and referencing the state statute, (noting that as the state law changes the City's process will be changed).

- New Chapter 2.130 – Benefits. Article I would discuss the 1939 retirement system. Ms. Robertson did not feel this section was relevant anymore and could be removed; although Staff and interns are performing historical research to determine if there is a need to retain this information in the TMC as stated (or if it can be removed).

    - Article II – Old Age and Survivors Insurance. Staff believes this provision is referencing Social Security. There are also many references made to the Department of Civil Service. Staff is researching whether a State Department of Civil Service still exists. Ms. Robertson commented the department name may have changed to the Department of Labor.

    - Article III –Worker's Compensation. Ms. Robertson noted that the first section of this article "Injury on the Job" could be moved to the Personnel Manual, as it discusses light duty, which is a topic that is administrative in nature. As to the second section of this Article, "Rate of Assessment", the City has been self-insured since 1976. The language can be updated accordingly. Finally, the third section of this Article, "Annual Self-Insurance Permit Required", is mostly covered by State law. However, language addressing the reason for this permit would be updated and included. "Claims for Compensation, Service of Claims, Defensive Fund", should probably be moved to Title 3, which contains the various financial provisions of the TMC. A separate section could be added to 3.35 with a general title of "Claims" with separate divisions set up to differentiate between Tort Claims and Work Comp Claims.

    - Article IV – Police and Fire Pension Funds. Catherine Walter, Senior Assistant City Attorney, conducted historical research into this article and found a case titled *Singer vs. City of Topeka*, which indicates both of these funds were discontinued effective 1979; however the language was never removed from the TMC. In 1979, Police and Fire Pension Funds were both in existence; however, they were rolled into KP&F, a division of the KPERS system. Councilmember Jensen inquired about the facts of the case. Ms. Walter responded that KPERS had a 7% contribution rate, and the City tried to increase their rate to match the KPERS rate for the Police and Fire pension funds. The Court denied that action, stating that it was a unilateral change to the contract. Ms.

Walter noted that the facts of the case are not pertinent but the historical information is interesting and helpful. Ms. Robertson suggested removing Article IV, based on the fact that these two funds no longer exist.

- Ms. Robertson noted that staff has not yet worked through Article V "Police Benefit Account" or Article VI "Health Insurance". Staff will bring those articles, and historical follow-up information to the next meeting.

Ms. Robertson stated that an email was sent to "All COT" on Wednesday (June 5, 2019), to inform all employees that the Personnel Manual had been posted to the City's Intranet. The 64 separate policies and ARRs would be available through the end of June. After that time, only the Personnel Manual, which also contains Articles VIII, IX, and X from the Personnel Code (Reduction in Force, Discipline, and Grievances) would be available.

Shawn Maiseberger, Human Resources Manager, presented information through the City of Topeka website to show where the Personnel Manual could be located and used.

Councilmember Jensen inquired if Title 2, Division 3 (Boards, Commissions, Councils, and Committees) would be reviewed at the Governing Body meeting. Ms. Robertson clarified that at this point in time, only Title 2, Division 2 (Employees) would be presented; after which, Staff would begin a new project update to Title 2, Division 3.

4) Other Items Before the Committee
Councilmember Coen would like to review term limits for Councilmembers. Staff will find historical information regarding this topic to bring to the committee.

5) Adjourn
Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: https://youtu.be/xi5pxpeaQt0

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

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

POLICY AND FINANCE COMMITTEE

Date: July 1, 2019
Time: 3:00 P.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen (Chair), Brendan Jensen, Shelby Harvey (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

Councilmember Tony Emerson was absent.

1) Call to order

Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve June 10, 2019 Minutes

Councilmember Jensen made a motion to approve the June 10, 2019 meeting minutes. Councilmember Coen seconded the motion. Minutes were approved 2:0.

3) Review of current TMC Chapter 2.140 ("Benefits")

Lisa Robertson, City Attorney, introduced current TMC Chapter 2.140, Benefits.

- Article I: Generally. The language in this article discusses the increase in payments under the 1939 retirement system. Staff is recommending removal of this entire section. There is no historical basis for continued inclusion of this article, and anyone who would benefit from this system would be over one hundred and twenty years old.

- Article II: Old Age & Survivors Insurance (OASI). Staff in the Payroll Division does not work with OASI, payroll staff remits social security payments to the IRS. Fire and Police are not covered by social security; however all other employees are. Staff is continuing to research this information to determine which sections are relevant. Once the research has concluded, Staff may recommend removing current language and replacing it with a section stating "The City will comply with all state and federal laws pertaining to social security benefits".

- Article III: Worker's Compensation. Ms. Robertson suggested keeping the first part of subsection (a), as it remains relevant. However, she suggested removing the last part of subsection (a), as well as subsections (b) and (c), because they are purely administrative. These topics are also addressed in the Personnel Manual Section, 10.7.

  Former section 2.140.140 – Assessment against city department. Staff recommends retitling the section to 'Worker's Compensation Self-Insurance Fund' as the City has become a self-insured entity since the time this section was drafted. Staff also recommends potentially moving this section to Chapter 3, more specifically 3.25, which deals with financial matters. This section would be divided into two subsections: "Rate of Assessment" and "Annual Self-Insurance Permit Required". Staff is recommending the addition of the latter subsection because the City is self-insured and is therefore required to obtain a permit from the State.

  Former section 2.140.150 – Claims for Compensation – Service of Claims – Defense of Fund. Staff made the recommendation to potentially move this section to Title 3 - Finance, and more specifically Chapter 3.35 Claims. Ms. Robertson explained revisions were made to the Tort Claims ordinance following a recent RPI process. Staff has made minimal changes; sub-headings were added, as well as a provision to clarify City Manager is authorized to secure outside counsel to defend against claims, as is current practice. Ms. Robertson noted a change was made under subsection (c), Claim Payments, to increase the approval of settlement from $10,000 to $35,000, the same as Tort Claims.

- Article IV: Police and Fire Pension Funds. Catherine Walter (Senior Assistant City Attorney) conducted research on the article and found resolutions which remove the two funds and move those covered by these funds into KP&F. **S**taff is suggesting removal of the entire article. City Legal staff has reached out to Matt Bergmann (outside legal counsel for the Police and Fire Unions), to inform him of Staff's research and recommendation.

- Article V: Police Benefit Account. Ms. Robertson spoke with Gretchen O'Donovan (Finance staff at TPD) and Denise Vaughn (Municipal Court Administrator & Clerk) to better understand the details of article. They suggested a revision in former section 2.140.310 to reflect current practice. More specifically, the Municipal Court collects the fees and remits them directly to the Administrative & Financial Services Department, not the Police Department. From there, Finance puts the fees collected into a benefits account. A Board of Trustees then decides how those funds are spent.

Councilmember Coen inquired if the Board of Trustees has recently met. Ms. Robertson noted Ms. O'Donovan would be contacting the Board's Chair to seek his or her review of the proposed revisions.

- Article VI: Health Insurance. Staff is not recommending many changes to the language, as revisions were conducted in 2012 and are still current.

  2.140.390 (e) Health Care Advisory Committee. Staff deleted a portion of the language in the following paragraph, which states: "However, the first meeting in June of each year, the committee may transmit its recommendations to the city manager regarding the scope of health care coverage, schedule of benefits and schedule of premiums and recommendation on the RFP process for the selection of the plan administrator(s). Within 20 days, the city manager shall transmit any recommendations received from the health care advisory committee to the city council". This language was codified prior to execution of the Healthcare Cost Agreement. The deleted language is now addressed through that Agreement. The RFP process is all handled administratively between the City Manager and Human Resources.

Ms. Robertson noted that a final recommendation from the Committee to the Governing Body is currently scheduled to be presented at an August meeting, and staff feels comfortable moving forward with that date.

Councilmember Jensen inquired as to how Staff is planning to present the subject during the Governing Body meeting. Ms. Robertson recommended meeting with councilmembers one-on-one, prior to the meeting, to work through any detailed questions that councilmembers may have.

Brent Trout (City Manager) noted he felt that by providing the detailed minutes from these committee meetings and having one-on-one meetings with councilmembers, there would be sufficient information. Ms. Robertson agreed with Mr. Trout and suggested a starting point would be to inform the Governing Body of the last time the full document was reviewed.

4) Discussion: Council Term Limits

Councilmember Coen asked Ms. Robertson to provide the various approaches staff took.

Ms. Robertson reviewed findings from research from other Kansas municipalities. The first review involves the top ten cities, by population, in Kansas and including Kansas City, Missouri. Most cities do not have term limits. Hutchison, KCMO, and Wichita do have term-limits of two consecutive terms of four years

each term (8 consecutive years). The second review involves the capital cities of Colorado, Iowa, Missouri, Nebraska, and Oklahoma. Denver, Colorado allows for three consecutive 4-year terms (12 years). There are no term limits in Des Moines, Iowa. Jefferson City, Missouri allows the Mayor to serve two consecutive 4-year terms (8 years) and Councilmembers to serve four consecutive 2-year terms (8 years). Lincoln, Nebraska has established term limits for the Mayor, but not for Council members. Oklahoma City, Oklahoma does not have term limits.

Councilmember Coen inquired if establishing term limits is something the public should vote on. Ms. Robertson noted the public would not be required to vote on this issue; however, the committee discussed having the option of including it in an election.

Councilmember Jensen inquired about the cost of including this item on a ballot. Ms. Robertson responded that adding the item to a ballot during a general election could be done without additional costs. Holding a special election for this item would come with a cost. Ms. Robertson noted the registration deadline of August 23 for items to be included in the November 2019 general elections. Discussion was held to determine when would be the best time to include the item on a ballot, and when the deadlines to submit the item would be.

Ms. Robertson described the information included in the Committee's packet concerning term limits.

Ms. Robertson provided cost estimates associated with creating and conducting a survey. ETC is the company that assisted the City with the recent Community Survey. ETC provided an estimate of $2,000 for 300 responses and $2,400 for 400 charges. Councilmember Jensen inquired what the cost would be to include the survey on the back of the water bill. There was further discussion on this method.

Councilmember Coen inquired about the response rate from the recent Community survey that was sent to the public. Mr. Trout noted a large response was received from a diverse demographic and felt the results mirrored the concerns that are received through the City Manager's office on a regular basis.

Councilmember Coen inquired with Councilmember Jensen as to his thoughts of the proposed term limits. Councilmember Jensen stated he was not against implementing term limits of two consecutive 4-year terms.

Councilmember Coen asked Councilmember Jensen what his thoughts were related to conducting a survey. Councilmember Jensen stated he felt survey results could be skewed depending on how constituents felt about current district representatives.

Mr. Trout suggested bringing the item to the Governing Body as a discussion item. Ms. Robertson stated that because the topic is committee-initiated, the committee will be able to determine whether or not to bring the item forward to the Governing Body; it is not required to do so.

Mr. Trout stated Councilmembers could conduct their own surveys to gather data on a variety of information their constituents may want to see with regard to the topic.

5) Other Items Before the Committee
No other items.

6) Adjourn
Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: https://youtu.be/opMYa0kSmPE

CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

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

POLICY AND FINANCE COMMITTEE

Date: July 29, 2019
Time: 3:00 P.M.
Location: 1st Floor Conference Room – Holliday Bldg 620 SE Madison
Attendance: Councilmembers Jeff Coen (Chair), Brendan Jensen, Tony Emerson, Jacque Russell (HR), Shawn Maisberger (HR), Lisa Robertson (City Attorney), Catherine Walter (Legal)

1) Call to order

Councilmember Coen called the meeting to order. Committee members introduced themselves.

2) Approve July 1, 2019 Minutes

Councilmember Jensen made a motion to approve the July 1, 2019 meeting minutes. Councilmember Emerson seconded the motion. Minutes were approved 3:0.

3) Personnel Code & TMC - Conclusion

Lisa Robertson, City Attorney, provided Committee members with a booklet summarizing the work completed by Staff. More specifically, where legislative-related provisions from the Personnel Code should be moved into the Topeka Municipal Code. The booklet contains proposed revisions to Title 2 in relation to matters involving employees. Ms. Robertson provided the committee with a corresponding Table of Contents for Title 2, outlining recommendations made by the code company to divide Title 2 into three separate divisions. (The City Clerk works with a municipal code company to review and make suggestions to the TMC every ten years). (The proposed Division 2 of Title 2 would focus on "Employees", while the proposed Division 1 would be more general in content. The proposed Division 3 would focus on "Boards and Commissions").

Ms. Robertson began reviewing proposed TMC Division 2: "Employees".

- Using new chapter 2.105 as an example, Ms. Robertson provided an overview of the cover page and "notes" page. She then explained that for each chapter, there is a tracking copy showing revisions made to the original language, as well as a clean copy of what the proposed chapter will "look like" if these revisions are approved.

- Ms. Robertson provided copies of the Personnel Code Table of Contents with cross-references to the TMC &/or Personnel Manual to assist the Governing Body in locating provisions.

- Ms. Robertson noted that Chapters 105 and 110 include a large number of tracking changes, primarily because this is where language from the Personnel Code has been added as new sections or subsections.

- Ms. Robertson stated there had been one unanswered question related to 2.130 Fireman's Relief Association; which Staff proposes to retitle to Firefighter's Relief Association. More specifically, Staff has been communicating with the Firefighter's Relief Association Board members to determine if they would be accepting of deleting this chapter in its entirety. The Secretary/Treasurer of the Board stated that he was unaware that this language was contained in the TMC, because they always refer to the State statute for guidance.

- TMC Title 2, Article I, Section 2.140.010 – "Increase in payments under 1939 retirement system". Ms. Robertson stated Staff recommends removing this section, because it no longer has any relevance.

- TMC Title 2, Article II (formerly "Old-Age Survivors' Insurance") has been renamed "Social Security". The State Department of Administration was consulted and advised deleting three entire sections, with revisions to others. Ms. Robertson stated the research conducted by Staff and interns has been extremely helpful to the process of cleaning up obsolete and inaccurate language.

Ms. Robertson indicated that Staff was seeking a final recommendation from the Committee in order to move forward with the process. Ms. Robertson stated that the Committee would need to send this recommendation to the Governing Body, and inquired about additional information that the Committee might wish to include.

Councilmember Jensen inquired about the recodification schedule and timeline. Ms. Robertson stated that the Clerk's Office would be working with the recodification company in September/October (2019) to discuss rearranging and renumbering the TMC. Ms. Robertson suggested including the item on the August 20, 2019 Governing Body agenda for discussion.

Councilmember Jensen stated he would support moving forward with Staff's recommendation to place the issue as a discussion item with the Governing Body.

Councilmember Emerson stated he also felt comfortable with moving forward with the recommendation.

Councilmember Coen inquired what the language for the recommendation might look like in presenting it to the Governing Body. Ms. Robertson stated action to repeal the ordinance that adopted the Personnel Code would need to take place. The Personnel Manual is already being used, so the process would be to repeal the Personnel Code following adoption of revisions to the TMC.

Councilmember Coen inquired if the committee would support a motion to make a recommendation to the Governing Body to accept the proposed changes to the Topeka Municipal Code, and to repeal the Personnel Code. Councilmember Jensen made motion to approve. Councilmember Emerson seconded. Motion passed 3:0.

Ms. Robertson stated all meeting minutes, video links, and supplemental information would be provided to the Governing Body. Ms. Robertson also encouraged having one-on-one meetings with Councilmembers prior to the August 20th Governing Body meeting to allow Staff the opportunity to answer any questions they may have.

4) Old Business: Council Term Limits

Councilmember Jensen stated he would like to put this topic to a public vote to gauge whether or not constituents would support implementing term limits for Councilmembers.

Councilmember Emerson stated he would not be in favor of pursuing anything that would cost money; however, if adding the question to a General Election ballot in 2020 would bear no additional cost to the City, he would support that decision. Councilmember Emerson stated he felt there was currently a term limit measure in place: voters are able to select the candidate they feel will best represent them.

Councilmember Coen inquired if there was a recommendation from the committee to move the topic forward to the Governing Body to include onto the 2020 election ballot. Councilmember Jensen made a motion to move the topic forward. Councilmember Coen seconded the motion. Councilmember Emerson voted against the motion. Motion passed 2:1.

5) Other Items Before the Committee

Councilmember Coen inquired with the committee if there would be interest to pursue reviewing current policies or ordinances with regard to issues that are commonly brought up by constituents. Examples of such policies from this discussion included:

- Noise
- Contractor utility line placement standards and requirements
- Construction and infrastructure use of right-of-way delays

Councilmember Jensen inquired if this item would need to be sent to the Governing Body for approval to discuss at the committee level. Ms. Robertson stated the Policy & Finance Committee would not need the approval of the Governing Body to discuss this topic, as it could initiate per Governing Body Rule 8.5(a)(2).

Councilmember Jensen stated he would like to invite Gina Millsap, Project Chair for the Topeka and Shawnee County Community Broadband Planning Task Force, to attend upcoming meetings on this topic. Councilmember Emerson would like to invite City Staff from the Engineering Division and Public Works Departments, as well.

Ms. Robertson asked the committee to provide clarification to the recommendation regarding term limits. Ms. Robertson noted an ordinance had been drafted when the committee had discussed the topic previously. The ordinance began with allowing councilmembers to serve two consecutive 4-year terms before requiring at least one 4-year hiatus prior to serving again. Councilmember Coen indicated that he thought the draft ordinance allowed councilmembers to serve three 4-year terms. Ms. Robertson indicated she will provide the draft ordinance (last presented on July 1st) as an attachment to the Committee Report.

6) Adjourn

Councilmember Coen adjourned the meeting.

Video of this meeting can be found at: https://youtu.be/pk2BzOVpQBQ

CITY OF TOPEKA PERSONNEL PROVISIONS

- History / Background
- Comprehensive Review Process
- Policy & Finance (P&F) Committee
- Governing Body Considerations
  - Amend TMC
  - Repeal Personnel Code

HISTORY / BACKGROUND

Personnel Code Article I, Section 1 currently states, in part:

- "The provisions of this chapter effectuate the mandate of City of Topeka Charter Ordinance, Section A2-3, calling for the adoption of a comprehensive personnel system."

Charter Section A2-3 "General Powers" currently states, in part:

- "The city shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter Ordinance."

There is no mention made in Charter Section A2-3 of the "adoption of a comprehensive personnel system."

Question: Where did the language currently contained in Article I, Section 1, of the Personnel Code come from?

- Answer: Charter Ordinance No. 65, adopted in 1984.

What did Charter Ordinance No. 65 do?

- Changed the form of government from "Commission" to "Strong Mayor-Council-Chief Administrative Officer"
- Established a Personnel Code.

  "The council shall adopt and when necessary revise a personnel code providing a comprehensive personnel system for appointive officers and employees. The personnel code may authorize the mayor or personnel director to promulgate regulations dealing with personnel matters."

Question: So what's the problem?

- Answer: Charter Ordinance No. 65 was repealed 15 years ago, in 2004, by Charter Ordinance No. 94.

What did Charter Ordinance No. 94 do?

- Changed the form of government from "Strong Mayor-Council-Chief Administrative Officer" to "Council-Manager"
- Amended the authority granted to the City Manager, Mayor and Governing Body.

Charter Section A2-24(a)(viii) – "The Mayor shall…[h]ave no administrative powers."

Charter Section A2-25(a) – "The council and mayor…shall be vested with all powers of legislation in municipal affairs….It shall have no administrative powers."

Charter Section A2-55 – "The city manager shall have the power and it shall be his or her duty…

- (a)…to administer the affairs of the city.
- (l)…to prescribe such general rules and regulations as he or she may deem necessary or expedient to the general conduct of the administrative departments under his or her jurisdiction."

Charter Section A2-71 – "…All departments or other administrative agencies…shall be administered by the city manager or by a department head or other officer appointed by and responsible to him or her."

- In light of this information, Staff began a comprehensive review of the administrative personnel-related documents almost two years ago.

- Underlying purpose/goal – to identify *administrative* functions and address them in a comprehensive administrative document known as the Personnel Manual.

COMPREHENSIVE REVIEW PROCESS

Documents Reviewed Included:

- Administrative Policies
- Administrative Rules and Regulations (“ARRs”)*
- Personnel Code

*Every administrative policy and ARR was reviewed (almost 60, total)

Updates were processed as follows:

- Department Director Review
- Opportunity for employee input through established “hearing process”
- Email notification to employees - and union leaders - regarding these employee hearings
- Documents signed by City Manager upon finalization
- Follow-up email to employees notifying them where to preview final documents and the effective date
- Final documents posted on the City’s Intranet site for 14-days prior to becoming effective

Personnel Manual

NEW Document: Personnel Manual

- Incorporated all administrative policies, rules and regulations into one document
- Document provides clear references for finding information
- Document provides efficient "One-Stop" resource for all personnel-related provisions



City's Vision, Mission and Value Statements (adopted by Governing Body)

Table of Contents

Reference Table

- E.g. Funeral Leave
  - Section 6.10 (ARR 122)

One document to review for answers to personnel-related matters

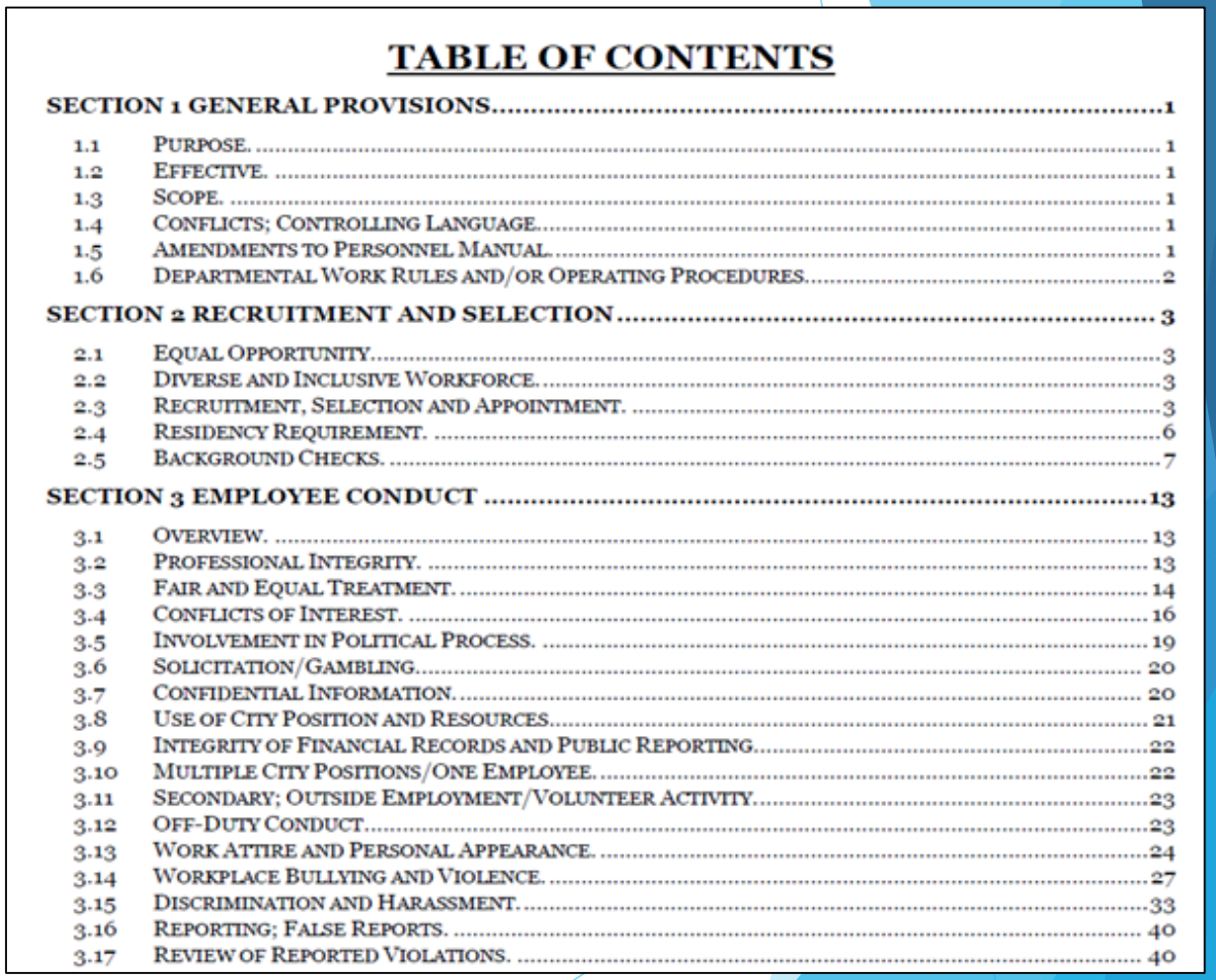


TABLE OF CONTENTS

SECTION 1 GENERAL PROVISIONS 1

1.1 PURPOSE. 1
1.2 EFFECTIVE. 1
1.3 SCOPE. 1
1.4 CONFLICTS; CONTROLLING LANGUAGE. 1
1.5 AMENDMENTS TO PERSONNEL MANUAL. 1
1.6 DEPARTMENTAL WORK RULES AND/OR OPERATING PROCEDURES. 2

SECTION 2 RECRUITMENT AND SELECTION 3

2.1 EQUAL OPPORTUNITY. 3
2.2 DIVERSE AND INCLUSIVE WORKFORCE. 3
2.3 RECRUITMENT, SELECTION AND APPOINTMENT. 3
2.4 RESIDENCY REQUIREMENT. 6
2.5 BACKGROUND CHECKS. 7

SECTION 3 EMPLOYEE CONDUCT 13

3.1 OVERVIEW. 13
3.2 PROFESSIONAL INTEGRITY. 13
3.3 FAIR AND EQUAL TREATMENT. 14
3.4 CONFLICTS OF INTEREST. 16
3.5 INVOLVEMENT IN POLITICAL PROCESS. 19
3.6 SOLICITATION/GAMBLING. 20
3.7 CONFIDENTIAL INFORMATION. 20
3.8 USE OF CITY POSITION AND RESOURCES. 21
3.9 INTEGRITY OF FINANCIAL RECORDS AND PUBLIC REPORTING. 22
3.10 MULTIPLE CITY POSITIONS/ONE EMPLOYEE. 22
3.11 SECONDARY; OUTSIDE EMPLOYMENT/VOLUNTEER ACTIVITY. 23
3.12 OFF-DUTY CONDUCT. 23
3.13 WORK ATTIRE AND PERSONAL APPEARANCE. 24
3.14 WORKPLACE BULLYING AND VIOLENCE. 27
3.15 DISCRIMINATION AND HARASSMENT. 33
3.16 REPORTING; FALSE REPORTS. 40
3.17 REVIEW OF REPORTED VIOLATIONS. 40

CROSS REFERENCE TABLE

[Personnel Manual Section with corresponding Policy and ARRs]

Section 6

Absences and Leave

6.1	Definitions	
6.2	Personal Leave Day	(ARR 112/7-30-18)
6.3	Vacation	(ARR 107/4-15-18)
6.4	Holidays	(ARR 108/9-27-18)
6.5	Sick	(ARR 110/4-15-18)
6.6	Family Medical Leave	(P107/3-28-19)
6.7	Extended Sick Leave	(ARR 109/8-4-18)
6.8	Family Crisis Leave	(ARR 120 and ARR 121
6.9	Shared Leave	(ARR 111/7-30-18)
6.10	Bereavement Leave	(ARR 122/8-14-18)

Personnel Manual Provides for Process Transparency / Employee Input

Section 1.5 Amendment to Personnel Manual states: Any newly-proposed language or proposed revisions to existing language will be developed, reviewed and implemented in accordance with the following process:

- Suggestions for proposed new language or revisions will be presented to the Director of Human Resources for his/her consideration and review.
- The Director of Human Resources shall present proposed language to Department Directors for their collective review and input.
- The Director of Human Resources, or designee, shall conduct an open hearing(s) for the purpose of presenting the proposed new language or revisions to all affected employees for their review and input. Notice of the hearing(s) shall be communicated prior to such hearing(s). Employees may also submit written comments regarding the proposed language to the Director of Human Resources, or designee, on or before the deadline established for the submission of such comments.
- The proposed new language or revisions shall be submitted, reviewed and approved for legal content and form by the City Attorney, or designee, then submitted to the City Manager for his/her review and approval. Following approval, revisions shall be posted prior to implementation.
- The Director of Human Resources, or designee, shall notify affected employees following City Manager approval. An effective date shall be assigned and the information will be posted to the City's intranet site within a reasonable period of time (not to exceed thirty (30) days).

Personnel Code

Following review and implementation of the Personnel Manual, staff reviewed ALL sections of the Personnel Code to ensure each section was covered either in the Personnel Manual or identified as a legislative or policy-related provision.

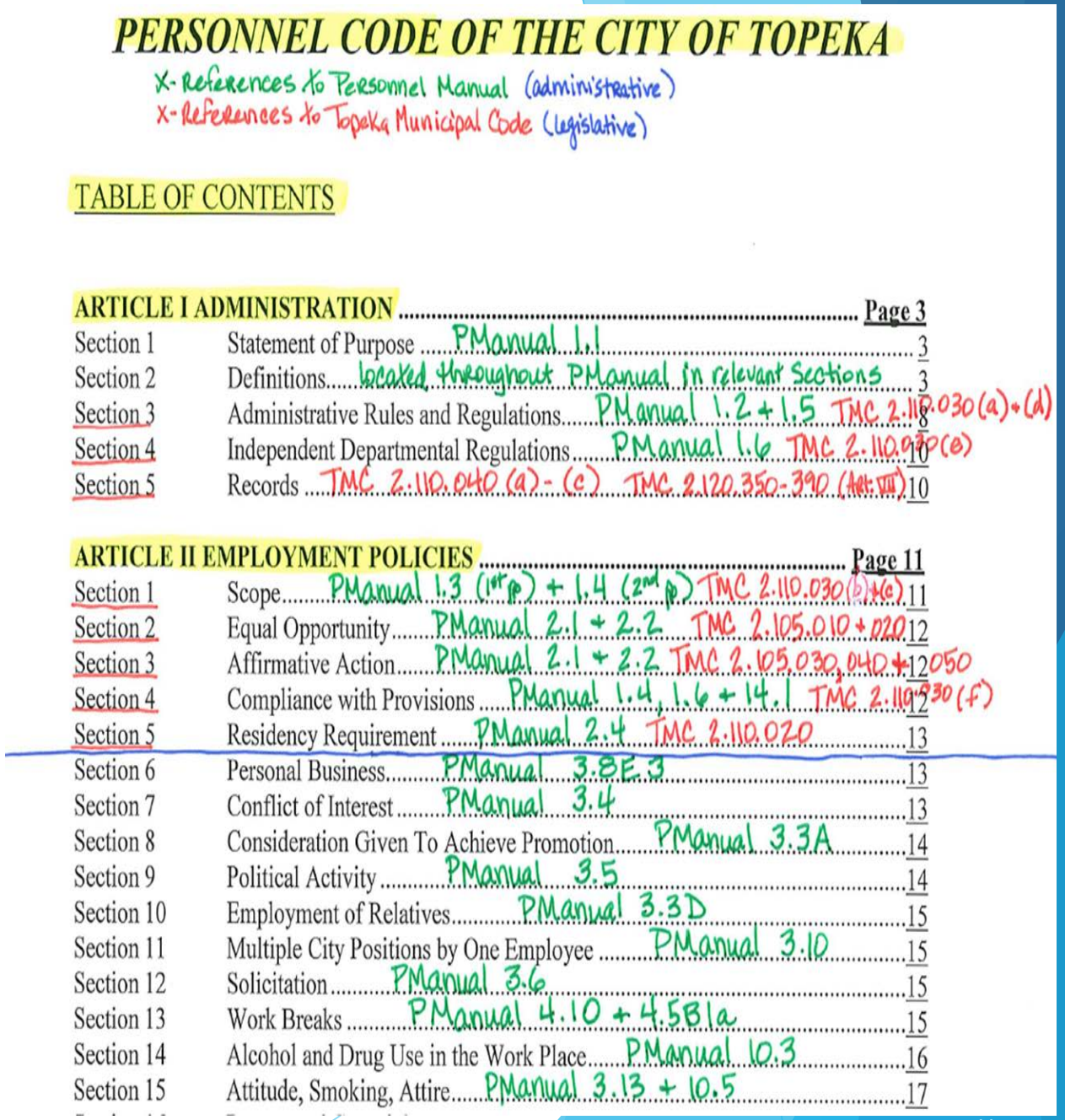
What about those legislative, policy-related provisions contained in the Personnel Code? How should this language be addressed?

- These provisions comprise less than ten percent (10%) of the Personnel Code.
- These provisions would not be suited for inclusion in the Personnel Manual, which is an administrative document.
- These provisions would be better suited for inclusion in the Topeka Municipal Code ("TMC").

Examples of the type of language that should be codified in the TMC include:

- Residency Requirement
- Severance Pay

Upon codification of this language in the TMC, the Personnel Code can be repealed



PERSONNEL CODE OF THE CITY OF TOPEKA

X-References to Personnel Manual (administrative)
X-References to Topeka Municipal Code (legislative)

TABLE OF CONTENTS

ARTICLE I ADMINISTRATION ..... **Page 3**

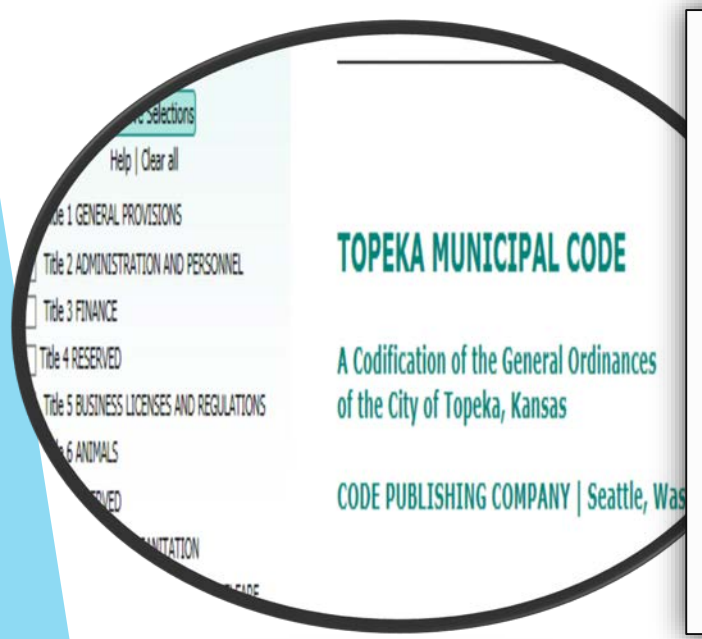
Section 1	Statement of Purpose ..... PManual 1.1	3
Section 2	Definitions..... located throughout PManual in relevant Sections	3
Section 3	Administrative Rules and Regulations..... PManual 1.2 + 1.5 TMC 2.110.030 (a) + (d)	8
Section 4	Independent Departmental Regulations..... PManual 1.6 TMC 2.110.030 (e)	10
Section 5	Records ..... TMC 2.110.040 (a) - (c) TMC 2.120.350-390 (Art. III)	10

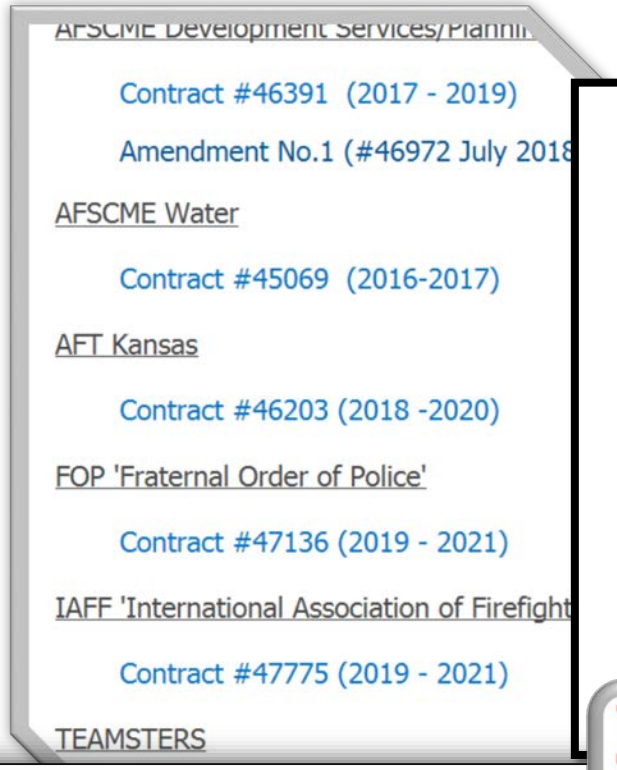
ARTICLE II EMPLOYMENT POLICIES ..... **Page 11**

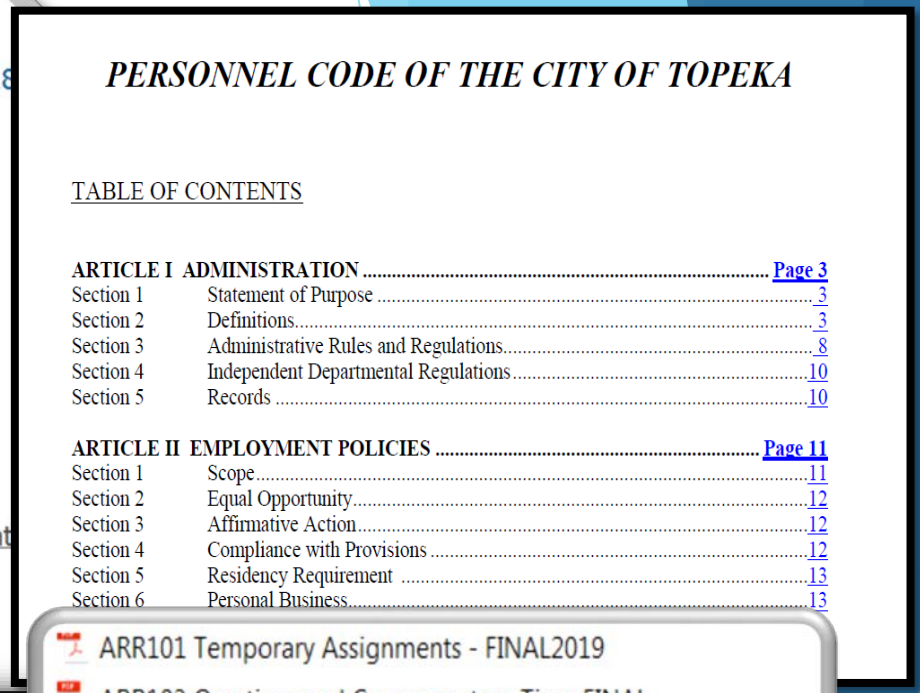
Section 1	Scope..... PManual 1.3 (1st p) + 1.4 (2nd p) TMC 2.110.030 (b) + (c)	11
Section 2	Equal Opportunity..... PManual 2.1 + 2.2 TMC 2.105.010 + 020	12
Section 3	Affirmative Action..... PManual 2.1 + 2.2 TMC 2.105.030, 040 + 050	12
Section 4	Compliance with Provisions ..... PManual 1.4, 1.6 + 14.1 TMC 2.110.030 (f)	12
Section 5	Residency Requirement ..... PManual 2.4 TMC 2.110.020	13
Section 6	Personal Business..... PManual 3.8 E.3	13
Section 7	Conflict of Interest ..... PManual 3.4	13
Section 8	Consideration Given To Achieve Promotion..... PManual 3.3A	14
Section 9	Political Activity ..... PManual 3.5	14
Section 10	Employment of Relatives..... PManual 3.3D	15
Section 11	Multiple City Positions by One Employee ..... PManual 3.10	15
Section 12	Solicitation..... PManual 3.6	15
Section 13	Work Breaks ..... PManual 4.10 + 4.5 B 1 a	15
Section 14	Alcohol and Drug Use in the Work Place..... PManual 10.3	16
Section 15	Attitude, Smoking, Attire..... PManual 3.13 + 10.5	17

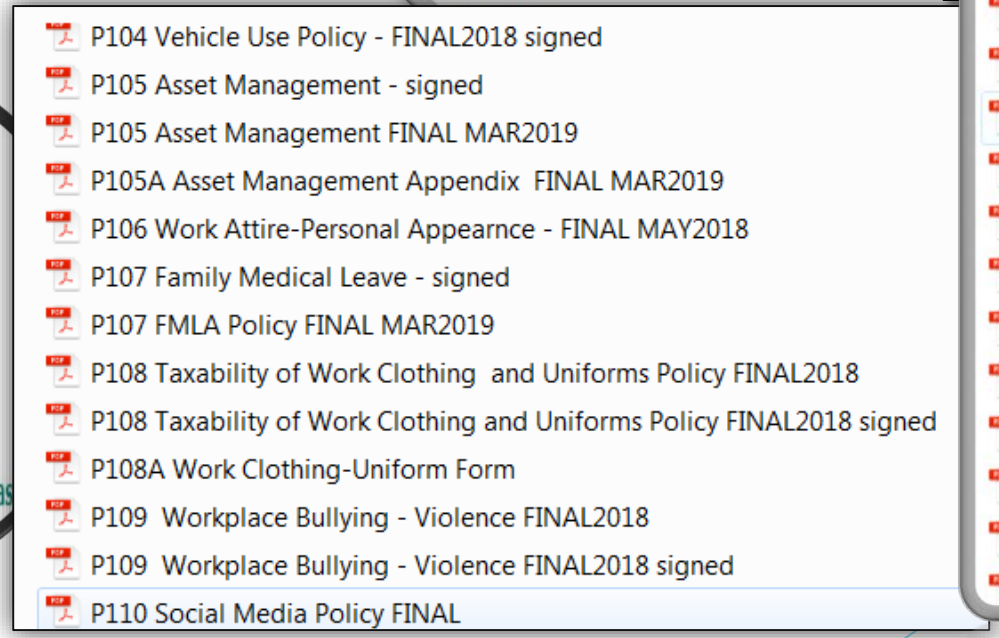
Current Process Review

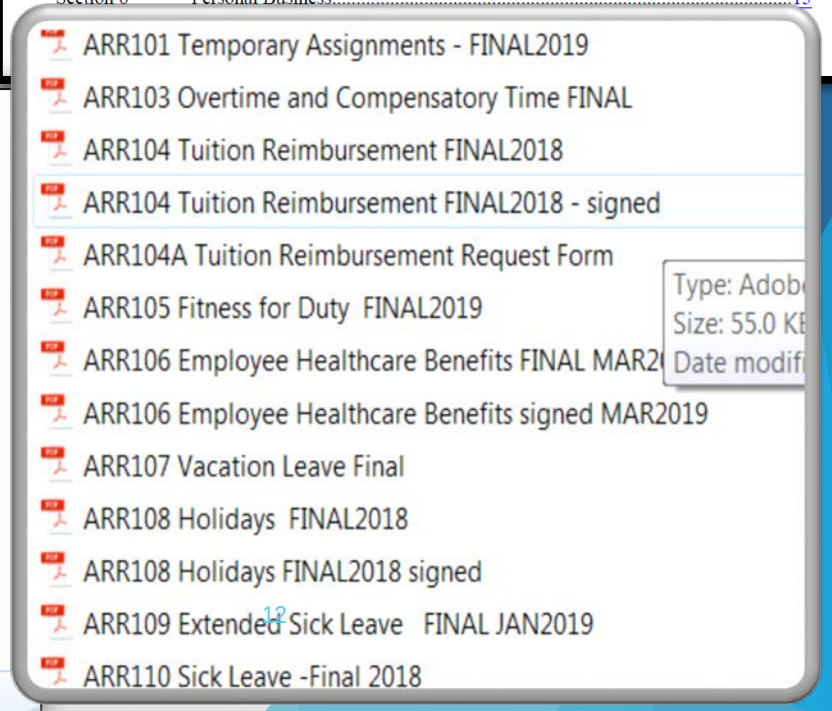
1. **Labor Contract** (to determine if supersedes)
2. **Topeka Municipal Code**
3. **Personnel Code**
4. **Administrative Policies**
5. **Administrative Rules and Regulations**
6. **Standard Operating Procedures (SOPs)**



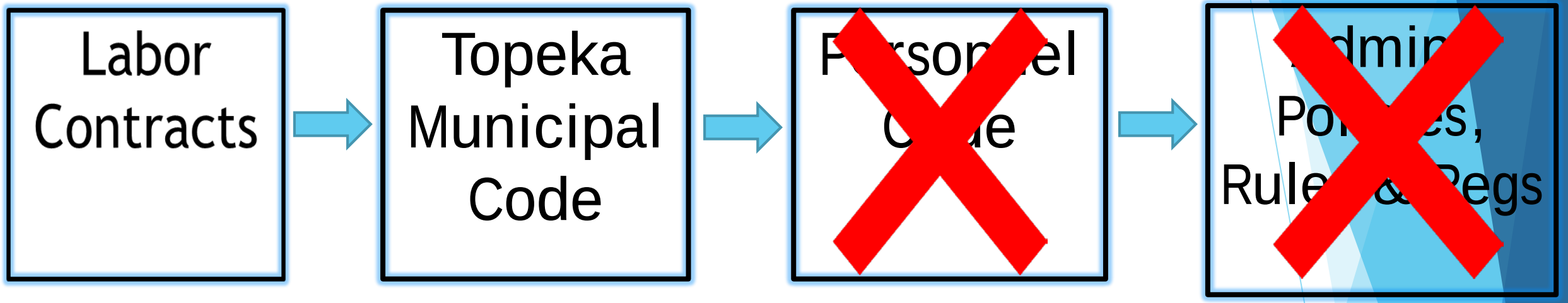








PROPOSED PROCESS



RESULT: PROCESS EFFICIENCY



Example of Post-Personnel Manual Process



Administrative Process Question –

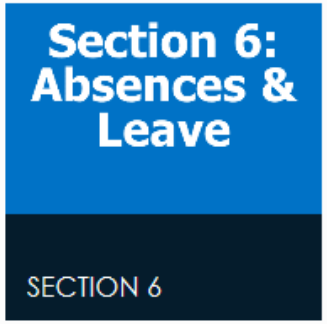
How many days does an employee get for funeral leave?

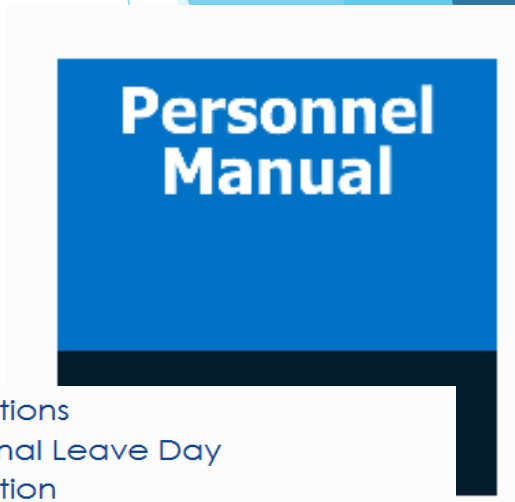
Employee/Supervisor calls HR –
HR Staff must review personnel provisions related to time and process



Review:

- Labor Contract (to determine if supersedes)
- Personnel Manual
  - Absences & Leave

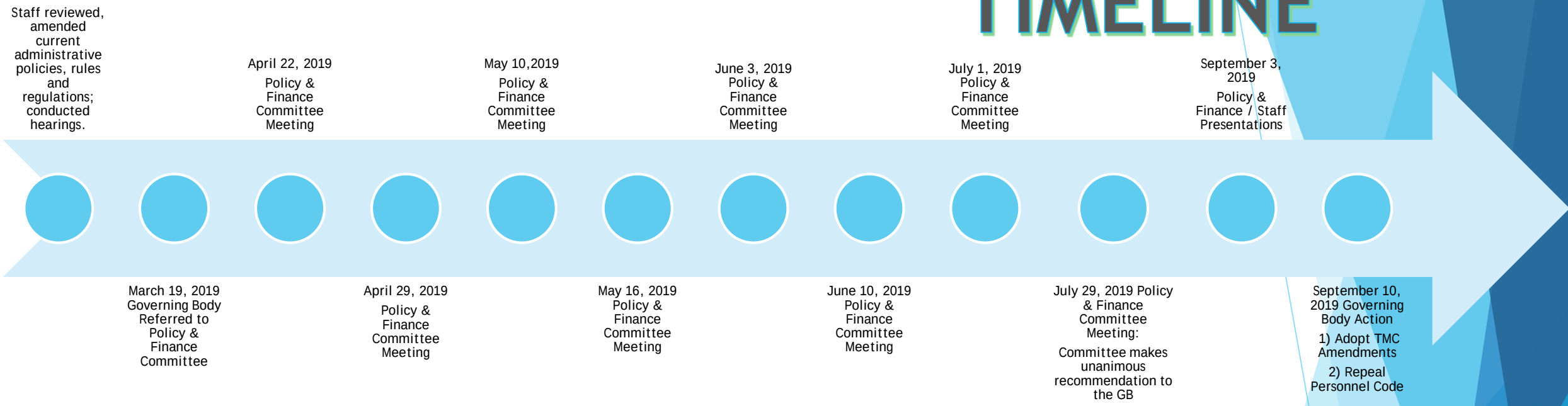






POLICY & FINANCE COMMITTEE

TIMELINE



- Objective: Conduct a comprehensive review of personnel-related provisions contained in the Personnel Code and the Topeka Municipal Code to update, reorganize or repeal such provisions.

- Committee Work: Section-by-section review of TMC Title 2 and Personnel Code during eight meetings; content was evaluated and appropriate placement was discussed.

GOVERNING BODY CONSIDERATIONS

The work of the Policy & Finance Committee whose members voted unanimously (3-0) to recommend:

- Amending the TMC to incorporate legislative, policy-related language from the Personnel Code
- Updating any existing personnel-related language contained in the TMC (specifically Title 2)
- Repealing the Personnel Code

The corresponding Ordinance, which proposes:

- Revising/Updating Chapters 2.25, 2.130, 2.135 (Article I) and 2.140 (Articles II, III, V & V)
- Reviewing Chapter 2.125 (Articles I – VII) following staff discussion with Civil Service Commission
- Repealing Chapter 2.140 (Articles I & IV)
- Repealing Personnel Code

Questions?

Thanks to everyone involved in this process!

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**	
CONTACT PERSON:	**Bill Fiander, Planning and Development Director**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:		**PROJECT #:**
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:	**Discussion 08-13-19.**	**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by City Manager Brent Trout, repealing the sign code in Chapters 18.10, 18.15, 18.20, and 18.25 in Division 2 of Title 18 of the Topeka Municipal Code (TMC) and establishing a new sign code in Chapter 18.10.

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

(Approval would update the City's sign code.)

VOTING REQUIREMENTS:

Governing Body Options:

(1) Approve the Planning Commission's recommendation by adopting the ordinance. A minimum of 6 votes is required of the Governing Body.

(2) Amend the Planning Commission's recommendation by amending the ordinance. A minimum of 7 votes is required of the Governing Body.

(3) Refuse to approve the Planning Commssions's recommendation by rejecting the ordinance. A minimum of 7 votes is required of the Governing Body.

(4) Remand back 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 is required of the Governing

Body.

POLICY ISSUE:

The Topeka sign code has not undergone a comprehensive update in many years. The standards for signs in the "C" Commercial and "I" Industrial districts have not changed since the 1960s. At the beginning of the current process staff identified several issues and flaws in the current sign code.

The current sign code:

- lacks clarity and is not user-friendly for sign companies, city staff, and the lay public;
- does not follow best practices to effectively address traffic safety and aesthetic quality;
- is not consistent with the U.S. Supreme Court rulings, in particular the Reed v. Town of Gilbert, AZ (2015) case and its mandate for content-neutrality;
- does not adequately address the full range of signs currently in use, such as feather signs and portable message center signs.

The current sign code does adequately address off-premise signs (billboards), electronic message centers, and signs in downtown districts D-1 and D-3 due to recent updates.

Momentum 2022 revealed the importance of aesthetic and visual quality for economic development purposes. The Momentum 2022 survey showed that only 15% of respondents rated Topeka's aesthetics and appearance "above average/excellent" compared to 45% who rated them "below average/poor". Thus, the primary intent of the sign code update is to:

- improve the visual appeal and aesthetic (aka pride) of the community;
- respond to Supreme Court direction to ensure code's regulations are content-neutral; and
- expand "Downtown" best practices city-wide.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the ordinance.

BACKGROUND:

The proposed Sign Code represents the final of three "visual code" updates the Department has brought forth including the city's first ever non-residential building design standards and enhanced landscape regulations.

The attached Sign Code is recommended to replace the current sign regulations in Chapters 18.10, 18.15, 18.20, and 18.25 in Title 11 of the Topeka Municipal Code. The attached staff memorandum summarizes the proposed sign code, and the attached *Sign Code Update Handbook* presents the proposed code in a digestible presentation format.

A variety of methods were used to gather input from stakeholders including but not limited to:

- a community-wide Visual Appeal Survey in January and February of 2018 that included 964 respondents and 384 written comments;
- the work of a Sign Code Committee of sign industry representatives and others which met nine times between December 2017 and April 2019; and
- two public meetings on February 26, 2019. The questions and comments from the meetings are attached.

Beginning in November 2017 the Planning Commission held briefings and discussions of the Sign Code Update at seven of its regular public meetings. Staff held a public work session with them on March 18, 2019. The Planning Commission recommended approval of the attached sign code at their May 20, 2019 public hearing by a unanimous vote (9-0). The key changes/recommendations to the code include:

- Maximum sign size would generally be proportional to the size of the building/property instead of a "one size fits all" approach.
- The number of signs in commercial areas would now be limited based on the size of the property instead

of allowing an unlimited number of signs on any property.

- Commercial zoning districts would see reduced size and height limits except along highway intersections and at shopping/commerce centers.
- Churches, offices, and multi-family areas would see more relaxed standards.
- Pole signs would be prohibited in favor of monument style for freestanding signs.
- All temporary signs would be accommodated between 30 and 120 days depending on the zoning district instead on an undefined “event” period.
- Abandoned sign prohibitions would be phased in after 1 year.
- Portable message center signs would be phased out after 2 years but be more restricted until then instead of not having any time, place, or number restrictions.
- Once the code is adopted, only new signs would need to comply with the new standards. Existing signs made non-conforming because of the new code would be allowed to continue as is unless the size of the sign is altered voluntarily. All signs would have to comply with the new code after a 20-year amortization period.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Description

Ordinance
Staff Memorandum July 16 2019
Presentation
Handbook - Sign Code Update 2019
Sign Code Options & Planning Commission Recommendations
Planning Commission Meeting Minutes May 20 2019
Planning Commission Meeting Minutes March 18 2019
Stakeholder Comments & Responses
Visual Appeal Survey Takeaways
Temporary Signs Time Limits - Peer Cities

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Brent Trout, repealing the sign code in Chapters 18.10, 18.15, 18.20, and 18.25 in Division 2 of Title 18 of the Topeka Municipal Code (TMC) and establishing a new sign code in Chapter 18.10.

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

Section 1. That original chapters 18.10, 18.15, 18.20, and 18.25 of the Topeka Municipal Code (TMC) are repealed. Any reference in the TMC to Chapters 18.15, 18.20, and 18.25 and their sections shall be changed in the TMC to Chapter 18.10.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.010, which said section reads as follows:

Definitions.

The following words, terms, and phrases have the meanings assigned below, except where the context clearly indicates a different meaning:

Advertising: Any sign text, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Arterial: A street or road classified as an "arterial" on the Functional Classification Map for the City of Topeka.

Attached banner: A banner placed flat and mounted on the exterior wall of a primary building.

Attached sign: A sign attached to a building or building component, such as a column or canopy, and that uses the building as its primary support.

Awning sign: A sign that is painted, stenciled or attached to the surface of an awning.

Awning: A roof-like cover that projects from the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are often made of fabric or flexible material supported by a rigid frame and may be retracted into the face of the building.

Balloon: An inflatable device, tethered in a fixed location and greater than 18 inches in any direction, that: (1) has a sign with a message on its surface or attached in any manner to the balloon; or (2) is attached to a building or pole, or in a manner so that it projects higher than the roof of the main building on the lot or parcel.

Banner: Any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

Billboard: Any board or panel erected, constructed or maintained for the purpose of displaying outdoor advertising by means of painted letters, posters, pictures and pictorial or reading matter, either illuminated or non-illuminated, when the sign is supported by uprights or braces placed upon the ground.

Building code: The International Building Code, as adopted and amended by the City of Topeka.

Building frontage: The exterior wall on which the sign is located as viewed by a person approaching the building. For the purpose of measurement the wall used as building frontage need not be on the same wall plane.

Cladding: A non-structural covering designed to conceal the actual structural

supports of a sign.

Canopy sign: A sign attached to the surface of a canopy. A “canopy” means an overhead structure made of solid material, other than an awning, that is either attached to a building wall and extends at least twelve (12) inches from the face of the building or a freestanding overhead structure supported by posts.

Center sign: A freestanding sign used and designed to identify a retail, industrial, office, or institutional development or complex or multiple establishments or tenants therein.

Changeable copy: Characters, letters, numbers, or illustrations that can be manually replaced or altered through the placement of letters or symbols on a panel mounted or track system.

Changeable message sign: A sign on which copy may be changed manually, mechanically or electronically. Billboards, poster panels, junior poster panels and painted boards are not changeable message signs.

Channel letter: A fabricated or formed three-dimensional letter.

Clearance, vertical: The minimum vertical distance between a sign and the surface of a street, sidewalk or alley.

Collector: A street or road classified as a “collector” on the Functional Classification Map for the City of Topeka.

Commercial copy: See “Advertising.”

Copy: Any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Digital sign: See “Electronic message center.”

Electronic message center (EMC): A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message, or content to be made remotely.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Feather sign: A banner in the shape of a feather, quill, sail, blade, teardrop, or similar shape that is mounted on a solid or flexible pole or cord in the ground.

Flag: A piece of fabric or other flexible material, with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure.

Flashing sign: Any sign that is internally or externally illuminated by flashing, flowing, alternating, or blinking lights.

Freestanding banner: A freestanding banner is a banner that is mounted in the ground typically on poles detached from a building or wall.

Freestanding incidental sign: A freestanding sign with copy located on a durable panel that is normally incidental or secondary to the allowed use of the property, but can contain any message or content.

Freestanding sign: A sign supported by a column, pole, pylon, foundation, pedestal or other structure mounted in the ground.

Frontage: The property line that abuts a public street and/or right-of-way line.

Halo lit sign: A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character. This is also

referred to as "reverse channel" or "reverse lit" illumination.

Height: For attached signs, “height” refers to the maximum vertical dimensions of the sign. For freestanding signs, “height” refers to the sign’s vertical distance from the top of the highest part of a sign, whether the highest part be the sign copy or support structure on which sign is placed, to the adjoining sidewalk, improved surface, or ground surface within a three-foot horizontal distance of the base of the sign. In the event the surface is sloped the average of the height of the adjoining surface shall be used.

Highway sign: A freestanding sign located on a parcel abutting highways I-70, I-470, US-75, or US-24 and located such that it is oriented toward these highways.

Historic sign: A sign that is listed or determined to be eligible for listing in the National Register of Historic Places, Kansas Register of Historic Places, or as a Topeka Landmark, or a sign that contributes to the historic character of a listed property.

Illumination: A sign that has an artificial light source incorporated internally or externally to emanate light from, or direct light to, a sign’s surface. Light sources may include exposed tubing, electrical bulbs, fluorescent lights, neon tubes, light emitting diodes (LED), liquid crystal displays, or other artificial sources of light.

Illumination, external: A sign that is illuminated by an external light source.

Illumination, internal: Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel.

Incidental sign: A sign with copy located on a durable panel and mounted on a wall, pole, frame, or similar structure, with or without a structural frame that is normally incidental to the allowed use of the property, but can contain any message or content.

LED: Acronym for “light emitting diode”. A light-emitting diode is a semiconductor

light source that emits light when current flows through it.

Local street: A street or road classified as a "local street or road" on the Functional Classification Map for the City of Topeka.

Main building: The primary building or structure on a lot or a building or structure that houses a principal use.

Marquee sign: A sign on the face of a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy.

Menu board: A type of incidental sign oriented to a driveway or drive-through lane, which may include a speaker box or order confirmation unit. A menu board is customarily used to list the menu and prices for a restaurant.

Monument sign: A freestanding sign whose sign surface is attached to a base where the width of the widest part of the base or cladding over structural supports is at least 80% of the width of the widest part of the sign face.

Neon: A source of light supplied by a glass tube that is filled with neon gas, argon, mercury or other inert gas that produces ultraviolet light, and bent to form letters, symbols, or other shapes.

Original art display: A hand-painted, hand-carved or hand-cast work of visual art expressing creative skill or imagination in a visual form which is intended to beautify or provide an aesthetic influence to a public area. An original art display may be either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner, or a three-dimensional statue that is placed in a park, courtyard, lawn, or similar area for public display. An original art display does not include: mechanically

produced or computer generated prints or images, including but not limited to, digitally printed vinyl; electrical or mechanical components; or changing image art display.

Non-commercial copy: Any copy other than advertising.

Nonresidential districts: Any commercial district or industrial district.

Off-premise sign: A sign advertising or directing attention to a name, a business, product, development, or service which is offered, manufactured, or sold at a location other than the lot or parcel upon which it is situated.

On-premise sign: Any sign other than an off-premise sign.

Painted exterior wall sign: A painted exterior wall sign identifies a use or on-premises establishment and consists entirely of copy that is painted directly on, or digitally printed vinyl applied to, the exterior material of a building not including the exterior surface of a window, awnings, or other appurtenances.

Parcel: A lot, or contiguous group of lots in single ownership or under single control and usually considered a unit for purposes of development.

Pennant: An object or sign of lightweight fabric or similar material, suspended from a rope, wire or string, usually in series, and designed to move in the wind, also including streamers, pinwheels, balloons (less than 18 inches in any direction) and similar small objects.

Pole: A vertical support such as an upright, brace, column, or other vertical member, that supports a sign or cabinet containing a sign and that does not meet the width prescribed for the supporting element of a monument sign.

Pole or pylon sign: A freestanding sign supported by a pole or one or more columns providing structural support and where the bottom edge of the sign face is

located above the finished grade at the base of the sign.

Pole or pylon cover: A nonstructural covering designed to conceal the actual structural supports of a sign.

Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Portable message center: A portable sign containing changeable copy.

Portable pedestrian sign: A portable sign that is ordinarily in the shape of an "A" with back to back sign faces, an easel, or a similar configuration. A portable sign can contain changeable copy.

Principal use: The main use of land or structures as distinguished from secondary or accessory use.

Projecting sign: A sign supported by and extending at least 18 inches from a building wall.

Reface: To replace, restore, repaint or repair a sign face that is attached, annexed, or supported from the sign cabinet and/or main structure. It does not include any other rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure.

Roof sign: A sign that is mounted upon or above a roof or parapet of a building or structure that is wholly or partially supported by the building or structure, and which projects above the cornice or parapet line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. A sign mounted on a sloped roof or mansard having a pitch 1:2 or more (1 foot horizontal and 2 feet vertical) is a wall sign. A sign mounted on a sloped roof or

mansard having a lesser vertical slope is a roof sign.

Rotating sign: Any sign surface or sign structure or any portion thereof which rotates, moves, or is animated.

Sandwich board or A-Frame sign: See “Portable Pedestrian Sign.”

Setback (in relation to signs): The distance from a property line to any edge of a sign.

Sight distance triangle: An invisible triangle formed by the intersection of two streets or the intersection of a street and driveway as described by Section 12.20.020 of the Topeka Municipal Code.

Sign: Any outdoor announcement, device, design, figure, trademark or logo used for conveying information, identification, or to advertise or promote any business, product, activity, service or interest placed so as to be seen from outside a building or premises. For clarification, examples of items which typically do not satisfy the necessary elements of this definition include, but are not limited to, original art displays, architectural elements incorporated into the style or function of a building, or inscriptions on decorative rocks.

Sign face: The exterior area or surface on which is placed the copy.

Sign structure: The support, upright bracing, anchors, braces, and framework for any sign.

Sign surface: The entire area within a single continuous rectangular, triangular, or trapezoidal shape which encloses all elements that form the display, including any background which is different from or in contrast with any building wall surface upon which it is mounted.

Temporary sign: A sign typically made of lightweight or flimsy material that can be easily or quickly mounted or removed (such as cloth, canvas, vinyl, cardboard, wallboard, or other light temporary materials), with or without a structural frame, intended for a temporary period of display.

Twirling sign: A sign that is designed to twirl, spin, or gyrate, either through mechanical activation or wind.

Unified management: Property or multiple buildings in single ownership or under the supervision of a single corporation, partnership, or other business entity.

Vertical Clearance: See "Clearance, Vertical."

Wall sign: A sign (other than projecting sign, roof sign, or window sign) that uses a building wall as its primary source of support, is placed directly on and contained totally within the dimensions of the outside wall, and does not extend more than 18 inches from a building surface.

Window sign: A window sign is a sign posted, painted, placed, affixed to the inside or outside of a window, and does not extend a measurable distance beyond a building surface, but is clearly visible from outside the building.

Yard sign: A temporary sign supported by the ground independent of any other structure.

Zoning lot: A parcel of land under single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.020, which said section reads as follows:

Purpose.

(a) This chapter regulates the design, dimensions, placement and other characteristics of signs in the City used by businesses, institutions, and other entities for their identification.

(b) The purpose of this chapter is to:

(1) provide for effective communications by businesses, institutions, and others;

(2) enhance traffic safety;

(3) preserve and enhance the visual appearance of the community;

(4) preserve and enhance the safety and physical of the City's primary transportation corridors;

(5) prevent visual distractions;

(6) protect property values;

(7) accommodate the rights of individuals to free speech; and

(8) preserve and promote the public health, safety, and general welfare.

(c) This chapter regulates only the sign structure or copy design, and not the sign's content. The type, size, dimensions, setbacks, and physical design of signs permitted by this chapter protect the City's purpose as described in this chapter. The City developed the standards in this chapter upon completion of a public process in which the design and dimensional standards were tested in consideration of industry criteria, past experience in administering sign standards, and community input as to the

appropriate characteristics of signs in the City's various neighborhoods and business areas.

(d) Any reference in this chapter to planning and development director shall also mean staff designated by the planning and development director to administer the regulations in this chapter.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.030, which said section reads as follows:

Applicability.

(a) Generally.

(1) This chapter applies to any sign within the corporate limits of the City.

(2) It is unlawful for any person to erect, operate, or otherwise use any sign that is prohibited by this chapter.

(3) It is unlawful for any person to erect, operate, or otherwise use any sign at a time, place, or manner that is prohibited by this chapter.

(4) The planning and development director is authorized to interpret and execute the regulations of this chapter. Any person aggrieved by a decision of the planning and development director regarding the administration of this chapter may appeal such decision to the Board of Zoning Appeals in accordance with TMC Chapter 2.45.

(5) This chapter does not prohibit signs, sign locations, or sign characteristics that are permitted by an express requirement of state or federal law.

(b) Exemptions. The regulations of this chapter do not apply to the following:

(1) Signs that are not visible from a public street, highway, road, sidewalk, bicycle, pedestrian path, or similar public way unless the sign is visible from the property line of an adjoining lot or parcel. A sign is considered not visible where it is fully obstructed by natural changes in grade, buildings, or landscaping that provides a complete year-round visual barrier. “Fully obstructed” means that the signs are not visible at ground level from the edge of the public right-of-way or residential property line, or from the upper level of a residential building on an adjoining property.

(2) Signs intended to be read only from inside the property and containing copy of a size not readable from outside the property.

(3) Signs located entirely within the interior of a building or structure, except as otherwise provided for window signs.

(4) Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of the temporary use.

(5) In order to promote traffic and public safety, any public notice or warning posted or required by valid and applicable federal, state, or local law, regulation, or ordinance, including street addresses.

(6) A sign that is integrated into or on a coin-operated machine, vending machine, or gasoline pump that is used for its intended purpose.

(7) Decorative flags.

(8) Government flags.

(9) Fuel pump and fuel pump topper signs.

(10) Pennant streamers.

(11) A sign carried by a person.

(12) A sign affixed to an operable vehicle.

(13) Address numbers and other non-illuminated incidental wall signs.

(c) Districts and Uses. This chapter calibrates sign size, types, and design to the City's government's zoning districts in order to protect community character, and to accommodate desired communications and economic activity appropriate to those districts.

Section 5. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.040, which said section reads as follows:

Prohibited Signs.

The following types of signs are prohibited, except where specifically permitted by this chapter:

(a) Any sign that is not included under the sign types permitted in this chapter.

(b) Pole signs, except where specifically permitted in this chapter. The sign owner may reface or install a pole cover on a legally nonconforming pole sign.

(c) Any sign located in a right-of-way or public and private utility easement, except those signs required or expressly permitted by governmental

authority, and except projecting signs and portable pedestrian signs in accordance with TMC 18.10.130.

(d) Any sign which, by reason of its size, location, movement, content, coloring, or manner of illumination:

(1) may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency vehicle; or

(2) obscures the view of any traffic or street sign, signal or device.

(e) Portable message center signs, except when incorporated in a portable pedestrian sign allowed in accordance with the standards for incidental signs in TMC 18.10.130 and except where permitted as a temporary sign in TMC 18.10.170.

(f) Any sign containing flashing, strobing, or chasing lights.

(g) Any sign that does not conform to the regulation of the sight distance triangle in TMC 12.20.020 or any clear zone as defined by the American Association of State Highway and Transportation Officials.

(h) Off-premise signs, except where specifically allowed in TMC 18.10.180.

(i) Signs deemed unsafe because of the sign's illegibility or unreadability as a result of size of copy relative to viewing distance; relationship of copy to background area; thickness and style of font; spacing between letters; color contrast between the message and background; lighting; other unforeseen factors.

Section 6. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.050, which said section reads as follows:

Sign Permits and Inspections

(a) Applicability.

(1) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or re-faced until a sign permit is issued by the planning & development director.

(2) Only those signs permitted in this chapter shall be granted a sign permit.

(3) Permits shall be issued only to sign hangers licensed by the City or to the property owner, provided the property owner carries public liability insurance with coverage of $500,000 or more.

(b) Exemptions.

(1) No sign permit is required for maintenance.

(2) Maintenance includes all care and minor repair needed to maintain a safe, attractive and finished structure, frame pole, brackets or surface and which does not enlarge or materially alter any face or display portion of the sign.

(3) This section does not prevent the maintenance, repainting, or posting of a legally established nonconforming billboard.

(4) Temporary signs. A sign permit is required for any temporary balloon sign exceeding 12 cubic feet. A sign permit is not required for all other temporary signs.

(5) Repainting/reposting. The sign surface of a billboard may be

repainted or reposted without obtaining a new sign permit.

(6) A permit is not required for Window signs.

(c) Applications.

(1) The planning and development director shall prescribe forms and submittal requirements for sign permits as needed to administer this chapter. The form shall be made available at the department's office during regular business hours and on the department's public website.

(2) No sign shall be erected without the prior consent of the owner or the owner's authorized agent.

(3) At the time the applicant receives the permit the applicant shall pay an application fee in the amount established by the planning & development director.

(d) Inspections.

(1) All signs (including any footings) for which a permit is required are subject to inspection by the building official.

(2) All signs containing electrical wiring are subject to all applicable provisions of the electrical code adopted by the City.

Section 7. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.060, which said section reads as follows:

Enforcement.

(a) Generally. Sign regulated under this chapter shall be installed, erected, and maintained in accordance with the provisions of this chapter.

(b) Notice of violation.

(1) If a sign fails to meet the requirements of this chapter, the planning and development director shall cause a notice to be sent to the owner of record of the tract or building upon which the sign is situated, and for billboards, to the permit holder of the sign, by certified mail, return receipt requested, and regular mail.

(2) The notice shall inform the owner or permit holder of the location of the sign and the nature of the violation.

(3) The owner or permit holder shall have thirty (30) days from the date on the notice to correct the violation. For good cause shown, the building official may extend the time for compliance.

(4) Any owner or permit holder failing to timely correct the violation may be subject to criminal prosecution with the penalty as set forth in TMC 1.10.070. The planning and development director shall not issue building permits for new signs to any person who is in violation of the provisions of this chapter.

(c) Removal of signs on public property.

(1) Except where expressly permitted, signs posted or otherwise affixed to or on any of the following, or as described below, are unlawful and in violation of this chapter and are subject to immediate removal without notice:

(i) Any public building or any public bridge;

(ii) Any sidewalk, crosswalk, or curb;

(iii) Any public right-of-way;

(iv) Any paved portion of any street or highway;

(v) Any median strip of any divided street or highway;

(vi) Any street sign or on any traffic sign or signal or any railroad sign or signal;

(vii) Any telephone, electric light, power, or any other utility pole or any fire hydrant;

(viii) Any tree on public property, including those in the public right-of-way;

(ix) Any public park;

(x) In a manner that may cause a reduction in intersection sight distances or create any other hazard to life or safety;

(xi) In a manner which obstructs clear vision of any road or railroad intersection; or

(xii) In a manner which obstructs any authorized traffic control device.

(2) Any signs removed under this subsection will be held for ten (10) days and, if not claimed within that time, will be disposed of in accordance with section (d).

(3) This subsection does not apply to signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including identification, informational, traffic, directional, or regulatory signs.

(d) Fines and cost of sign removal.

(1) In addition to any criminal penalties, each violation of TMC Chapter 18.10 shall be subject to an administrative monetary penalty in the amount of

$50.00 levied by the planning and development director. Every day of violation shall be a separate and distinct offense.

(2) The fine may be collected from the property owner, sign owner, or permittee. If the property owner or permittee fails to pay the fine, such fine may be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.

(3) Any sign removed by the planning and development director may be disposed of in any reasonable manner. The planning and development director, with the approval of the city manager, may establish a fee schedule for removal and storage of unauthorized signs.

(4) The fee may be collected from the property owner, sign owner, or sign permittee. If the property owner, sign owner, or permittee fails to pay the authorized fee, such fee may be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.

(f) Revocation of permits. The planning and development director may revoke any sign permit under the provisions of this chapter or order the removal of any sign for any of the following reasons:

(1) Whenever a permit holder is convicted of a violation of any of the provisions of this chapter or any other ordinance relating to signs;

(2) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based; or

(3) Whenever the sign owner has failed to maintain a sign in conformance with this chapter or any other ordinance relating to signs.

Section 8. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.070, which said section reads as follows:

Design and Construction.

(a) Generally.

(1) All signs structures supporting signs shall be placed in or upon private property except as expressly permitted and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

(2) No portion of a sign surface or sign structure shall be located on or over a public right-of-way except as provided in this chapter.

(3) No sign shall be erected which is connected to or obstructs any portion of a fire escape or windows or doors leading to a fire escape.

(4) No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the building code.

(b) Illumination. Illumination for types of signs is regulated in TMC 18.10.130, 18.10.160, and 18.10.180. In no case shall the light from an illuminated sign create a negative effect on residential uses in direct line-of-sight of the sign.

(c) Sight distance at intersections. No sign that obstructs the view is allowed within the sight distance triangle of a street intersection.

(d) Other applicable regulations.

(1) All signs shall be installed, erected, constructed, hung, or altered in accordance with the building and fire codes adopted by the City.

(2) Any structure that is built or constructed and supports or is capable of supporting a sign shall be constructed in compliance with the building and fire codes adopted by the City.

(3) A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or sign cabinet, and any structural framework that supports a sign, sign face, or sign cabinet.

(4) Design documents for the structure that have been prepared, sealed, signed and dated by a structural engineer and designed in accordance with the building code must be submitted for review and approval with the sign permit application.

(5) All signs projecting over the public-right-of-way (PROW) vertical clearance must be maintained as required by the currently adopted codes and ordinances for use of the PROW in accordance with the building code.

(6) All signs projecting over walkways, sidewalks, or other areas in front of a building, or other active area where pedestrians have access, shall maintain a minimum of 8 feet of vertical clearance and as required by the currently adopted codes and ordinances for use of the PROW in accordance with the building code.

(7) Projecting wall signs shall project only as allowed in compliance with the building code.

(8) Awnings, canopies, awning signs, and canopy signs shall be securely attached to and supported by the building to which it is attached and shall properly be maintained in such manner.

Section 9. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.080, which said section reads as follows:

Sign Area and Height Measurements.

(a) Sign area; freestanding signs.

(1) Generally. For a sign with one sign face, sign area is computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any panel or material forming an integral part of the background of the display against which it is placed, other than structural supports, but including structural supports for temporary or incidental signs.

(2) Computation of area of multi-faced signs. The sign area for a sign with more than one face is computed by adding together the area - measured as provided in subsection (a) - of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area is computed by measuring one of the faces as provided in subsection (a).

(b) Sign area; attached signs.

(1) Where sign size is prescribed as a percent of wall area, the "wall area" is a continuous portion of a building facade below the roofline or major architectural feature as viewed by a person approaching the building.

(2) Where sign size is prescribed as a factor of building frontage, the "building frontage" is the width of the exterior wall on which the sign is located as viewed by a person approaching the building. For the purpose of measurement the wall used as building frontage need not be on the same wall plane.

(3) For an attached sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions include the entire portion within the background or frame.

(4) For an attached sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure with no distinct mounting surface (such as a board or plastic face) other than the wall, the area is calculated by applying the smallest regular geometric shape possible (rectangle, circle, trapezoid, triangle, etc.) around all letters, figures or elements.

(5) When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.

(6) The sign area does not include any supporting framework, bracing, artistic elements not part of the sign copy, or decorative fence or wall when the fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(c) Sign height. The height of a freestanding sign means the vertical distance from the top of the highest part of a sign, whether the highest part be the sign copy or support structure on which sign is placed, to the adjoining sidewalk, improved surface, or ground surface within a three-foot horizontal distance of the base of the sign. In the event the surface is sloped the average of the height of the adjoining surface shall be used. For signs with artistic elements exceeding the allowed height, the planning and development director may determine if artistic elements shall be excluded when measuring sign height.

(d) Vertical Clearance. Vertical clearance for detached and projecting signs is measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

Section 10. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.090, which said section reads as follows:

Maintenance.

(a) Generally. All signs shall be maintained in good condition. A sign with missing or visibly damaged face panels, exposed internal lights and related internal hardware, visible deteriorating paint and rust, or structural damage that may be hazardous to the public is not in good condition and shall be repaired or removed within a reasonable time as determined by the planning and development director.

(b) Unsafe signs. The planning and development director shall notify the property owner or person maintaining any sign which has become insecure or in danger of falling, or is otherwise unsafe. Upon receipt of such notice, the property owner or person maintaining the sign shall proceed immediately to place the sign in a safe and

secure manner and condition as approved by the planning and development director or the property owner shall remove the sign.

Section 11. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.100, which said section reads as follows:

Abandoned Signs.

(a) An abandoned sign is any sign for which the use to which it had applied has changed or the property containing the use has become vacant.

(b) A property owner shall either: (i) remove an abandoned sign that has been located on the property for more than six months; or (ii) shall cover the sign. For the purpose of this section, "covered" shall mean all sign copy including graphics is rendered invisible by being painted over, removed, replaced, or shielded by a rigid and opaque material.

(c) For a nonconforming abandoned sign that has been located on the property for more than twenty-four months, the property owner shall remove it.

(d) Notwithstanding subsection (b), a property owner shall remove a nonconforming abandoned sign immediately when the primary building on the property is demolished or removed.

(e) Any abandoned sign shall comply with this section on or after October 1, 2020.

(f) Upon removal, all parts of the sign, including structural supports, shall be removed.

Section 12. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.110, which said section reads as follows:

Nonconforming Signs.

(a) All nonconforming signs that were lawful prior to October 1, 2019 and not abandoned may continue without being brought into conformance with this chapter if no alterations are proposed to the sign or property. Except as provided in this section, a nonconforming sign may not be altered in such a manner as to augment the nonconforming condition, nor may illumination be added.

(b) Except as provided in subsection (c), the sign shall conform to the standards of this chapter if the sign is altered, other than a re-face or sign maintenance. As an alternative to compliance with the dimensional standards in section 18.10.130, any freestanding sign at a nonconforming height or area may be altered provided its height and area are reduced by 34 percent or more of its current height and area.

(c) In addition, any re-face or alteration of copy shall at a minimum achieve partial compliance by reducing its corresponding sign area or height by at least 34% if the change accompanies one of the following events on or after October 1, 2019:

(1) Rezoning of the property at the request of the owner.

(2) 50% or more of the primary structure is damaged or rendered not useable.

(3) Any major building addition/expansion that requires site plan approval.

(4) Any major façade renovation that requires approval of building elevation design.

(5) Any property that is included in a neighborhood revitalization plan, a tax-increment financing district or a community improvement district.

(d) Any sign height reduced to 25 feet or less in height must conform to monument sign requirements.

(e) The planning and development director may allow alterations to a sign determined to be a historic sign in accordance with section 18.10.150 without requiring conformance with this chapter, provided the sign is safe and properly maintained in accordance with Section 18.10.090.

(f) Effective October 1, 2039, any freestanding sign that was nonconforming on October 1, 2019 shall be removed, replaced, or altered in a manner that conforms to the standards applicable to freestanding signs in this chapter.

Section 13. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.120, which said section reads as follows:

Variances.

Any person seeking a sign permit not meeting the dimensional and design standards for of this chapter may request a variance pursuant to Chapter 2.45 TMC.

Section 14. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.130, which said section reads as follows:

On-Premise Sign Standards by Type and District.

(a) All sign copy shall pertain only to the business, industry or other pursuit conducted on or within the premises on which such sign is erected or maintained except as provided in Section 18.10.180 (off-premises signs).

(b) This section establishes standards for individual attached sign types, including standards for:

(1) Illumination.

(2) Whether the particular sign type is permitted in a particular zoning district.

(3) The maximum number of signs per building or parcel.

(4) Maximum sign area allocation for wall signs, awning and canopy signs, roof signs, and projecting signs.

(5) For freestanding signs, the maximum number per street frontage, maximum height, maximum area, and notes and exceptions specific to freestanding signs.

(6) Incidental signs.

(c) Illumination. Internal, external, and halo lit illumination are allowed except where expressly prohibited. Direct illumination is allowed in C-2, C-3, C-4, I-1, I-2, X-1, X-3, D-1, and D-3 zoning districts, and is prohibited in all other zoning districts.

(d) Wall Signs.

(1) Definitions.

(i) Wall sign: A sign, other than a Projecting Sign, Roof Sign or Window Sign, that uses a building wall as its primary source of support and that (1) is placed directly on and contained totally within the dimensions of the outside wall; and (2) does not extend more than eighteen (18) inches from a building surface

(2) Standards.

	Zoning Districts

Wall Signs	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, 1-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per 50 linear feet of building frontage *Note #1*	n/a	1	1	1	no limit	no limit	no limit	1	no limit	no limit	no limit on first floor Note #4	no limit
Sign Area Allocation square feet per linear foot of building frontage	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building front	n/a	2	2	2.5	3	3.2	3.2	2	3	3	3.2	2.5
Sign Area Maximum square feet per sign *Note #2*	n/a	100	100	100	200	250	250	100	200	200	200	100
Electronic Message Centers % of allowed sign	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions:

1. Regardless of the width of the building façade, each single tenant building is allowed a minimum of (one) 1 wall sign per façade, and each multitenant or multiuse building is allowed 1 sign per tenant or use per façade.

2. Wall signs on facades located 300 ft. or more from the street right-of-way to which they face are permitted up to 200 sf in O&I, C-1, and D-2 districts, and up to 300 sf in all other zoning districts.

3. Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the buildin Such features shall include, but are not limited to, transom windows, detailed brick, tile, or shingles.

4. Wall signage above the first floor is limited to no more than one sign not exceeding 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings in excess of three floors or exceeding 40 feet in height, one wall sign per building face is permitted no larger than 300 square feet and located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the planning and development director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may approve signage of greater than 300 square feet to the extent the applicant demonstrates signage exceeding 300 square feet is necessary for visibility and legibility of the sign.

(e) Awning, Canopy and Marquee Signs.

(1) Definitions.

(i) Awning Sign: A sign that is painted, stenciled or attached to the surface of an awning. An "awning" means a roof-like cover that projects from the wall of a building to shield a doorway, walkway, or

window from inclement weather or the sun. Awnings are often made of fabric or flexible material supported by a rigid frame and may be retracted into the face of the building.

(ii) Canopy Sign: A sign attached to the surface of a canopy. A "canopy" means an overhead structure made of solid material, other than an awning, that is either attached to a building wall and extends at least twelve (12) inches from the face of the building or a freestanding overhead structure supported by posts.

(iii) Marquee Sign: A marquee is a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy.

(2) Standards.

Awning, Canopy, and Marquee Signs Note 1	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, 1-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per tenant or establishment per side	n/a	1	1	1	1	*	1	1	1	1	*	*
Sign Area Allocation square feet per linear foot of building frontage	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building front	n/a	2	2	2.5	2.5	3.2	3.2	2	3	3	3.2	2.5
Sign Area Maximum square feet per sign Note 2	n/a	50	50	50	50	100	100	100	100	100	50	50
Electronic Message Centers % of allowed sign Note 2	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50% Note #2	50%
*No set limit; number is limited by sign area allocation												

Notes/Exceptions:
1. Signs attached at an angle between zero and less than 45 degrees to the building facade shall be regulated as wall signs and subject to the dimensional standards in this table. Signs attached at a 45-degree or greater angle to the building facade shall be regulated as projecting signs.

2. For marquees, electronic message centers (EMCs) may comprise 100% of the marquee face size allowed.

(f) Roof Signs.

(1) Definitions.

(i) Roof Sign: A sign that is mounted upon or above a roof or parapet of a building or structure that is wholly or partially supported by the building or structure, and which projects above the cornice or parapet line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. A sign mounted on a sloped roof or mansard having a pitch 1:2 or more (1 foot horizontal and 2 feet vertical) is a wall sign. A sign mounted on a sloped roof or mansard having a lesser vertical slope is a roof sign and shall comply with the standards in the table below.

(2) Standards.

Roof Signs	**Zoning Districts**											
	R, M-1, M-1a, RR-1	**M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1**	**O&I-1, O&I-2, O&I-3**	**C-1**	**C-2**	**C-3, C-4**	**I-1, 1-2**	**U-1, MS-1**	**X-1, X-3**	**X-2**	**D-1, D-3**	**D-2**
Permitted?	no	no	no	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per tenant or establishment per side	n/a	n/a	n/a	1	1	1	1	1	1	1	1 Note #2	1
Sign Area Allocation square feet per linear foot of building frontage	n/a	n/a	n/a	1.5	2	2	2	2	2	2	2 Note #2	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building frontage	n/a	n/a	n/a	2.5	3	3.2	3.2	2	3	3	3.2	2.5

Sign Area Maximum square feet per sign	n/a	n/a	n/a	50	50	100	100	50	50	50	50 Note #2	50
Height/Placement	n/s	n/a	n/a	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1
Electronic Message Centers % of allowed sign	n/a	n/a	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions:

1. In districts where roof signs are allowed, signs may be installed on the parapet or edge of a flat roof or on the sloped part of a pitched roof. Roof signs installed on a flat roof shall be no higher than 3 feet above that part of the roof on which the sign is installed. Roof signs on a pitched roof shall not extend above the top of the peak or ridgeline of the roof.

2. Each building that exceeds three floors or 40 feet is permitted one roof sign no larger than 300 square feet. The height of a roof sign, measured from the top of the highest parapet to the top of the sign, shall not exceed 25 percent of the height of the building or 30 feet, whichever is most restrictive. Roof signs shall comply with all applicable engineering and construction code requirements. The planning & development director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may approve signage exceeding the above dimensional standards to the extent the applicant demonstrates signage exceeding the dimensional standards is necessary for visibility and legibility of the sign.

(f) Projecting Signs.

(1) Definitions.

(i) Projecting Sign: A sign supported by and extending at least eighteen (18) inches from a building wall.

(2) Standards.

Projecting Signs	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, 1-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per tenant or establishment per side	n/a	1	1	1	1	1	1	1	1	1	1	1
Sign Area Allocation square feet per linear foot of building frontage	n/a	0.5	0.5	0.5	1	1	1	1	1	1	1	1
Sign Area Allocation – All Attached Signs square feet per linear foot of building frontage	n/a	n/a	n/a	2.5	3	3.2	3.2	2	3	3	3.2	2.5
Sign Area Maximum square feet per sign	n/a	15 Note #1	15 Note #1	15 Note #1	30 Note #1	30 Note #1	30 Note #1	15 Note #1	45 Note #1	45 Note #1	75 Note #1	45 Note #1
Height/Placement	n/s	n/a	n/a	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2	Note #2
Electronic Message Centers	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

% of allowed sign												

Notes/Exceptions:
1. An exception to the sign area standard may be made by the planning and development director where it can be demonstrated that any proposed projecting sign supports or restores the historical significance of a building.

2. Projecting signs:
   a. Shall mount to the exterior of the first or second floors.
   b. Shall not extend more than six (6) feet or beyond the outer edge of the sidewalk, whichever is greater.
   c. Shall not extend into any portion of the street right-of-way other than a sidewalk.
   d. Shall have lower edge of sign be at least ten (10) feet above sidewalk and fourteen (14) feet above any alley surface where vehicles may pass below.
   e. Shall not have the upper edge of the sign extend vertically above the eave line of a structure.
   f. Shall be attached at a 45-degree or greater angle to the supporting structure and anchored no more than six inches from the structure. Signs attached at an angle between zero and less than 45 degrees to the building façade shall be regulated as wall signs.

(g) Freestanding monument signs.

(1) Definitions.

(i) Freestanding Sign: A sign supported by a column, pole, pylon, foundation, pedestal or other structure mounted in the ground.

(ii) Monument Sign: A freestanding sign whose sign surface is attached to a base where the width of the widest part of the base or cladding over structural supports is at least 80% of the width of the widest part of the sign face for signs up to twenty-five (25) feet in height.

(2) Standards.

Freestanding Monument Signs	**Zoning Districts**												
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1	O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, 1-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Sign Type Permitted? *Note #11* M=monument	n/a	M	M	M	M	M Note #2	M Note #3	M Note #3	M	M	M	M	M
Number per street frontage *Notes #1,5, 12*	n/a	1	1	1	1	1	1	1	1	1	1	1	1

Sign Area Allocation square feet per linear foot of lot frontage *Note #4*	n/a	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Sign Area Maximum square feet per sign on local street / collector *Note #5*	n/a	40/50	40/50	50/60	40/50	80 Note #6	120 Note #7	120 Note #7	80	50	50	50	50
Sign Area Maximum (Arterial) square feet per sign on arterials *Notes #4,5*	n/a	60	60	70	60	80 Notes #2,6	120 Notes #3,7	120 Notes #3,7	80	50	50	50	50
Height maximum feet	n/a	7-10 Note #8	7-10 Note #8	7-10 Note #8	7-10 Note #8	15 Notes #2,6	25 Notes #3,7	25 Notes #3,7	15	10	10	10-20 Note #9	10
Setbacks minimum feet from property line *Note #12*	n/a	5	5	5	5	5	5	1	5	1	1	1	1
Electronic Message Centers % of allowed sign	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions

1. Number of Signs: Where the zoning lot has street frontage on an arterial or collector of more than 500 feet, one additional sign oriented to the arterial or collector is permitted for each additional 500 feet of street frontage. Freestanding signs located along a single street frontage shall be spaced a minimum of 250 feet apart except where allowed by a Master Sign Plan.

2. Highway Signs (C-2): Sign permitted to a height of 35 feet and sign area of 150 square feet within an 800 foot radius of the intersecting centerlines of I-70, I-470, or US-75 (north of I-70 and south of I-470) and an arterial/collector with access OR within 120 feet of the right-of-way for an on/off ramp. Sign permitted to a sign area of 150 square feet within an 800 foot radius of the intersecting centerlines of US-24 and an arterial/collector with access. Signs exceeding a height of 25 feet may be mounted on two cladded columns each at least two (2) feet wide if their design is integrated with or matches overall sign design.

3. Highway Signs (C-3, C-4, I-1, I-2): Sign permitted to a height of 55 feet and sign area of 250 square feet within an 800 foot radius of the intersecting centerlines of I-70, I-470, or US-75 (north of I-70 and south of I-470) and an arterial/collector with access OR within 120 feet of the right-of-way for an on/off ramp. Sign permitted to a sign area of 250 square feet within an 800 foot radius of the intersecting centerlines of US-24 and an arterial/collector with access. Signs permitted by exception exceeding a height of 35 feet may be mounted on a pole or pylon without covers.

4. Minimum Size: Regardless of frontage linear feet, minimum size permitted shall be 50 square feet in C-3, C-4, I-1, and I-2 districts and 40 square feet in all other districts except where restricted by a Master Sign Plan.

5. Corner Lots: If the property has two or more frontages on an arterial or collector, the owner may elect to combine allowed freestanding signs into a single freestanding sign up to 130% of the maximum sign area allowed.

6. Setback Allowances (C-2): Freestanding signs set back 10 feet or more from street rights-of-way and all other property lines are allowed an increase in height of 2 feet and an increase in area of 25% over the height and area allowed at the minimum required setback. For each additional 5 foot setback the allowed sign area may increase by 5% and allowed height may increase by 2 feet. In no case shall the sign exceed a height of 20' and area 40% greater than the area allowed at the minimum setback.

7. Setback Allowances (C-3, C-4, I-1, I-2): Freestanding signs set back 10 feet or more from street rights-of-way and all other property lines are allowed an increase in height of 2 feet and an increase in area of 25% over the height and area allowed at the minimum required setback. For each additional 5 foot setback the allowed sign area may increase by 5% and allowed height may increase by 2 feet. In no case shall the sign exceed a height of 30' and area 40% greater than the area allowed at the minimum setback.

8. Height by Street Classification: Maximum height shall be seven (7) feet on local/collector streets and ten (10) feet on arterial streets.

9. Historic Districts (D-1, D-3): Maximum height of ten (10) feet within historic districts.

10. Master Sign Plans: For retail centers and office, institutional, and industrial parks, one center sign shall be permitted that allows exceptions to maximum height and area pursuant to criteria in this chapter for Master Sign Plans.

11. Design of Sign Base or Support: A sign with a base less than the minimum width described herein may be approved by the planning and development director when conditions of the site are such that sight distance requirements and minimum parking requirements cannot be met without reducing the required base width. Any freestanding sign permitted greater than 25 feet in height may be a non-monument

sign pursuant in this chapter for Master Sign Plans and Highway Signs.

12. Location, Setback, and Orientation of Sign: Signs shall be oriented to the street providing frontage to the business or establishment and be located toward the front of the parcel. A sign with a setback less than the minimum setback described herein may be approved by the Planning and Development Director when conditions of the site are such that sight distance requirements and minimum parking requirements cannot be met without reducing the required setback or location.

(h) Freestanding incidental signs.

(1) Definitions.

(i) Freestanding Incidental Sign: A freestanding sign with copy located on a durable panel that is normally incidental or secondary to the allowed use of the property, but can contain any message or content.

(2) Standards.

Freestanding Incidental Signs	**Zoning Districts**											
	R, M-1, M-1a, RR-1, OS-1	**M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1**	**O&I-1, O&I-2, O&I-3**	**C-1**	**C-2**	**C-3, C-4**	**I-1, 1-2**	**U-1, MS-1**	**X-1, X-3**	**X-2**	**D-1, D-3**	**D-2**
Permitted? *Note #6*	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per 300 feet of street frontage/per each **additional** 300 feet of street frontage	1	1 Note #1	1 Note #1	1 Note #1	2/1 Note #1	2/1 Note #1	2/1 Note #1	2/1 Note #1	1 Note #1	2/1 Note #1	2/1 Note #1	1 Note #1
Sign Area Maximum square feet per sign within 30 feet/beyond 30 feet of front property line *Note #2, #5*	6/6	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32	6/32
Sign Area - All Incidental Signs square feet of all signs in aggregate	6	80	80	80	150	150	150	150	80	150	150	80
Height maximum feet within 30 feet/beyond 30 feet of front property line	4/4	4/8	4/8	4/8	6/8	6/8	6/8	6/8	4/8	6/8	6/8	4/8
Spacing feet from any sign within 30 feet of front property line	n/a	25	25	25	25	25	25	25	25	25	25	25
Setbacks minimum feet from front property line	0	0	0	0	0	0	0	0	0	0	0	0
Illumination?	no	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Changeable Copy?	no	no	no	no	yes	yes	yes	yes	yes	yes	yes	yes

Electronic Message Centers?	no	no	no	no	Note #3	Note #3	Note #3	Note #3	Note #3	Note #3	Note #3	Note #3

Notes/Exceptions

1. Number of Signs: No restrictions on the number of incidental signs set back 30 feet or more from all property lines.

2. Property Size: Any property over one (1) acre is permitted the highest maximum sign area and height allowed incidental signs under any district provided it is at least thirty (30) feet setback from the front property line.

3. EMC Setbacks: Electronic Message Centers (EMCs) on incidental signs shall be prohibited within thirty (30) feet of the front property line.

4. Portable Pedestrian Signs: Buildings set back five (5) feet or less from the public street right-of-way where a sidewalk is present, may place portable signs (e.g. A-frame) on sidewalks in the street right-of-way provided a minimum width of five (5) feet is maintained for safe pedestrian passage, they comply with ADA, and are removed during non-business hours.

5. Non-illuminated Signs: Other than residential uses in R, M-1, M-1a, RR-1, and OS-1 districts non-illuminated signs are allowed within 30 feet of property lines without restriction to height and area.

6. Variance: For incidental signs that qualify under a Master Sign Plan or that otherwise meet the intent and goals of the sign regulations as determined by the planning and development director, changes up to 20 percent of dimensional standards may be approved.

7. Permit Required: Non-illuminated incidental signs do not require sign permits. All other freestanding incidental signs shall require a sign permit if permanently affixed to the ground.

Section 15. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.140, which said section reads as follows:

Master Sign Plans.

(a) Purpose. This section establishes a process and standards to ensure adequate signage, harmony and visual quality in developments with multiple buildings, uses, or tenants.

(b) Applicability. This section applies to on-premise signs in retail centers, industrial parks, and office or institutional complexes of four acres or more and having five or more establishments or three or more buildings in O&I-2, O&I-3, C-2, U-1, MS-1, C-3, C-4, I-1, I-2 and planned unit development districts. All establishments and buildings in the development defined by the master sign plan shall also be subject to this section.

(c) Master sign plan required. An owner or applicant shall submit and obtain approval of a master sign plan containing standards for all exterior signs.

(1) The master sign plan may be approved concurrent with the approval of a planned unit development, conditional use permit, or site plan.

(2) All new planned unit development applications for development meeting the applicability criteria in this section and submitted for consideration on or after October 1, 2019 shall include a master sign plan.

(3) Upon review of a master sign plan submitted as part of a new planned unit development, major amendment to a planned unit development, or new conditional use permit, the planning commission may approve variances to the standards in this chapter. All other master sign plans meeting the purpose and standards of this section may be approved by the planning and development director.

(d) Master sign plan application.

(1) The planning and development director shall prescribe forms and submittal requirements for a master sign plan application. At a minimum the application shall include a site plan identifying the location, number, dimensional standards, and other design standards for all freestanding signs.

(2) The master sign plan shall include standards for wall signs and other types of attached signs or shall reference as applicable the standards for attached signs in Sections 18.10.130, 18.10.150 and 18.10.160.

(3) The master sign plan shall be effective only if all owners of real property subject to the master sign plan authorize it by signature on the application or master sign plan.

(e) Standards for freestanding signs.

(1) Number of signs allowed. Each property or parcel is allowed one freestanding center sign which may be used and designed to identify multiple uses or tenants in the development. In addition to a center sign, any development having more than a single street frontage is entitled to a second freestanding sign subject to the standards in Section 18.10.130. Developments having street frontage on an arterial or collector street of more than 500 feet are allowed one additional freestanding sign oriented to the arterial or collector for each additional 500 feet of frontage. Such freestanding signs located within 25 feet of a street frontage shall be spaced a minimum of 250 feet apart. For zoning districts and use groups, other than O&I-2 and O&I-3, buildings separate from the primary building, are each allowed one freestanding sign, hereinafter referred to as "secondary signs," subject to subsection (e)(5). For the purpose of this section the "primary building" is the largest building in the development.

(2) Dimensional standards for freestanding center signs. The center sign shall comply with the following standards for the applicable zoning district or use group within a planned unit development:

(i) O&I-1/2/3: height of sign not to exceed 15 feet; area of sign not to exceed 100 sf.

(ii) MS-1: height of sign not to exceed 20 feet; area of sign not to exceed 120 sf.

(iii) C-2, U-1: height of sign not to exceed 20 feet; area of sign not to exceed 160 sf.

(iv) C-3, C-4, I-1, I-2: height of sign not to exceed 30 feet; area of sign not to exceed 240 sf.

(3) Signs at a height of more than 25 feet may be supported by two or more columns each surrounded by cladding matching the overall design of the sign and having a minimum width of two feet per column.

(4) The number of signs located on a center sign may be limited and minimum text size established to ensure sign legibility and readability.

(5) Standards for freestanding secondary signs. Signs for separate buildings shall comply with the following standards:

(i) Height and area: Maximum height of 7 feet and area of 30 sf.

(ii) Placement: 10 feet from street rights-of-way and located in proximity to a principal use on the site, and located within 25 feet of a building for the principal use it identifies.

(6) Freestanding incidental signs. Proposed freestanding incidental signs shall be included in the master sign plan. Freestanding incidental signs are allowed subject to the standards in Section 18.10.130; however, the planning and development director may restrict the number and area of signs allowed on the master sign plan to a quantity and area less than what is permitted by Section 18.10.130. For individual incidental signs, the planning and development director may approve increases in height and area up to 10 percent over the height and area allowed per Section 18.10.130.

(7) Spacing between freestanding signs. There shall be 50 feet or more distance between all freestanding signs, other than incidental signs.

(f) Standards for attached signs. The planning and development director may restrict the number of attached signs per establishment to fewer than what is allowed by Section 18.10.130, as a condition of the master plan

(g) Existing nonconforming signs. Existing nonconforming signs may continue unless altered or replaced pursuant to TMC 18.10.110.

(h) Other requirements to improve visual quality of signage may be required as a condition of the master sign plan, including but not limited to the incorporation of materials and other design elements compatible with the buildings in the development subject to the master sign plan.

Section 16. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.150, which said section reads as follows:

Other On-premise Signs.

(a) Window signs.

(1) Definitions.

(i) Window Sign: A window sign is a sign posted, painted, placed, affixed to the inside or outside of a window, and does not extend a measurable distance beyond a building surface, but is clearly visible from outside the building.

(2) Standards. Window signs are permitted in all districts subject to the following standards:

(i) In C-2, C-3, C-4, I-1, I-2, X-1, X-2, X-3, D-1, and D-3 districts

window signs in the aggregate shall constitute no more than 50 percent of the area of all windows for each tenant and for each side of the building on which the window signs are located.

(ii) For residential uses in the R, M-1, M-1a, and RR-1 districts the aggregate of all window signs shall not exceed 8 square feet on each side of the building.

(iii) For residential uses in M-2, and M-3 districts the aggregate of all window signs shall not exceed 5 percent of the area of all windows, whichever is more restrictive. No single window sign shall exceed 25 square feet.

(iv) In all other districts and for non-residential uses in R, M-1, M-1a, and OS-1 districts, window signs in the aggregate shall constitute no more than 20 percent of the area of all windows for each tenant and for each side of the building on which the window signs are located.

(b) Painted exterior wall signs.

(1) Definitions.

(i) Painted Exterior Wall Signs: A painted exterior wall sign identifies a use or on-premise establishment and consists entirely of copy that is painted directly on, or digitally printed vinyl applied to, the exterior material of a building not including the exterior surface of a window, awnings, or other appurtenances.

(2) Painted exterior wall signs are permitted in C-2, C-3, C-4, I-1, I-2, X-1, X-2, X-3, D-1, and D-3 districts. Any painted exterior wall sign applied to the

front or side of a building directly facing a street shall be regulated in the same manner as a wall sign. Any painted exterior wall sign applied to the side or rear of a building that does not directly abut a street is permitted provided the area of all such signs does not exceed 300 square feet on the wall on which the signage is applied. In determining the number of square feet, only text or logos pertaining to the business, industry, or activity conducted on or within the premises shall be included. Art and graphic representations associated with the painted exterior wall sign that are not text or logos shall not be subject to the area restriction.

(c) Sign standards for nonconforming commercial uses and uses permitted by special use permit in residential and OS&I districts. Signs for nonresidential, nonconforming uses and uses permitted by special use permit in residential and open space districts (R, RR, M, and OS districts) are regulated in the same manner as signs for other nonresidential uses in residential districts with the following exceptions:

(1) EMCs are prohibited for nonconforming uses in R, RR, M, and OS district. EMCs are permitted for special uses only if allowed by the special use permit or by an amended special use permit approved as a conditional use permit.

(2) The planning and development director may restrict sign illumination, by intensity, area of illumination, or other measure, on sites or buildings adjacent to property zoned or used for residential use.

(d) Residential subdivision signs.

(1) Each residential subdivision containing six or more residential lots is allowed two monument signs per public or private street entrance into the

subdivision. Each sign shall not exceed a height of seven feet and area of forty square feet when sign is oriented to a local street or collector; height of ten feet and area of fifty square feet when sign is oriented to an arterial.

(2) A residential subdivision sign may be incorporated into a wall, fence, or other structure.

(3) A residential subdivision sign may be located in the public right-of-way only if expressly approved by the planning and development director.

(e) Historic signs. For the purposes of this chapter, a historic sign is a sign that is listed or determined to be eligible for listing in the National Register of Historic Places, Kansas Register of Historic Places, or as a Topeka Landmark, or a sign that contributes to the historic character of a listed property. The alteration or relocation of a historic sign, upon approval by the Topeka Landmarks Commission, is exempt from this chapter, except for Section 18.10.090.

(f) Pole banners – Decorative banners are exempt from the maximum number, dimensions, and location requirements of Section 18.10.130 if they are: (1) mounted on a pole that provides a separate functional purpose such as street lighting in the right-of-way; (2) contain no commercial message or advertising or other elements of a "sign" as defined in this chapter; and (3) are allowed by the City in the right-of-way.

Section 17. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.160, which said section reads as follows:

Electronic Message Centers (EMCs).

(a) Electronic message center signs may be erected in the following zoning districts: RR, R, M, O&I, C, I, U-1, MS-1 and X, only if the sign is allowed in the respective district and the sign meets all of the following standards:

(1) Brightness. An EMC shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall an EMC exceed a brightness level of 0.3 foot-candle above ambient light, as measured using a foot-candle (lux) meter calibrated within the past 36 months and in conformance with the following process:

(i) Light measurements shall be taken with the meter aimed perpendicular to the sign message face or at the area of the sign emitting the brightest light if that area is not the sign message face, at a preset distance depending on sign size. Distance shall be determined by taking the square root of the product of the sign area and 100. For example, using a 12-square-foot sign: $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.

(ii) An ambient light measurement shall be taken using a foot-candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.

(iii) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.

(iv) The brightness of an EMC shall comply with the brightness requirements of this subsection if the difference between the ambient light

measurement and the operating sign light measurement is 0.3 foot-candle or less.

(2) Movement. The following display features are prohibited: flashing, strobing, blinking, fluttering, spinning, rotating, bouncing, animation, scrolling and chasing.

(i) Exception: An EMC located within the I, C-2, C-3, C-4, or C-5 district which is not within 125 feet of a residential or open space district may have animation, scrolling text, and frame effects.

(3) Right-of-way, portable EMCs. An EMC shall not overhang into a public right-of-way and shall not be included in a portable sign.

(4) Audio messages. An EMC shall not include any audio message, tones or music.

(5) Dwell times – C-2, C-3, C-4, C-5 and I. EMCs located within a C-2, C-3, C-4, C-5 or I district and within 125 feet of a residential or open space district may only display static images having a dwell time of at least four seconds and a transition time of two seconds or less and this transition may use frame effects without illusionary or simulating movement.

(6) Dwell times –Signs for non-residential uses in residential districts. EMCs incorporated into signs for nonresidential uses in residential districts shall have a dwell time of at least eight seconds.

(7) Dwell times – O&I, C-1, U-1, MS-1, X-1, X-2. EMCs located within an O&I, C-1, U-1, MS-1, X-1, or X-2 district may only display static images having a dwell time of at least four seconds and a transition time of two seconds or less

and this transition may use frame effects without illusionary or simulating movement.

(8) Compliance assurance. No permit shall be granted unless the applicant provides sufficient proof from the manufacturer that the sign has the technical capacity to comply with all applicable regulations governing EMCs and that the sign owner and/or operator has reviewed and understands the applicable regulations pertaining to the EMC and agrees not to violate the regulations.

(b) Nonconforming EMCs. An EMC in existence on July 16, 2013 that did not meet the standards regarding audio messages, movement, and brightness in Ordinance No. 19830 shall have complied with the requirements of Ordinance No. 19830 by September 1, 2013.

Section 18. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.170, which said section reads as follows:

Temporary Signs and Banners.

(a) Applicability. This section applies to temporary signs and banners as described below for yard signs, freestanding banners, feather signs, and wall banners that are visible from the public right-of-way. Temporary signs and banners internal to a site not intended to be visible from passing vehicles in the public right-of-way are not subject to the following regulations.

(b) Definitions.

(1) Temporary Sign: A “temporary sign” is a sign typically made of lightweight or flimsy material that can be easily or quickly mounted or removed (such as cloth, canvas, vinyl, cardboard, wallboard, or other light temporary

materials), with or without a structural frame, intended for a temporary period of display.

(2) Banner: A "banner" means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

(b) Generally. Temporary signs and banners shall comply with standards in the tables below and in this section. No sign permit is required.

(c) Prohibited. Temporary signs and banners are not allowed in the public right-of-way or on accessory structures including poles outside the public right-of-way unless otherwise allowed by this chapter.

(d) Exempted signs. Temporary signs and banners on property that have not established a principal building/land use, such as during a construction event, are exempt from the standards of this chapter until such time as a principal building/land use is established. Vacant land that is not transitioning or under construction to a primary use/building is subject to the standards of this chapter.

(f) Yard Signs and Freestanding Banners.

(1) Definitions.

(i) Yard Sign: A yard sign is a temporary sign supported by the ground independent of any other structure.

(ii) Freestanding Banner: A freestanding banner is a banner that is mounted in the ground typically on poles detached from a building or wall.

(2) Standards.

Yard Signs and Freestanding Banners	Zoning Districts											
	R, M-1, M-1a, RR-1, OS-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, 1-2	U-1, M-S	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number signs per property or street frontage	1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1
Sign Area Maximum square feet per sign	6 Note #2	6 Note #2	32	32	32	32	32	32	32	32	32	32
Height maximum feet	4 Note #2	4 Note #2	6	6	6	6	6	6	6	6	6	6
Length of Time maximum continuous days/ time periods per calendar year	30 2 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3	30 4 Note 3
Days Between Time Periods	14	14	14	14	14	14	14	14	14	14	14	14
Setbacks minimum feet from property line	0 Note #2	0 Note #2	0	0	0	0	0	0	0	0	0	0
Illumination/Changeable Copy/Electronic Message Centers?	no	no	no	no	no	no	no	no	no	no	no	no

Notes/Exceptions
1. Number: Properties may have one (1) sign for every 200 feet of street frontage with a maximum of two (2).
2. Property Size: A property over one (1) acre is permitted 32 square feet up to six (6) feet in height provided it is setback at least ten (10) feet from the property line.
3. Except where more stringent time limitations are imposed in TMC Ch. 18.210 (Accessory Uses).

(f) Feather Signs.

(1) Definitions.

(i) Banner: A banner means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

(ii) Feather Sign: A feather sign is a banner in the shape of a feather, quill, sail, blade, teardrop, or similar shape that is mounted on a solid or flexible pole or cord in the ground.

(2) Standards.

Feather Signs	Zoning Districts											
	R, M-1, M-1a, RR-1, OS-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, M-S	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number signs per property or street frontage	n/a	1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1	1 Note #1
Sign Area Maximum square feet per sign	n/a	30	30	30	30	30	30	30	30	30	30	30
Height maximum feet	n/a	16	16	16	16	16	16	16	16	16	16	16
Length of Time maximum continuous days/ time periods per calendar year	n/a	15 2	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4	15 4
Days Between Time Periods	n/a	14	14	14	14	14	14	14	14	14	14	14
Setbacks minimum feet from property line	n/a	0	0	0	0	0	0	0	0	0	0	0
Illumination/Changeable Copy/Electronic Message Centers?	no	no	no	no	no	no	no	no	no	no	no	no
Notes/Exceptions 1. Number: Properties may have one (1) sign for every 200 feet of street frontage with a maximum of two (2). 2. Removal: Feather signs shall be replaced or removed if they deteriorate by becoming frayed, faded, torn, or shredded in any manner.												

(g) Portable Message Center Signs. Portable message center signs are subject to the following standards:

(1) Definition. A portable message center sign is a portable sign containing changeable copy.

(2) Until October 1, 2021, portable message center signs are permitted only in C-2, C-3, I-1, I-2, and for churches and schools in residential districts. After October 1, 2021, portable message center signs are prohibited in all districts and for all uses.

(3) Use of a portable message center sign requires a sign permit.

(4) Use of a portable message center sign is restricted to two events per year, 30 calendar days per event maximum, 30 calendar days between events, and a maximum of 60 calendar days per year.

(5) All parts of the sign containing copy and/or illumination are restricted to an area of 32 square feet.

(6) The sign shall not exceed a height of 6 feet.

(7) The sign must be set back a minimum of 5 feet from any property line.

(8) Flashing lights are prohibited, and any illumination shall comply with the electrical and fire codes adopted in TMC Title 14.

(f) Wall Banners.

(1) Definitions.

(i) Banner: A banner means any strip of cloth, bunting, plastic, paper, or similar material, attached to any structure or framing intended for a temporary period of display. This definition does not include flags, pennants, or streamers.

(ii) Attached Banner: A banner placed flat and mounted on the exterior wall of a primary building.

(2) Standards.

Wall Banners	Zoning Districts											
	R, M-1, M-1a, RR-1, OS-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, M-S	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number signs per property or street frontage	1	no limit	no limit	no limit	no limit	no limit	no limit	no limit	no limit	no limit	no limit	no limit
Sign Area Allocation square feet per linear foot of building frontage or tenant space for all signs in aggregate	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
Length of Time maximum continuous days/ time periods per calendar year	30 2	30 4	30 4	30 4	30 4	30 4	30 4	30 4	30 4	30 4	30 4	30 4
Placement	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1	Note #1
Illumination/Changeable Copy/Electronic Message Centers?	no	no	no	no	no	no	no	no	no	no	no	no
Notes/Exceptions 1. Attachment: Sign must be securely attached flat against the built with metal brackets, expansion bolts, through bolts, or lag bolts and screws. 2. Removal: Banners shall be replaced or removed if they deteriorate by becoming frayed, faded, torn, or shredded in any manner.												

Section 19. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.10.180, which said section reads as follows:

Off-Premise Signs

(a) Off-premise signs shall meet the standards for billboards in subsection (b) except for freestanding signs meeting all of the following criteria:

(1) The business, industry, or other activity the sign is intended to serve does not have arterial or collector street frontage but has an access road or drive directly taken from the arterial or collector street where the sign will be located;

(2) The property owner of the property where the sign will be located provides written consent to the planning and development director;

(3) The sign does not exceed 10 square feet and four feet in height;

(4) The sign is located no closer than 25 feet from any other freestanding sign;

(5) The zoning district where the sign is located has the same zoning or a less restrictive zoning designation than the business the sign will serve.

(b) Billboards.

(1) Purpose. The purpose of the billboard regulations is to eliminate potential hazards to motorists and pedestrians; to encourage signs which by their size and location are harmonious to the locations which they occupy and which eliminate excessive and confusing sign displays; to achieve a reasonable balance between the need of sign and outdoor advertising industries and the visual qualities of the community; and to promote the public health, safety and general welfare of the City of Topeka.

(2) Defined. The term “billboard” or “panel poster” as used in this section means any board or panel erected, constructed or maintained for the purpose of displaying outdoor advertising by means of painted letters, posters, pictures and pictorial or reading matter, either illuminated or non-illuminated, when the sign is supported by uprights or braces placed upon the ground. Any billboard erected above or over the roof or parapet of a building is classified as a roof sign for the purpose of this section.

(3) Standards for Materials, construction, location.

(i) No new billboard shall be erected or installed unless a billboard has been removed from the same parcel or another parcel. Any application to install a new billboard shall be accompanied by evidence of demolition or removal of a billboard and shall comply with the following standards and other applicable standards of this section:

(A) Any new billboard not exceeding 300 square feet per single face area and not exceeding a height of 55 feet is allowed in C-3, C-4, I-1, and I-2 zoning districts; may be permitted by conditional use permit in D-1, D-3, and RR-1 districts; and is prohibited in all other zoning districts.

(B) Any new billboard not exceeding 750 square feet per single face area and not exceeding a height of 35 feet are allowed in I-1 and I-2 zoning districts, and is prohibited in all other zoning districts.

(C) The relocation, remodeling, or rebuilding of legal nonconforming billboard not meeting the standards of this section may be permitted by conditional use permit on property zoned C-4.

(D) The structural members of all billboards and panel posters relocated, rebuilt or remodeled pursuant to the provisions of this chapter shall be constructed entirely of noncombustible materials excepting only the sign face, ornamental molding and platform. All such relocated, rebuilt or remodeled billboards and panel posters shall be installed only on single pole structures.

(ii) No billboard or panel poster relocated pursuant to the provisions of this section shall be erected within the radius of 1,320 feet of another billboard or panel poster; provided, that this provision shall not apply to rebuilt or remodeled billboards or panel posters remaining on the same parcel of land.

(4) Open space and latticework. Every billboard or panel poster less than 15 feet from a public sidewalk shall have an open space of not less than three feet between the lower edge of such signboard and the ground level, which space may be filled in with decorative latticework of light wooden construction.

(5) Electronic message center signs. Each EMC sign located on a billboard or panel poster shall meet all of the following requirements:

(i) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising.

(ii) Messages shall have a minimum dwell time of eight seconds and a transition time between messages of two seconds or less.

(iii) The sign shall not be placed within 1,320 feet of another billboard or panel poster EMC sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway.

(iv) If a billboard or panel poster is a legal conforming structure it may be changed to an EMC sign. However, a billboard or panel poster that is a nonconforming structure shall not be changed to an EMC sign.

(v) The sign shall comply with the EMC standards in Section 18.10.160, but the 50 percent sign area limitation in Section 18.10.160, shall not apply.

(6) Responsibility of owner to maintain premises. Any person occupying any vacant lot or premises with a billboard or panel poster thereon shall be subject to the same duties and responsibilities as the owner of the lot or premises with respect to keeping such lot or premises clean, sanitary, and clear of all noxious substances in the vicinity of such billboard or panel poster, and with respect to the removal of snow from the sidewalk in front thereof.

Section 20. That the definition of "Awning" in section 18.55.010, "A" Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"Awning" means a roof-like cover ~~that is temporary in nature and projects from the wall of a building for the purpose of shielding a doorway or window from the elements~~that projects from the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are often made of fabric or flexible material supported by a rigid frame and may be retracted into the face of the building.

Section 21. That the definition of "Building Code" in section 18.55.020, "B" Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

"Building code" means ~~regulations governing building design, construction and maintenance to protect the health, safety and welfare of the public~~the International Building Code, as adopted in TMC Chapter 14.20.

Section 22. That the following definitions in the "S" Definitions in section

18.55.190, of The Code of the City of Topeka, Kansas, are hereby repealed:

~~Sign" means any outdoor device, structure, fixture or placard using graphics, symbols, and/or written copy designated for the purpose of advertising or identifying any establishment, product, goods, services, activities, or uses.~~

~~"Sign, animation" means the use of movement or some element thereof, to depict action or create a special effect or scene.~~

~~"Sign area" means the total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.~~

~~"Sign, billboard" or "panel poster" means any sign used as an outdoor display for off-premises advertising.~~

~~"Sign, business" means a sign which identifies a business, product, service or activity conducted or sold on the premises where the sign is displayed.~~

~~"Sign, dwell time" means the interval of time between individual messages on an electronic message center sign.~~

~~"Sign, electronic message center" (EMC) means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source.~~

~~"Sign, flashing" means a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully nonilluminated or~~

~~fully illuminated in one color to fully illuminated in another color in a period of less than one second for the purpose of drawing attention to the sign. Chasing/running lights, spinning, strobing, and frame effects are included.~~

~~"Sign, frame effects" means a visual effect on an electronic message center sign applied to a single frame to transition from one message to the next.~~

~~"Sign, illuminated" means a sign designed to give forth any artificial light or reflect such light from an artificial source.~~

~~"Sign, off-premises directional" means a small off-premises sign intended to allow for the safe and efficient flow of vehicular traffic to the site.~~

~~"Sign, real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.~~

~~"Sign, scrolling" means a mode of message transition on an EMC sign in which the message appears to move vertically or horizontally across the display surface.~~

Section 23. That section 18.200.090, Design guidelines and sign standards, is hereby amended to read, as follows:

Design guidelines and sign standards.

(a) Within the D-1, D-2 and D-3 districts, all new development, including permitted commercial, office, institutional, multifamily residential, industrial uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following design guidelines. No building permit shall be issued unless it is in compliance with the design guidelines which are set forth in Exhibit A at the end of this section.

(b) Compliance shall be determined by the planning director by evaluating site plans and exterior elevations for conformity with the design guidelines.

(c) Decisions on conformity with the guidelines shall be made within 10 working days of submission.

(d) An appeal from the planning director's decision as to compliance with the downtown Topeka general design guidelines may be made to the board of zoning appeals pursuant to Chapter 2.45 TMC.

~~(e) On-premises signs in the D-2 district shall comply with the standards for signs in the X (mixed use) districts pursuant to TMC 18.20.020(e). Off-premises signs shall be regulated by Chapter 18.25 TMC, Article IV.~~

~~(f) D-1 and D-3 District Sign Standards.~~

~~(1) Wall Signs.~~

~~(i) Each establishment is permitted one or more wall signs at the first floor on each building face occupied by said establishment. The accumulated area of wall signs on each building face shall be limited to 20 percent of the area of the exterior building elevation at the pedestrian level or 150 square feet, whichever is less.~~

~~(ii) Wall signage above the first floor shall be limited to no more than one sign not exceeding 150 square feet, for every 50 lineal feet of street frontage, on the exterior wall of the floor on which the signage is located. For buildings in excess of three floors or exceeding 40 feet in height, one wall sign per building face is permitted no larger than 300 square feet and located above the third floor or above 40 feet, whichever is the least. For signage above the third floor, the planning director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may~~

~~approve signage of greater than 300 square feet to the extent the applicant demonstrates signage exceeding 300 square feet is necessary for visibility and legibility of the sign.~~

~~(2) Painted Exterior Wall Signs.~~

~~(i) A painted exterior wall sign identifies a use or on-premises establishment and consists entirely of copy that is painted directly on the exterior material of a building not including the exterior surface of a window, awnings, or other appurtenances.~~

~~(ii) Any painted exterior wall sign applied to the front or side of a building directly facing a street shall be regulated in the same manner as a wall sign. Any painted exterior wall sign applied to the side or rear of a building that does not directly abut a street is permitted provided the area of all such signs does not exceed 300 square feet on the wall on which the signage is applied. In determining the number of square feet, only text or logos pertaining to the business, industry, or activity conducted on or within the premises shall be included. Art and graphic representations associated with the painted exterior wall sign that are not text or logos shall not be subject to the area restriction.~~

~~(3) Awning and Marquee Signs. Awning and marquee signs are signs incorporated in the awning material or attached flat to the face of an awning or marquee. A marquee is a roof-like projection or shelter, typically over the entrance to an entertainment venue, and typically containing an illuminated flat area for static or changeable sign copy. Signage attached such that the sign face is parallel with, or at an angle between zero and less than 45 degrees of the building facade, shall be regulated in the same manner as wall signs. Signs attached in such a way as to be at a 45-degree~~

~~or greater angle to the building facade shall be regulated in the same manner as projecting signs. For marquees electronic message centers (EMCs) may comprise 100 percent of the face of the marquee and 100 percent of the size allowed for marquee signs.~~

~~(4) Window Signs. Window signs are signs on the inside or outside of the window that are visible from the outside of the window. Window signs are permitted provided all window signs in aggregate constitute no more than 50 percent of the area of all windows for each tenant and for each side of the building on which the window signs are located.~~

~~(5) Projecting Signs. Each establishment is permitted a maximum of one projecting sign, visible from any single angle, mounted to the exterior of the first or second floors. The area of the projecting signs shall be limited to 10 percent of the building face at the level on which the establishment is located or 75 square feet, whichever is less.~~

~~(6) Ground Signs.~~

~~(i) A ground sign is any sign placed upon, or supported by, the ground independently of any building or structure on the property. Ground signs permitted in the D-1 district include monument signs and pylon signs. A monument sign is a ground sign for which the width of the widest part of the base or pylon cover of the sign is at least 75 percent of the width of the widest part of the sign face, and for which the total height of the sign does not exceed five feet. A pylon sign is a ground sign whose sign face or cabinet is above ground level and is supported by poles, pylons, or posts.~~

(ii) Any parcel of land located in a historic district is allowed one monument sign per street frontage not to exceed two signs, to a height not to exceed 10 feet. For each sign, the sign area shall not exceed one-half square foot per lineal foot of frontage on the street to which it is oriented or 50 square feet, whichever is less. A pylon sign located on a base that is within two feet of the exterior building wall may be mounted on a pylon or similar support structure and the dimensional standards for projecting signs shall apply.

(iii) Any parcel of land located outside of a historic district shall be permitted one monument or pylon sign per street frontage not to exceed two signs, to a height not to exceed 20 feet. For each sign the cumulative sign area shall not exceed three-quarter square foot per foot of frontage on the street to which it is oriented or 120 square feet, whichever is less.

(iv) Parcels of land with frontage on two or more streets may utilize a single ground sign in lieu of two ground signs provided the total area of said sign does not exceed 150 percent of the sign area allowed for any of the ground signs and in no instance is greater than 75 square feet in the downtown Topeka historic district and no more than 150 square feet in area outside of the historic district.

(v) The poles or pylons used to support the cabinet of a pylon sign shall be contained within the pole or pylon covers of a material and color compatible with the sign and adjacent buildings. Pole or pylon covers shall have an outside diameter of one foot or more.

(vi) Legal nonconforming ground signs may be refaced or have cabinets replaced without being required to comply with the standards in subsections (f)(6)(i) through (iii)

of this section. Legal nonconforming signs shall comply with the standards in subsections (f)(6)(i) through (iii) of this section in the event they are removed or pole, pylon, or base is replaced.

(7) Roof Signs. Each building that exceeds three floors or 40 feet is permitted one roof sign no larger than 300 square feet. The height of a roof sign, measured from the top of the highest parapet to the top of the sign, shall not exceed 25 percent of the height of the building or 30 feet, whichever is most restrictive. Roof signs shall comply with all applicable engineering and construction code requirements. The planning director, or the historic landmarks commission if the sign is located on a historic landmark or in a historic district, may approve signage exceeding the above dimensional standards to the extent the applicant demonstrates signage exceeding the dimensional standards is necessary for visibility and legibility of the sign.

(8) Electronic Message Centers (EMC). EMCs may be incorporated in whole or in part into any of the above sign types. One EMC sign is permitted per street frontage per establishment provided the size of the EMC is limited to 50 percent of the allowable sign area for the type of sign in which it is incorporated. EMCs that are part of a marquee are allowed 100 percent of the allowed sign area and may comprise 100 percent of the face of the marquee. All aspects of EMCs not specifically addressed herein are subject to the sign standards in Division 2 of this title.

(9) Directional Signs. A directional sign provides direction to pedestrian or vehicular traffic into and out of a site, or within a site. In addition to the ground signs provided in TMC 18.20.020(g), up to two directional signs, constructed as ground signs, whether as a monument or pylon type, each not to exceed six square feet and five feet

~~in height, are permitted for each 50 feet of street frontage not to exceed four per parcel. All other directional signs shall be regulated in accordance with subsections (f)(1) through (5), (7), (8) and (10) of this section.~~

~~(10) Illumination. Internal, flood illumination, or direct (i.e., neon) are permitted. Flashing, strobing, blinking, fluttering, chasing, and similar lighting features are prohibited unless they are determined by the planning director to contribute to or consistent with the historic character of the sign and building.~~

Section 24. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 18.210.030, which said section reads as follows:

Garage sales.

A 'garage sale,' as defined by TMC 5.140.020, is permitted when accessory to a residential dwelling in an R, M, MS-1, X, D, or RR-1 zoning district but shall be restricted to not more than four consecutive calendar days and occurring not more than twice within a 12-month period.

Section 25. That the following original sections of this Code are hereby repealed: 18.10.010 through 18.10.130; 18.15.010 through 18.15.070; 18.20.010; 18.20.020; and 18.25.010 through 18.25.260.

Section 26. This ordinance shall take effect and be in force on October 1, 2019 after its approval and publication in the official City newspaper.

Section 27. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 28. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this

ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

_____
Michelle De La Isla, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

CITY OF TOPEKA
Planning & Development Department
620 SE Madison, Unit 11
Topeka, KS 66607
Bill Fiander, AICP, Director
Tel: 785-368-3728
www.topeka.org

MEMORANDUM

To: **Topeka Governing Body**
From: **Bill Fiander, AICP, Director**
Date: **July 16, 2019**

RE: **ACZR 18/02 Sign Code Update (Visual Code Update III)**

Staff is presenting for your consideration the attached Sign Code which is recommended to replace the current sign regulations in Chapters 18.10, 18.15, 18.20, and 18.25 in Title 11 of the Topeka Municipal Code. Staff is scheduled to present this item to the Governing Body for discussion at their meeting on August 13, 2019 and action at a subsequent meeting.

The attached Sign Code was recommended for approval by the Topeka Planning Commission at their May 20, 2019 public hearing by a unanimous vote (9-0). Their minutes and recommendations are attached. Also attached is the Sign Code Update Handbook which reflects the new code in a more digestible presentation format.

The Sign Code represents the final of three "visual code" updates the Department has brought forth including establishing the city's first ever non-residential building design standards and enhanced landscape regulations.

Purpose of the Sign Code

The current sign code does not include an explicit statement of its purpose. The purpose of sign regulation by cities and local government is typically to promote traffic safety by preventing visual obstruction and distractions, and to prevent visually unattractive signs that tend to proliferate in the absence of sign regulations. It is also generally understood that sign regulations must not infringe on the constitutional rights of free speech guaranteed by the First Amendment to the United States Constitution. The U.S. Supreme Court ruling regarding Reed v. Gilbert is an imperative for all local governments to examine their sign regulations with regard to content-neutrality. The expressed purpose of the proposed sign code is to:

- provide for effective communications by businesses, institutions, and others;
- preserve and enhance the visual appearance of the community;
- enhance traffic safety and prevent visual distractions;
- protect property values;
- accommodate the rights of individuals to free speech; and
- preserve and promote the public health, safety, and general welfare.

Current Issues and Intent of Update

The Topeka sign code has not undergone a comprehensive update in many years. The standards for signs in the "C" and "I" districts have not changed since the 1960s. At the beginning of the current process staff identified several issues and flaws in the current sign code. The current sign code:

- lacks clarity and is not user-friendly for sign companies, city staff, and the lay public;
- does not follow best practices to effectively address traffic safety and aesthetic quality;
- is not consistent with the U.S. Supreme Court rulings, in particular the Reed v. Town of Gilbert, AZ (2015) case and its mandate for content-neutrality;
- does not adequately address the full range of signs currently in use, such as feather signs and portable message center signs;
- does adequately address off-premise signs (billboards), electronic message centers, and signs in downtown districts D-1 and D-3 due to recent updates; new Downtown sign standards were adopted in 2017 to reflect best practices.

Momentum 2022 revealed the importance of aesthetic and visual quality for economic development purposes. It is one of three factors that influence community attachment. Citizens with strong community attachment, or pride, for the place they live are less likely to leave than residents without this emotional connection. Those with more pride also spend more on average locally. The Momentum 2022 survey showed that only 15% of respondents rated Topeka's aesthetics and appearance "above average/excellent" compared to 45% who rated them "below average/poor". Thus, the primary intent of the sign code update is:

1. Improve the visual appeal and aesthetic (aka pride) of the community
2. Respond to Supreme Court direction to ensure code's regulations are content-neutral
3. Expand "Downtown" best practices city-wide

Stakeholder Engagement

Visual Appeal Survey

To gather community feedback about sign aesthetics, the Planning & Development Department conducted a community-wide Visual Appeal Survey in January and February of 2018. The survey included building and signs. The survey asked respondents to rate 21 images of signs and to respond to two questions. Respondents were also provided the opportunity to write in comments. The level of response was high: 964 people took the sign survey and 386 written comments were received. A summary of the key takeaways is attached. All results of the survey are available here: https://www.topeka.org/planning/visual-code-update/

Sign Code Committee

A Sign Code Committee was formed by staff to guide formation of the new code and give technical input. They met nine times between December 2017 and April 2019. The Committee consisted of:

- Katrina Ringler, Topeka Planning Commission Chair
- Virginia Baumgartner, Luminous Neon (sign company)
- Cindy Proett, Luminous Neon (sign company)
- Rod Hart, Custom Neon (sign company)
- Steven Gee, Fast Signs (sign company)
- Johnny Ray Huffman, Guard Sales Co. (sign company)
- Becky Esopi, Zoning Inspector, City of Topeka

The staff and committee have also being assisted by legal consultants Mark White, White & Smith, LLC Planning and Law Group, and Deputy City Attorney Mary Feighny.

The emphasis of the work of the Sign Code Committee and the Planning Commission so far has been on dimensional standards for on-premise signs, temporary signs, portable message center signs, abandoned and nonconforming signs. The full sign code includes other sections that are necessary for the effectively administration of the sign code.

Working with the Sign Code Committee, staff utilized the results of the Visual Appeal Survey, our knowledge of best practices from other cities, and understanding conditions specific to Topeka to draft a new sign code. The draft sign code was presented to the public on February 26, 2019.

February 26th Public Meetings

Staff conducted two public meetings on February 26, 2019 at the Topeka-Shawnee County Library to inform stakeholders and solicit their input. The meetings were well publicized and many people and organizations received direct notification. The City's media relations director posted notice of the meetings on social media outlets Nextdoor, Twitter, Facebook, and Instagram and sent a news release to print and broadcast media. Planning Director Bill Fiander took part in three broadcast media interviews.

The Planning and Development Department notified over 600 individuals and organizations by email and regular mail, including design professionals, sign companies, schools, churches, and others. Approximately 30 people attended the meetings. (Staff notified meeting attendees and those on the department's email group list of the March 18, 2019 Planning Commission meeting.) Staff responded to questions and comments at the meeting and also collected comment cards. The questions and comments from the meetings are attached after the Planning Commission minutes.

In addition to the February 26th meetings information about the sign code update has been and will continue to be available on the Planning and Development Department Visual Code Update web page throughout the process at: https://www.topeka.org/planning/visual-code-update/

Planning Commission

Beginning in November 2017, the Planning Commission held briefings and discussions of the Sign Code Update at seven of its regular public meetings. Staff held a public work session with them on March 18, 2019 to present the draft code in depth. At the close of the work session the Commission directed staff to provide more information and options for the following:

- Highway Signs
- Signs for Construction Projects
- Non-conforming Signs
- Abandoned Signs
- Portable Message Center Signs

Options and ultimate recommendations for these issues are attached with the Planning Commission info. The remainder of the recommendations made by the Planning Commission are summarized below:

Permanent Signs

The proposed standards for permanent signs are mostly based on proportionality. In other words, for most zoning districts the size of the sign allowed is based on the size of the building and the property's street frontage. A one-size fits all approach whereby the maximum size permitted is the same for every property within the same zoning district does not serve Topeka well. Topeka has developed over a long period of time and with a variety of uses and diverse range of building and parcel sizes. Proportional standards help to ensure context-sensitive signage.

Some of the proposed regulations are less restrictive than those in the current sign code. Other proposed regulations are more restrictive. For Office & Institutional districts and institutional uses in residential districts the proposed standards for free-standing signs allow more height and area than the current sign code. For most of the commercial and industrial districts, tighter regulations are proposed for free-standing signs to promote best practices as informed by the Visual Appeal Survey.

Temporary Signs
The update to the temporary sign standards was driven mainly by the Reed v. Gilbert Supreme Court Case and its imperative for content-neutrality. To that end staff is recommending standards and definitions for more types of signs than described in the current sign code to distinguish signs by their manner of design and construction and not by their content.

All Recommendations

- Maximum sign size would generally be proportional to the size of the building/property instead of a "one size fits all" approach.
- The number of signs in commercial areas would now be limited based on the size of the property instead of allowing an unlimited number of signs on any property.
- Commercial zoning districts would see reduced size and height limits except along highway intersections and at shopping/commerce centers.
- Churches, offices, and multi-family areas would see more relaxed standards.
- Pole signs would be prohibited in favor of monument style for freestanding signs.
- All temporary signs would be accommodated between 30 and 120 days depending on the zoning district instead on an undefined "event" period.
- Abandoned sign prohibitions would be phased in after 1 year.
- Portable message center signs would be phased out after 2 years but be more restricted until then instead of not having any time, place, or number restrictions.
- Once the code is adopted, only new signs would need to comply with the new standards. Existing signs made non-conforming because of the new code would be allowed to continue as is unless the size of the sign is altered voluntarily. All signs would have to comply with the new code after a 20-year amortization period.





SIGN CODE UPDATE*
2019

City of Topeka
Planning & Development



*Title 18, TMC

CURRENT ISSUES

- **OUTDATED**
  - No comprehensive update for at least 50 years (only “band aids”)
  - Has not kept pace with best practices of other cities
  - Is not user-friendly for sign companies, city staff, and the lay public
  - Not consistent with the 2015 U.S. Supreme Court ruling (*Reed v. Town of Gilbert, AZ*) which mandating **content-neutrality** (i.e., time/place/manner)

- **AESTHETICS/COMMUNITY SURVEYS**
  - Aesthetics drives community attachment (i.e., pride) leading to more local spending/investment *(Momentum 2022)*
  - Only **15%** feel Topeka has “**above average/excellent”** appearance (*Momentum 2022)*
  - A whopping **96%** feel signs are “**very important/somewhat important**” to the visual quality of the community (CoT Planning & Development Department’s *Visual Appeal Survey*)

PROCESS

VISUAL APPEAL SURVEY

· Early 2018

· 964 respondents + 386 written comments

SIGN CODE COMMITTEE

· Sign industry professionals + legal consultants

· Met 9 times

· Benchmark other cities

PUBLIC REVIEW

· 2 public meetings (Feb. 26, 2019)

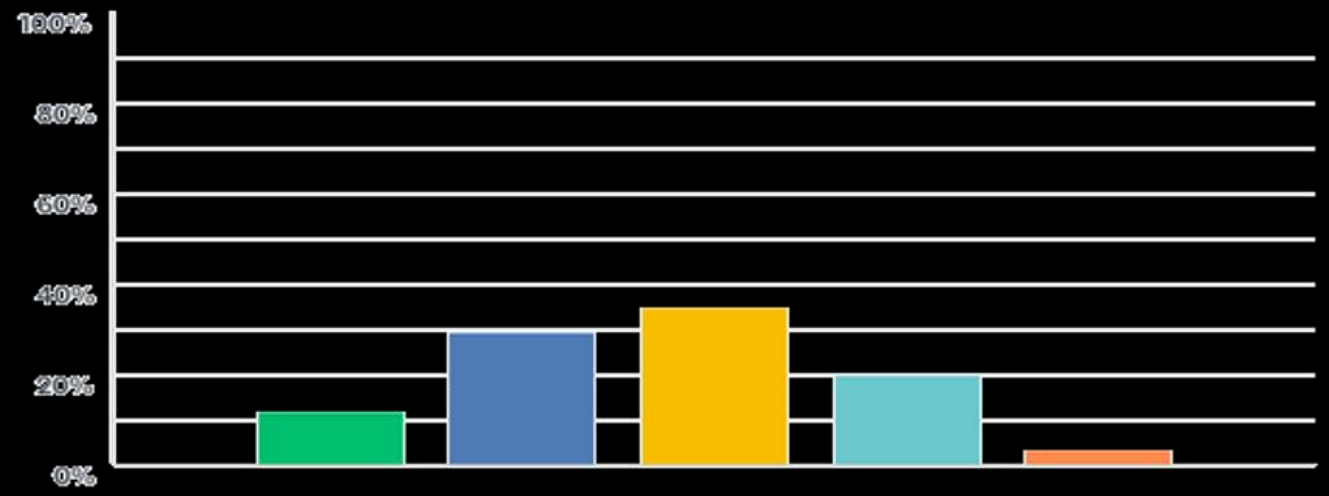
· 10 Planning Commission meetings including public hearing May 20, 2019 (9-0 approval)

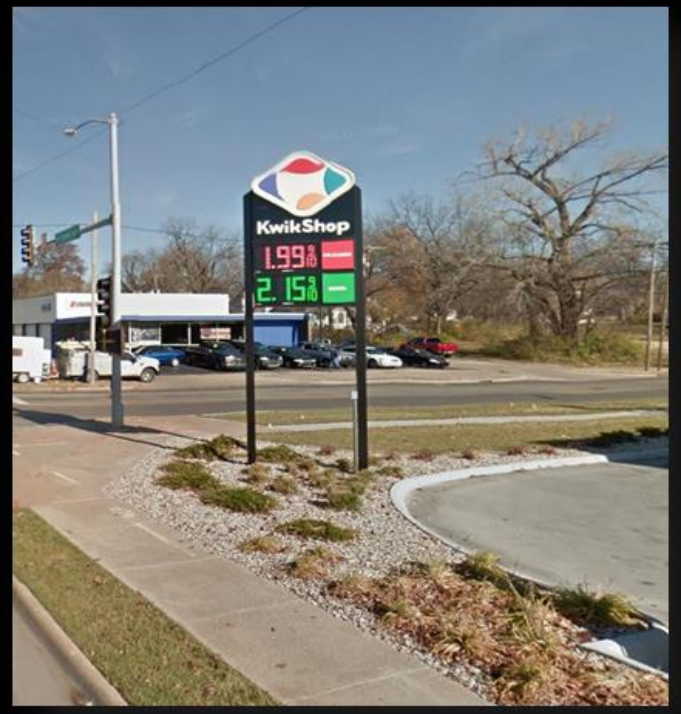
· Direct mailings/emails to impacted organizations and businesses

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
11.83% 114	29.46% 284	34.85% 336	20.12% 194	3.73% 36

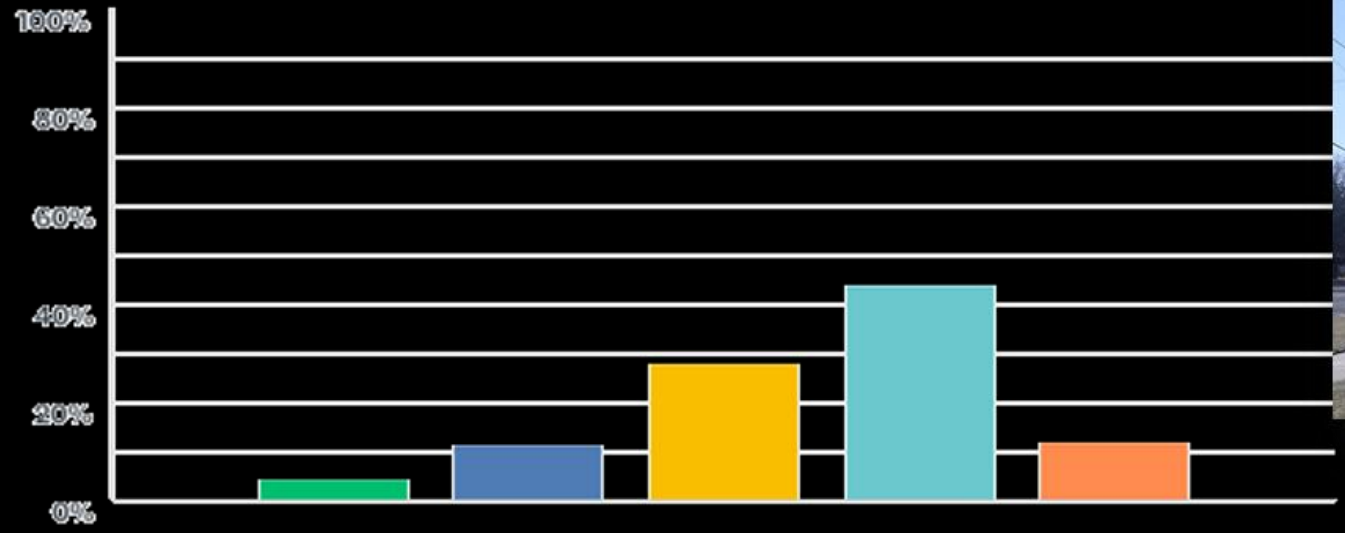




Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
4.56% 44	11.31% 109	27.90% 269	43.98% 424	12.24% 118

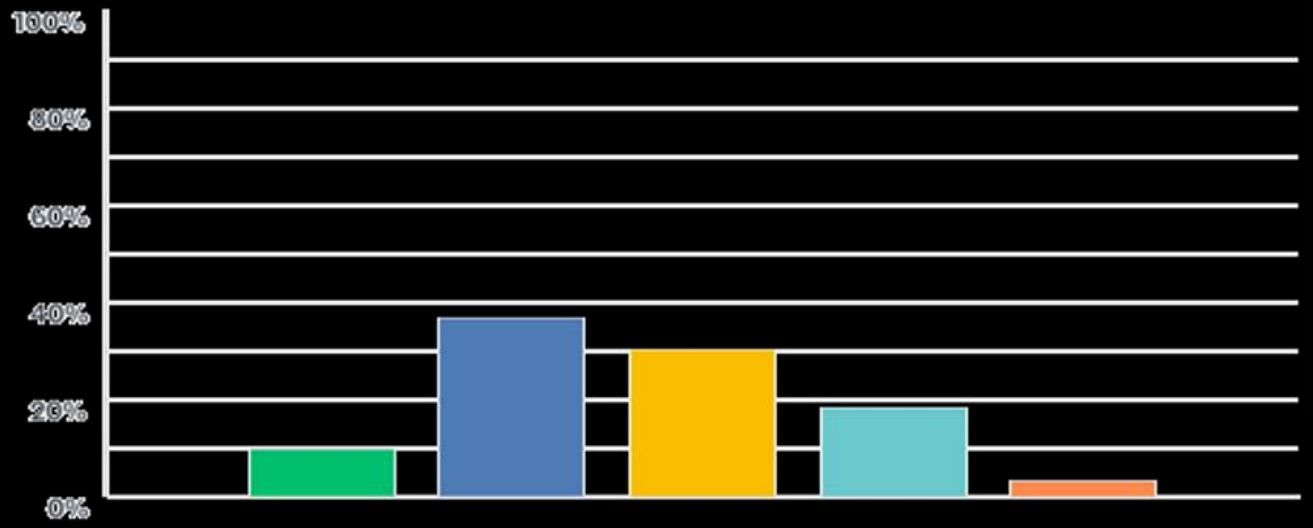




VISUAL APPEAL SURVEY

Answered: 964

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
10.06% 97	37.14% 358	30.71% 296	18.36% 177	3.73% 36

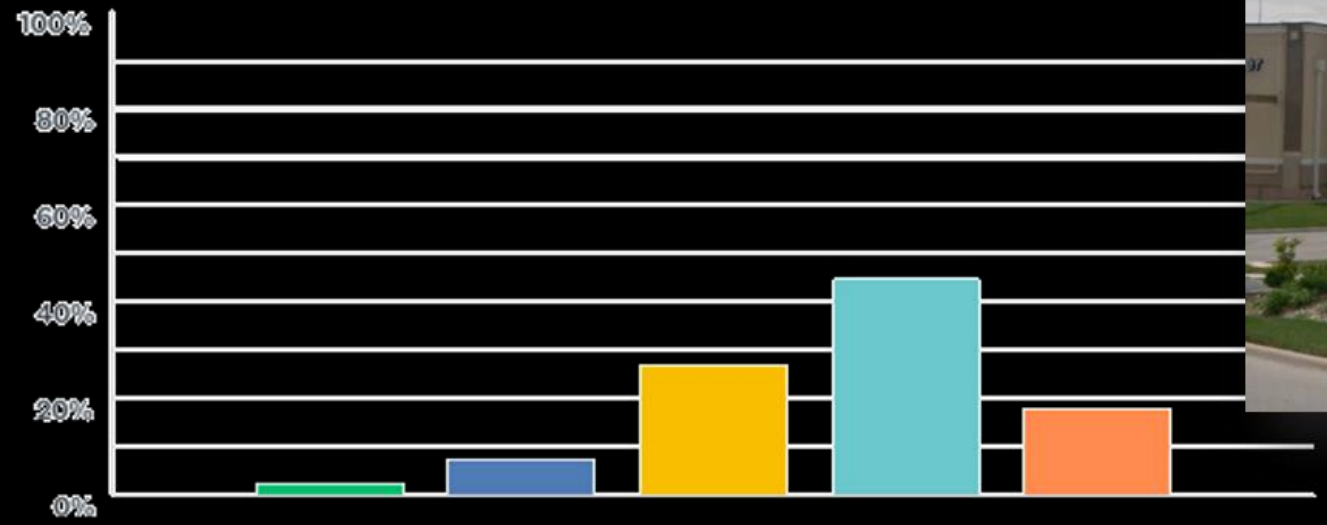




Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
2.28% 22	7.68% 74	26.97% 260	44.92% 433	18.15% 175





RECOMMENDATIONS



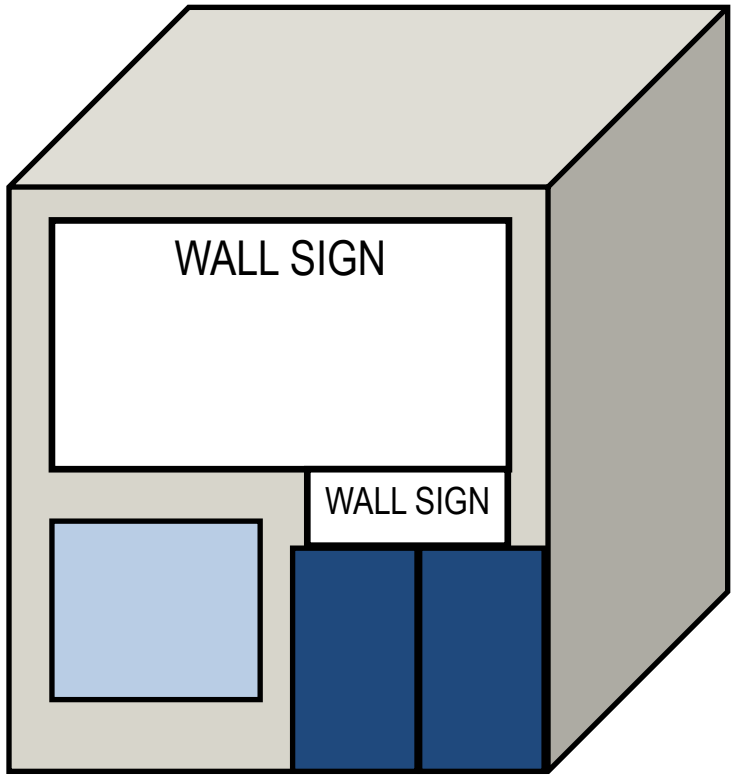
THE BIG RECOMMENDATIONS

- Size/number of signs will be proportional to size of building/property – not a “1 size fits all”
- Monument signs in; pole signs phased out
- More relaxed standards for office/institutional uses; more restrictive standards for commercial
- Phase out “abandoned signs” and “portable message center signs” (1-2 years)
- 20-year “grandfather” period for existing freestanding signs

WALL SIGNS

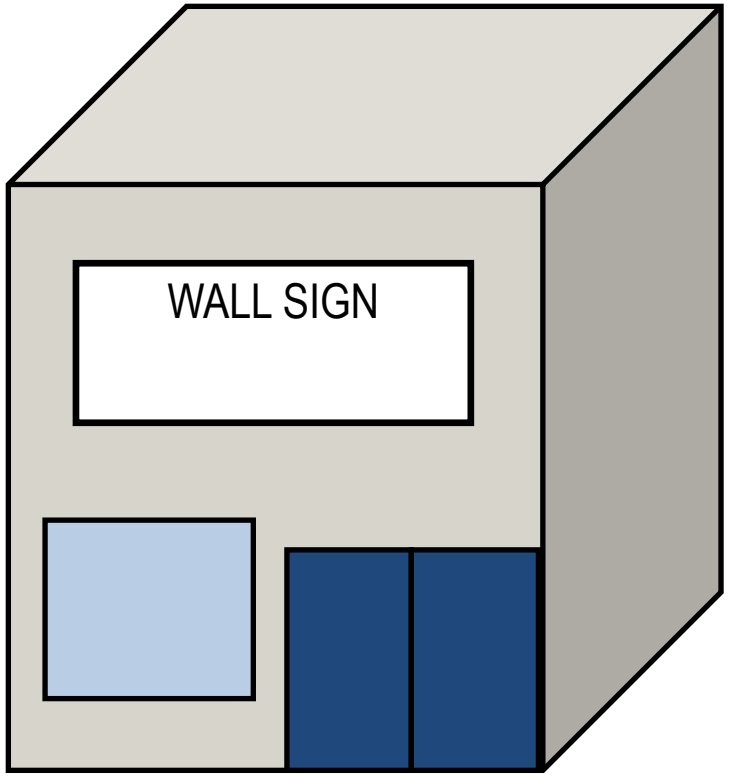
COMMERCIAL DISTRICTS

CURRENT



- Max size per sign is 300 sq ft
- No limit on quantity of signs

PROPOSED

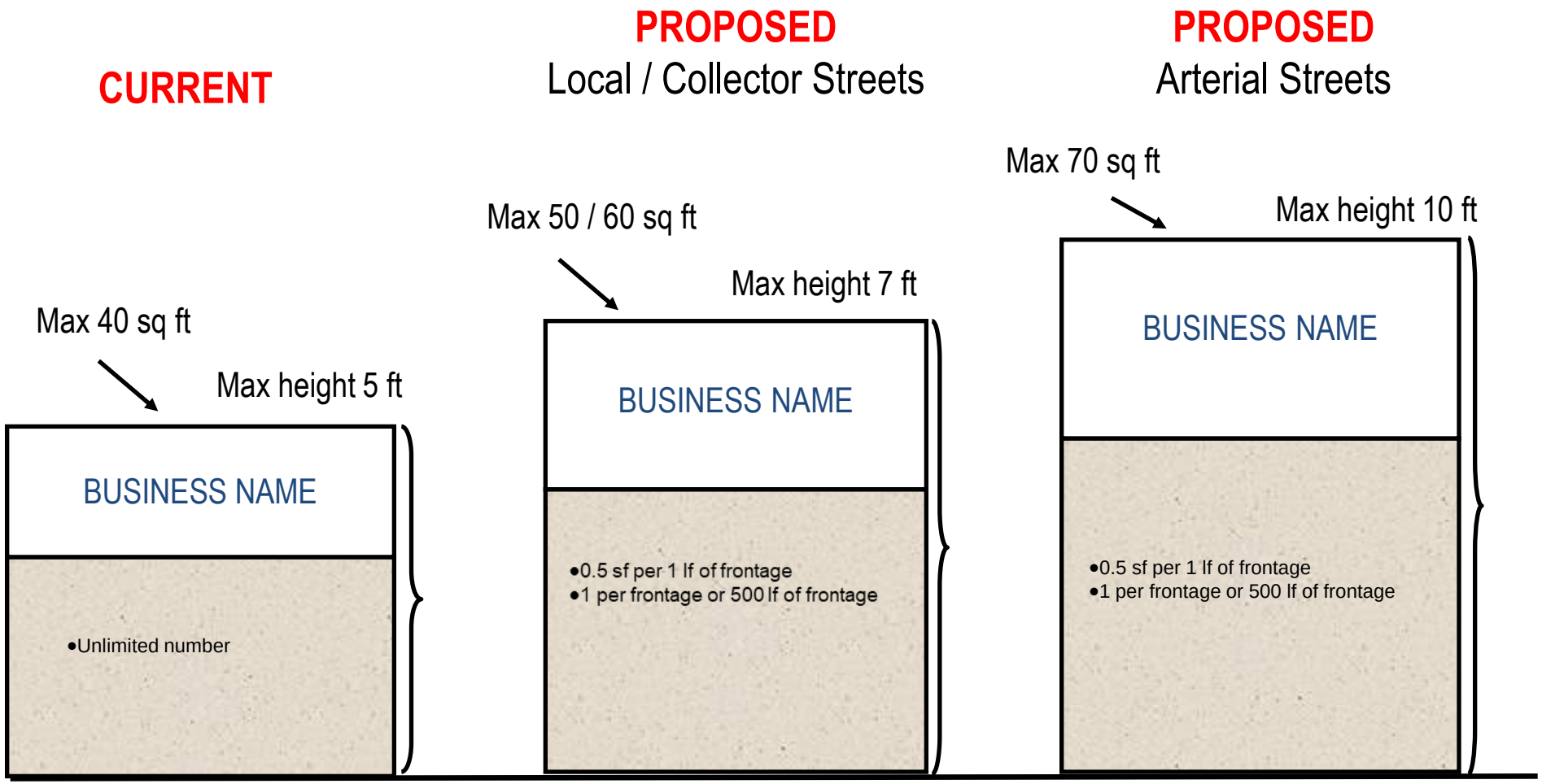


- Size and number based on building façade size
- Max 250 sf per single sign with exceptions based on distance from street

*C-3, C-4, I-1, I-2

FREE-STANDING SIGNS

OFFICE & INSTITUTIONAL *

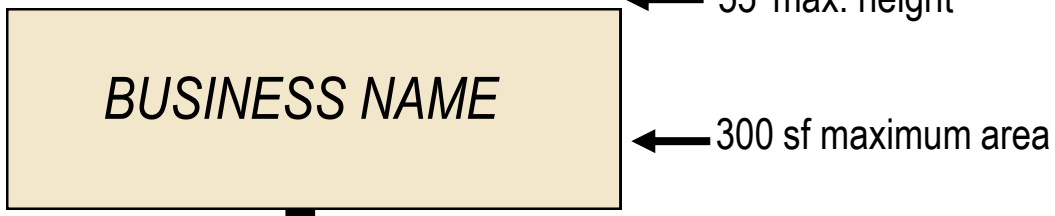


*O&I-2, O&I-3

FREE-STANDING SIGNS

COMMERCIAL - General *

CURRENT



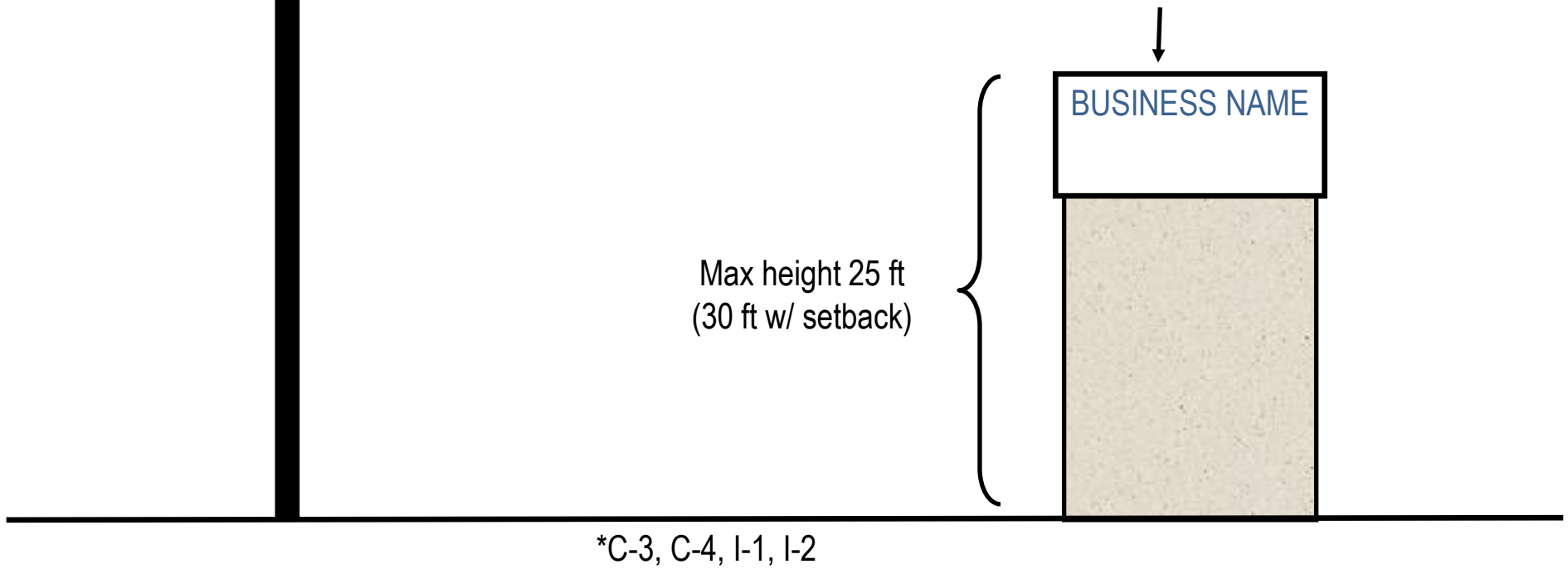
← 55’ max. height

← 300 sf maximum area

Unlimited number

PROPOSED

- 1 per street frontage/500 lf of frontage
- 0.5 sf per linear foot street frontage
- max 120 sf (168 sf w/ setbacks)
- Monument style



*C-3, C-4, I-1, I-2

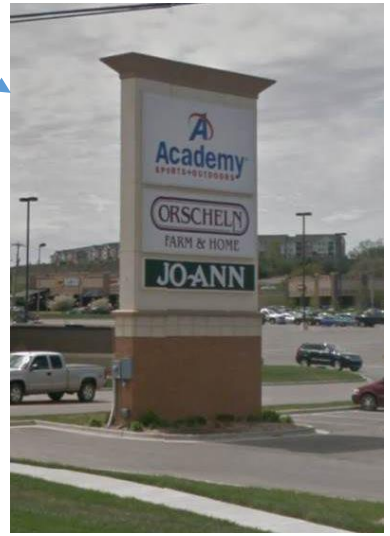
EXCEPTIONS



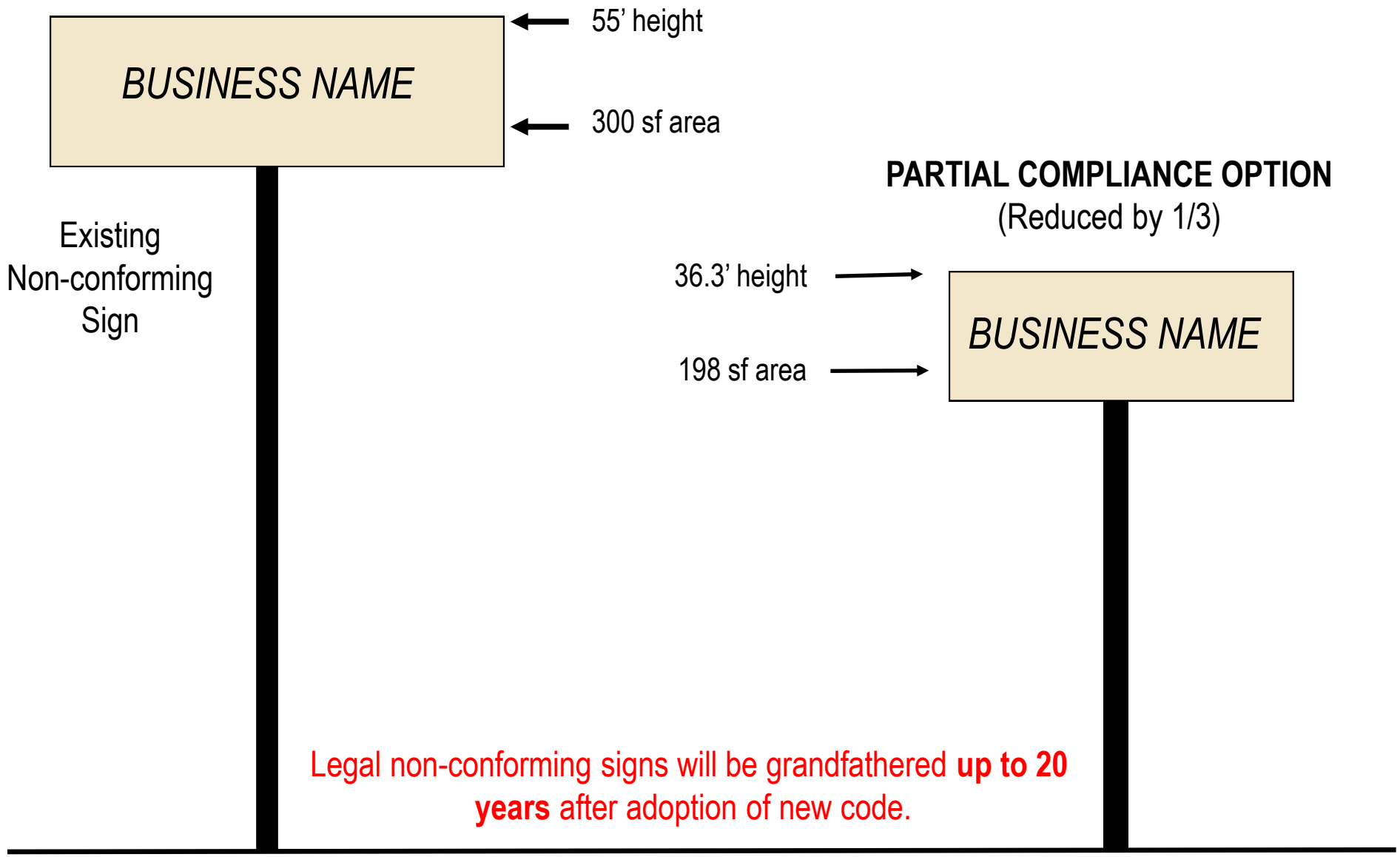
- Setback from street
- Corner Lots
- Historic Signs
- Highway Signs
- Shopping Center Signs

BUSINESS NAME





LEGAL NON-CONFORMING SIGNS



Legal non-conforming signs will be grandfathered **up to 20 years** after adoption of new code.

ABANDONED SIGNS

"any sign on a property for which the use to which it had applied has changed or the property containing the use has become vacant"



Current Code:

- Paint

Proposed Code:

- Remove any <u>non-conforming</u> signs immediately after building is demolished
- 1 year grace period

OTHER SIGNS

Temporary Signs

- Limited to four 30-day periods (2 periods for residential districts)
- Replaces vague time limit defined by “event”



YARD SIGNS

Incidental

- Of durable construction and secondary to primary sign
- Accommodated



FREE-STANDING BANNERS



FEATHER FLAGS



PORTABLE MESSAGE CENTER SIGNS



Currently:

- Requires an annual permit
- No limit on number or time allowed
- 79% rated it “Very Unappealing” in VAS



Proposed:

- Treat as a “temporary” sign…
  - Restrict to commercial areas, churches, and schools
  - Restrict time, location, and number
  - Require permit
- Phase out entirely after 24 months

NEW FORMAT

- Dimensional standards in user friendly tabular format by zoning district
- Each sign type on single page
- "Notes" for exceptions

Wall Signs

Definitions

Wall Sign
A sign (other than Projecting Sign, Roof Sign, or Window Sign) that uses a building wall as its primary source of support, and that:

1. Is placed directly on and contained totally within the dimensions of the outside wall;
2. Does not extend more than 18 inches from a building surface



Standards

Wall Signs	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per 50 linear feet of building frontage *Note #1*	n/a	1	1	1	no limit	no limit	no limit	1	no limit	no limit	no limit	no limit
Sign Area Allocation square feet per linear foot of building frontage *Note #2*	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building front	n/a	2	2	2.5	2.5	3	3.2	2	3	3	3.2	2.5
Sign Area Maximum square feet per sign	n/a	100	100	100	200	250	250	100	200	200	200	100
Electronic Message Centers % of allowed sign	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions:

1. Regardless of the width of the building façade, each single tenant building is allowed a minimum of 1 wall sign per façade, and each multi-tenant or multi-use building is allowed 1 sign per tenant or use per façade.
2. Wall signs on facades located 300 ft or more from the street ROW to which they face are permitted up to 200 sf in O&I, C-1, U-1, MS-1, and D-2 district, and up to 300 sf in all other zoning districts.
3. Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are not limited to, transom windows, detailed brick, tile, or shingles


Cotton O'Neil
KANZA PARK
2660 SW 3rd St.


RESER'S
FINE FOODS
VISITORS/APPLICANTS
EMPLOYEE ENTRANCE
RECEIVING

? QUESTIONS ?


Capitol Federal Savings





SIGN CODE UPDATE

2019

City of Topeka

Planning & Development



TABLE OF CONTENTS

INTRODUCTION H4

CURRENT ISSUES H5

INTENT H6

PROCESS H7

VISUAL APPEAL SURVEY H8

RECOMMENDATIONS H21

- WALL SIGNS H23
- FREESTANDING SIGNS H31
  - EXCEPTIONS H40
- INCIDENTAL SIGNS H44
- LEGAL NON CONFORMING H46
- SIGN MAINTENACE H48
- ABANDONED SIGNS H49

TABLE OF CONTENTS

TEMPORARY SIGNS H52

PORTABLE MESSAGE CENTER SIGNS H57

NEW FORMAT H59

SUMMARY OF RECOMMENDATIONS H60

INTRODUCTION

Topeka's sign code (Title 18, Topeka Municipal Code) regulates the design, dimensions, and placement of signs used by businesses, institutions, and other entities for their identification. The purpose of a sign code is to:

- provide effective communications for businesses, institutions, and others
- improve physical appearance of the community
- enhance traffic safety and prevent visual distractions
- protect property values
- accommodate the rights of individuals to free speech
- preserve & promote the public health, safety, & general welfare

CURRENT ISSUES

The City of Topeka sign code:

- Is outdated, highly permissive, and has not kept pace with best practices most other cities employ.
- Has not undergone a comprehensive update for at least 50 years with the exception of several key "band aids" related to billboards, electronic message centers (EMC), and Downtown.
- Lacks clarity and is not user-friendly for sign companies, city staff, and the lay public.
- Is not consistent with the 2015 U.S. Supreme Court ruling (*Reed v. Town of Gilbert, AZ*) which mandates **content-neutrality** (i.e., cannot read the sign to regulate it; only time/place/manner).

Community Surveys

- Aesthetics is one of three factors that drives community attachment (i.e., pride) which equates to more local spending/investment *(Momentum 2022)*
- Only **15%** feel Topeka has "**above average/excellent"** aesthetics/appearance (*Momentum 2022)*
- A whopping **96%** feel sign appearance is "**very important/somewhat important**" to the visual quality of the community (CoT Planning & Development Department's *Visual Appeal Survey*)

INTENT

- *Improve visual/aesthetic appeal (aka pride) per Momentum 2022*
- *Respond to Supreme Court direction* → *time/place/manner only...can't read sign to regulate*
- *Expand "Downtown standards" citywide*

PROCESS

VISUAL APPEAL SURVEY

- Early 2018
- Visual Codes: Building design, landscaping, signs
- Signs: 964 respondents + 386 written comments

SIGN CODE COMMITTEE

- Planning Commission Chair (Katrina Ringler) and Zoning Inspector (Becky Esopi)
- Sign industry professionals (Cindy Proett, Virginia Baumgartner, Rod Hart, Steven Gee, Johnny Huffman)
- Legal Advisors (White & Smith LLC, Legal Dept)
- Met 9 times
- Benchmarked other cities

PUBLIC REVIEW

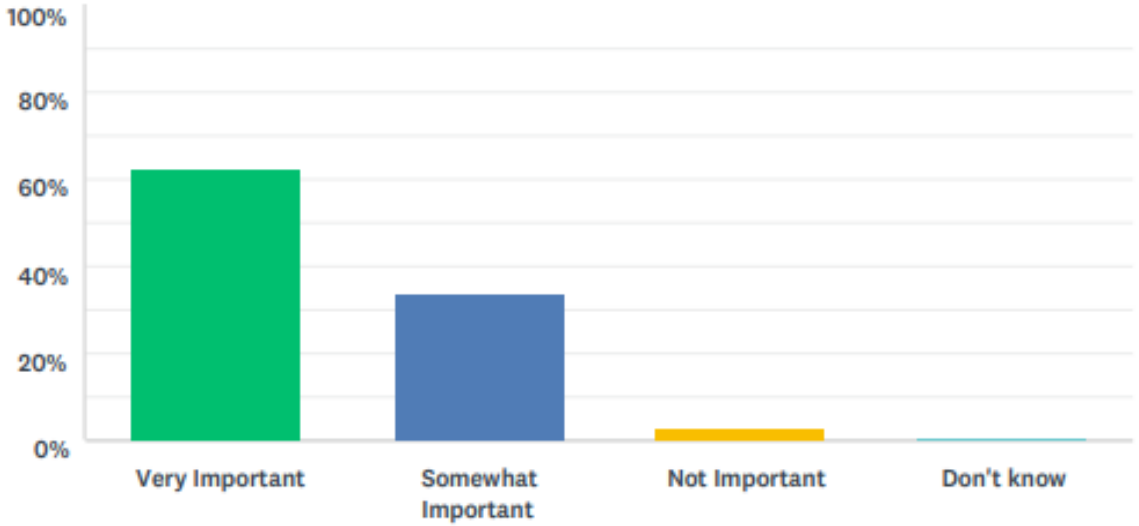
- 2 public meetings (Feb. 26, 2019)
- 10 Planning Commission meetings including public hearing May 20, 2019
- Direct mailings to all schools, churches, and portable message center sign users

VISUAL APPEAL SURVEY

VISUAL APPEAL SURVEY

Q38 How important is the appearance of signs to the visual quality of a community?

Answered: 964 Skipped: 98

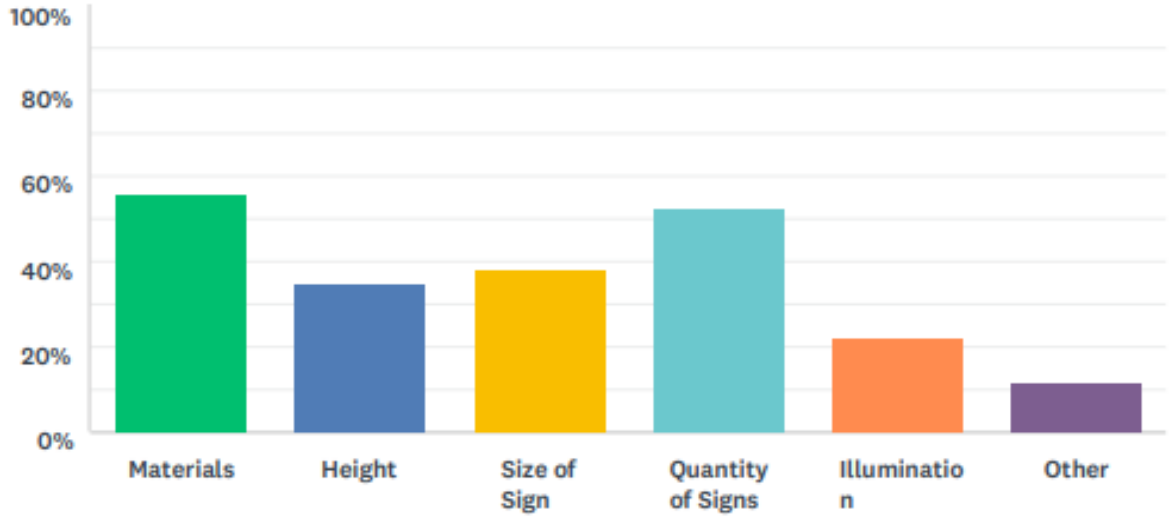


ANSWER CHOICES	RESPONSES	
Very Important	62.34%	601
Somewhat Important	34.23%	330
Not Important	2.90%	28
Don't know	0.52%	5
TOTAL		964

VISUAL APPEAL SURVEY

Q37 What factors are most important to the visual appeal of signs? (Select TWO)

Answered: 964 Skipped: 98



ANSWER CHOICES	RESPONSES	
Materials	56.22%	542
Height	34.96%	337
Size of Sign	38.17%	368
Quantity of Signs	52.49%	506
Illumination	22.10%	213
Other	11.62%	112
Total Respondents: 964		

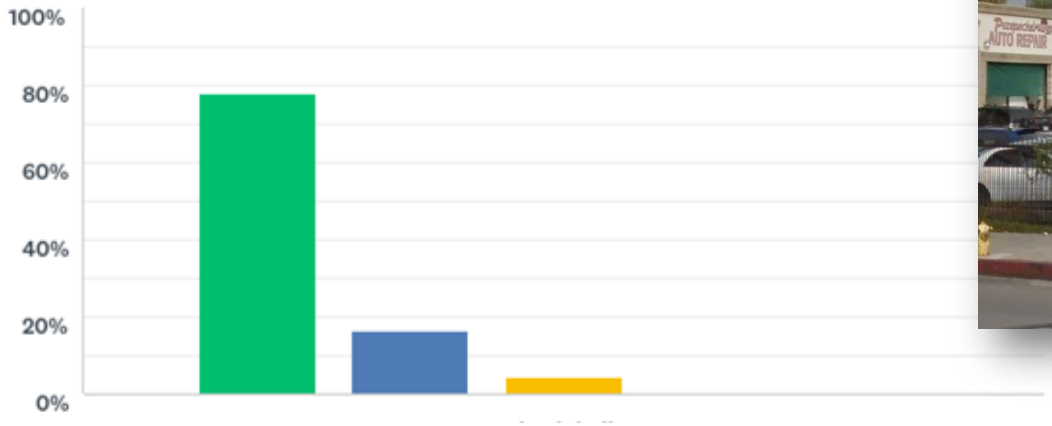
WALL SIGNS

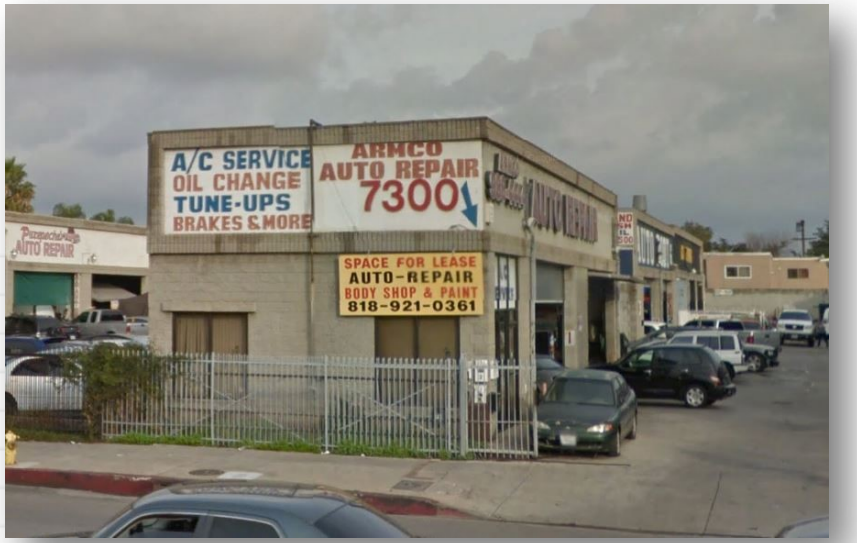
Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
78.22% 754	16.39% 158	4.25% 41	0.52% 5	0.62% 6





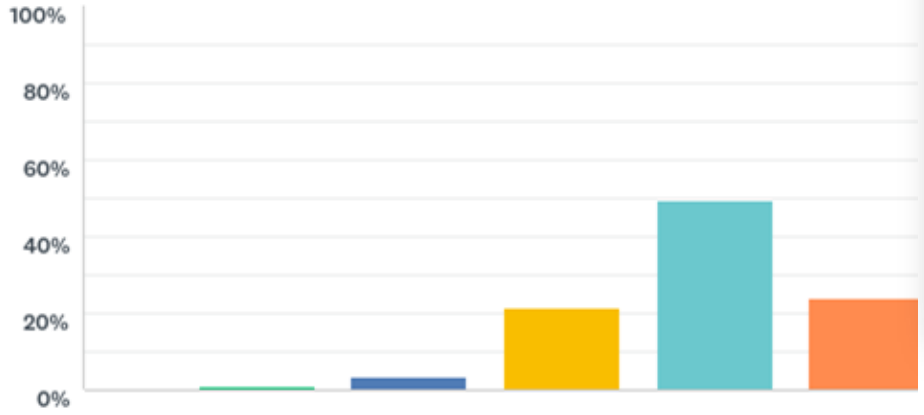
WALL SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
1.24% 12	3.63% 35	21.58% 208	49.38% 476	24.17% 233





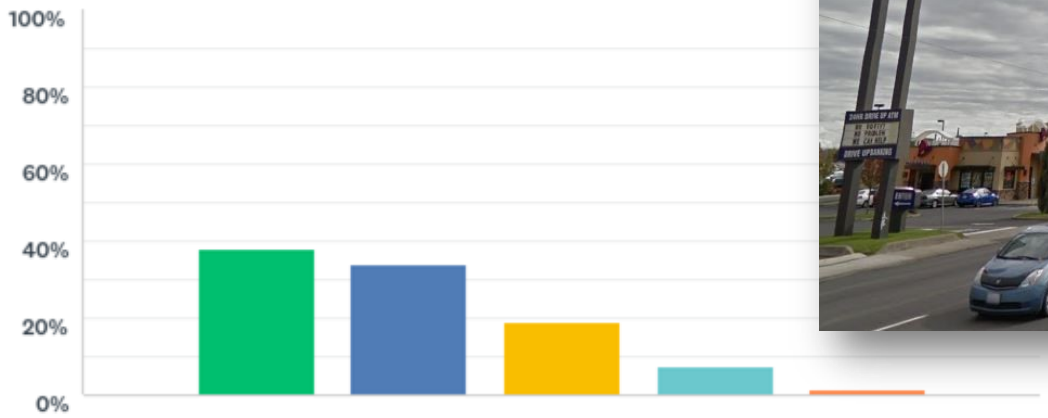
FREE-STANDING SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
38.17% 368	34.02% 328	18.88% 182	7.47% 72	1.45% 14





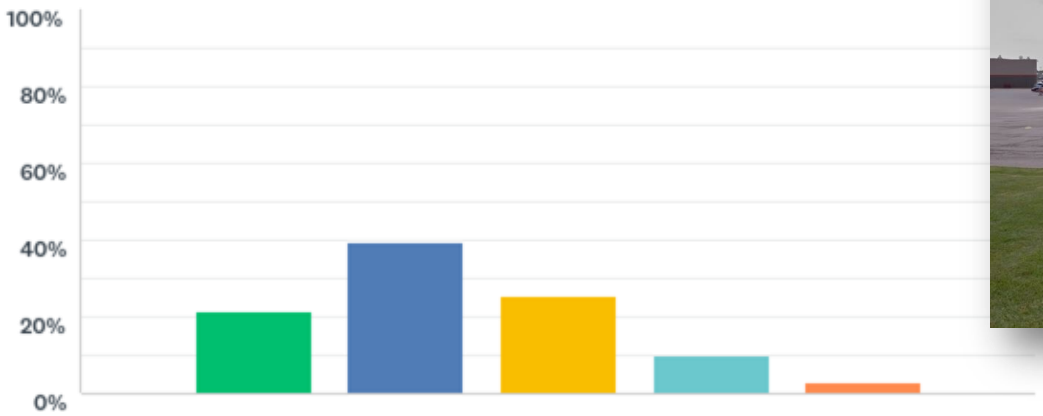
FREE-STANDING SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
21.58% 208	39.63% 382	25.41% 245	10.17% 98	3.22% 31





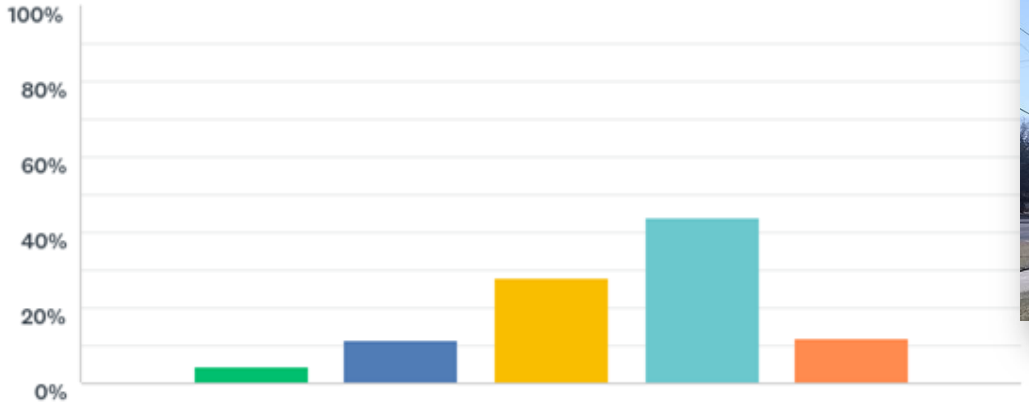
FREE-STANDING SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
4.56% 44	11.31% 109	27.90% 269	43.98% 424	12.24% 118





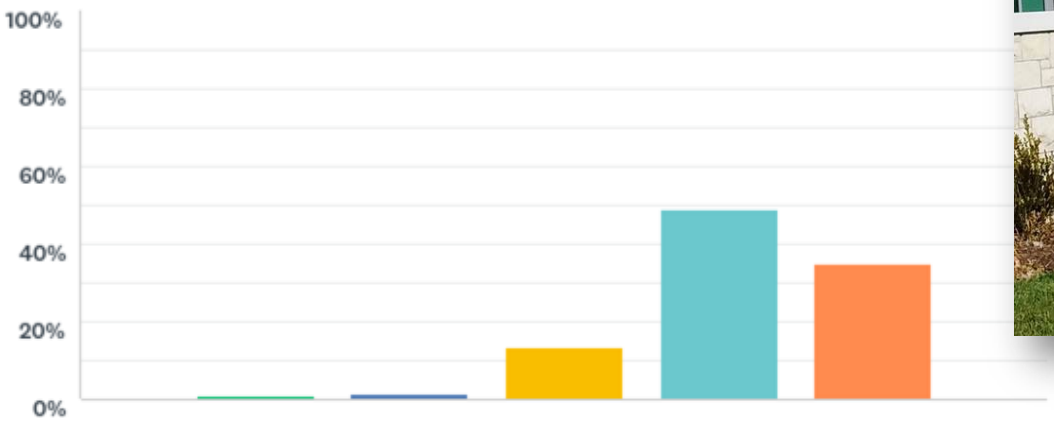
FREE-STANDING SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
0.83%	1.35%	13.69%	48.96%	35.17%
8	13	132	472	339





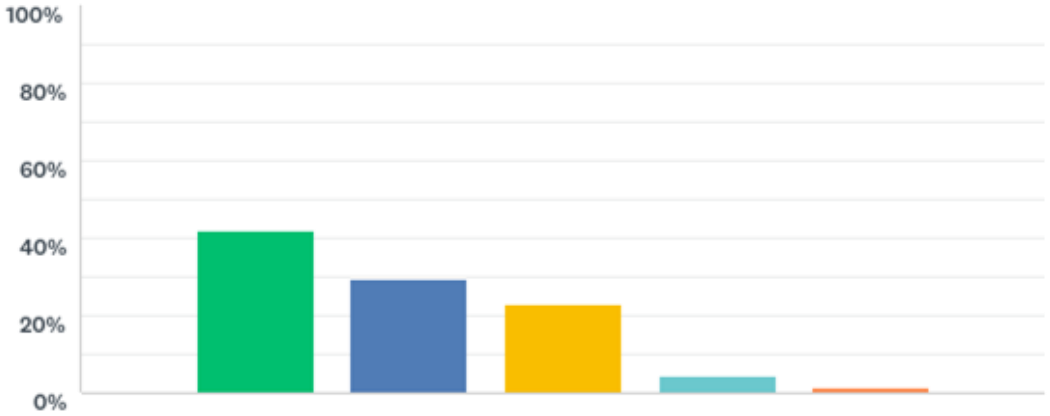
TEMPORARY SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
41.80% 403	29.56% 285	22.93% 221	4.36% 42	1.35% 13





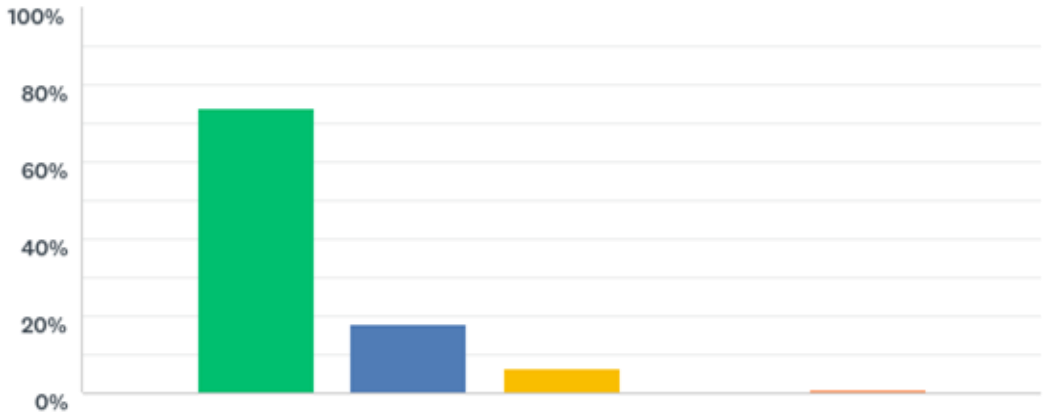
TEMPORARY SIGNS

Visual Appeal Survey Results

Answered: 964

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
74.07% 714	17.84% 172	6.43% 62	0.73% 7	0.93% 9





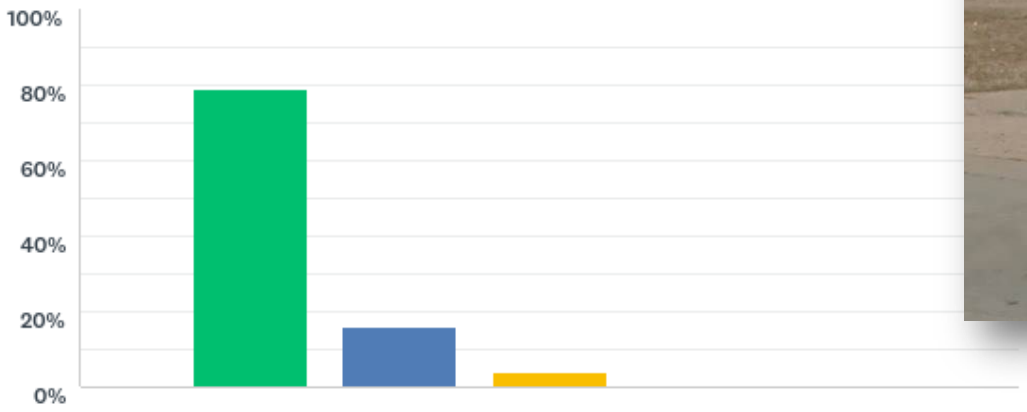
PORTABLE MESSAGE CENTER SIGNS

Visual Appeal Survey Results

Answered: 487

VISUAL APPEAL SURVEY

VERY UNAPPEALING	SOMEWHAT UNAPPEALING	NEUTRAL	SOMEWHAT APPEALING	VERY APPEALING
79.06% 385	16.02% 78	4.11% 20	0.41% 2	0.41% 2





SURVEY FINDINGS

- Height and materials matter more than size; preference for short, monument-style signs over tall signs on poles.
- Poles without covers are more unappealing than poles with covers.
- The use of multiple wall signs on buildings, especially those constructed of low-quality materials, is very visually unappealing.
- The sites of businesses that use few signs, such as one monument sign and one to two wall signs, are more visually appealing than those sites that contain a larger number of ground and wall signs.
- Use of more than one temporary sign is very visually unappealing.
- Portable message center signs are lowest appealing sign by far.

RECOMMENDATIONS

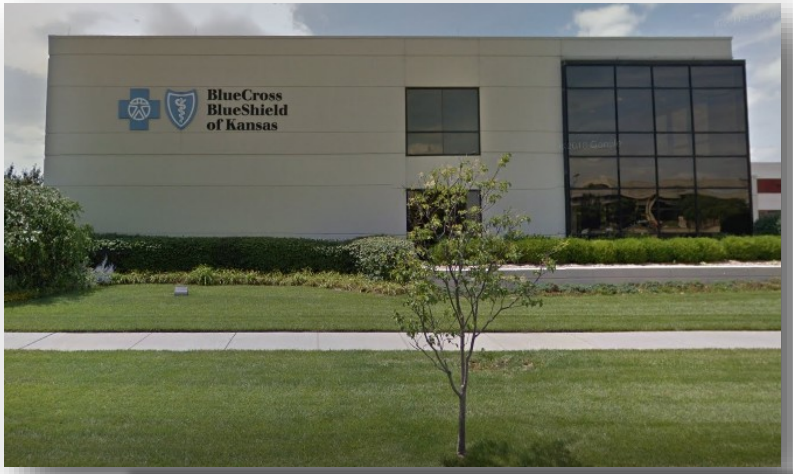
TYPES OF SIGNS



FREE STANDING



TEMPORARY



WALL

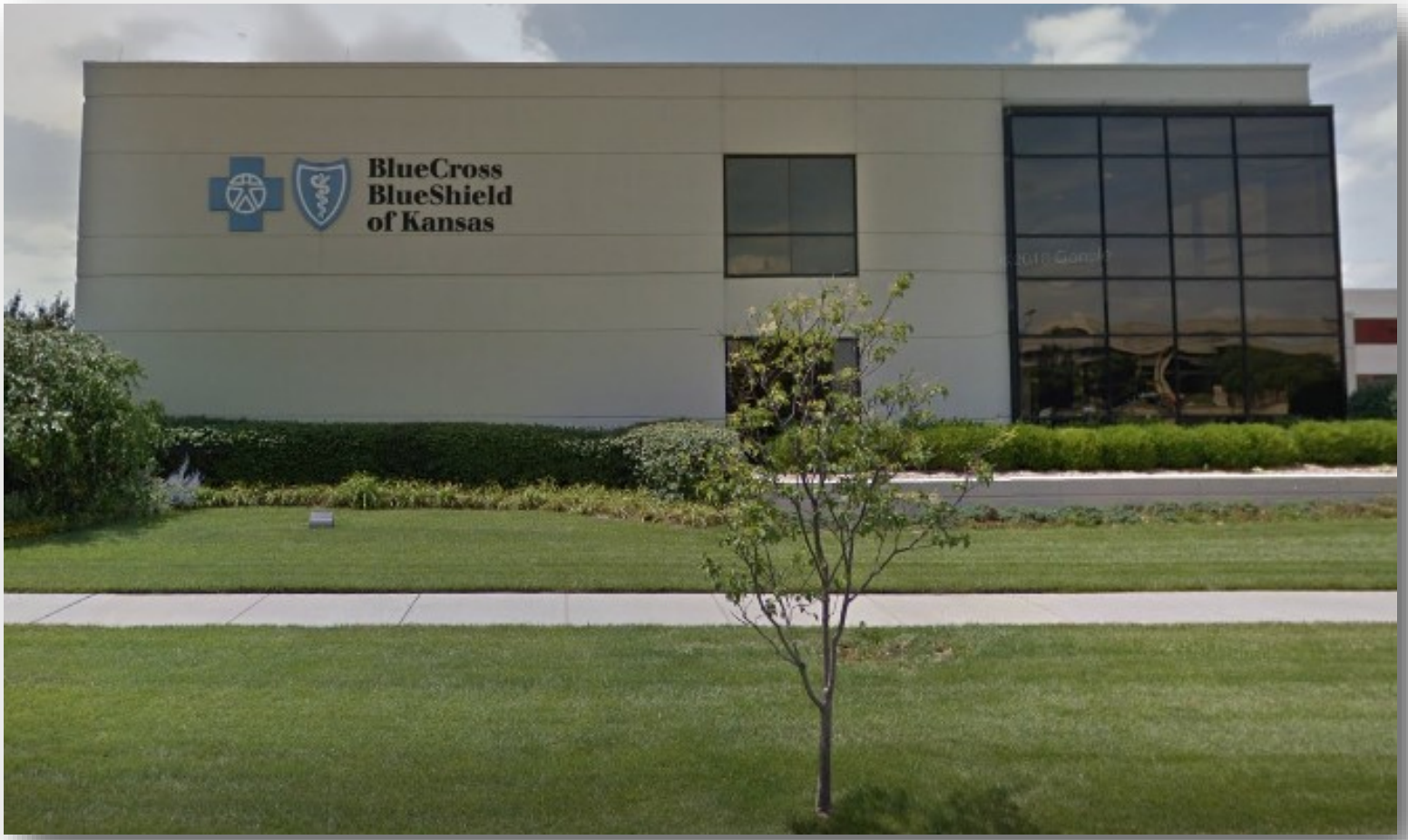


CANOPY



PROJECTING

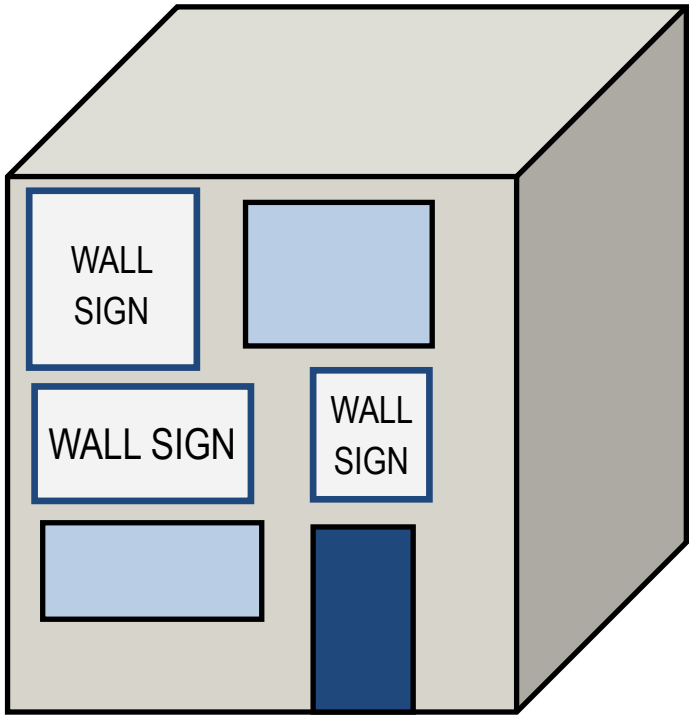
WALL SIGNS



WALL SIGNS

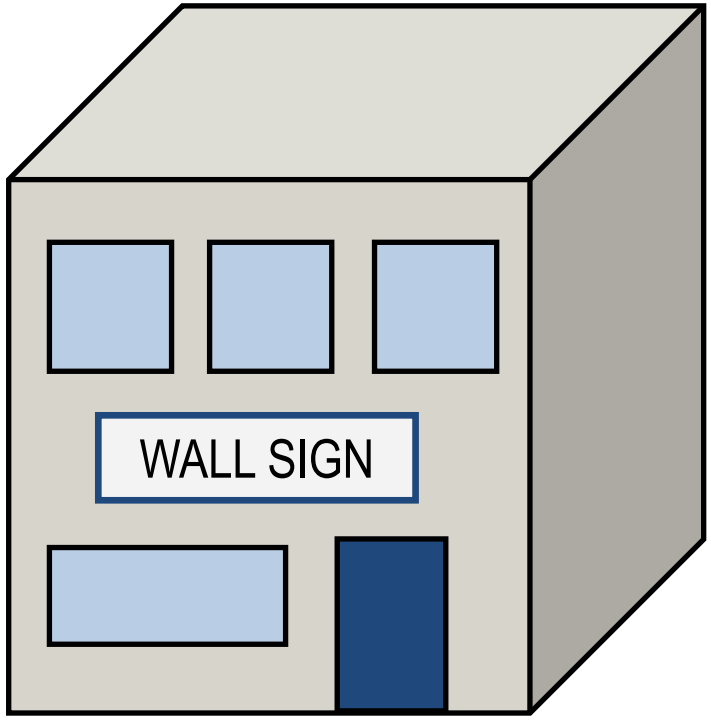
OFFICE & INSTITUTIONAL *

CURRENT



- No limit on number
- 40 sq ft maximum per sign

PROPOSED



- 1 per 50 linear feet of the façade on which sign is located.
- 1.5 sq ft per linear foot of building frontage
- Max 100 sf per single sign
- Max 200 sf per sign on facades 300’ or more from street right-of-way.

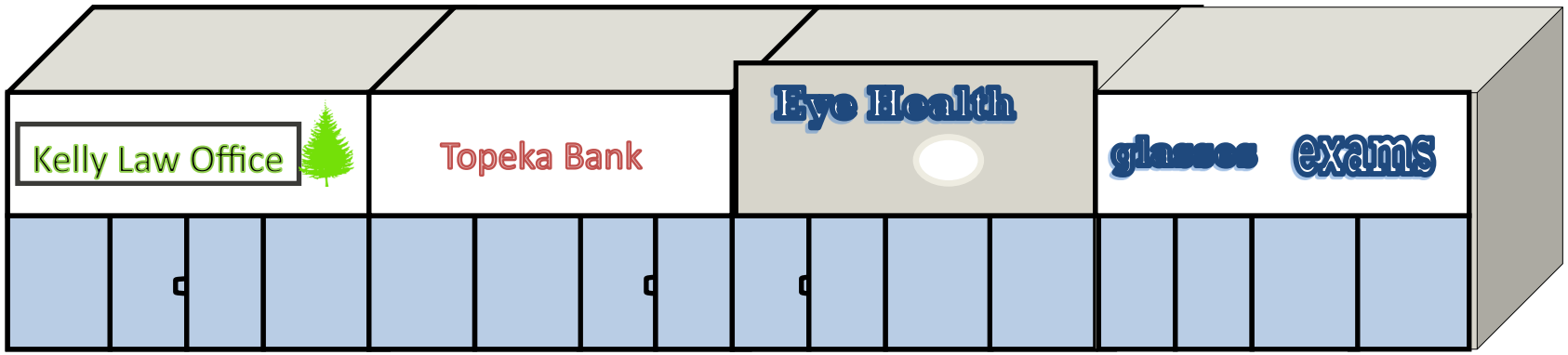
*O&I-2, O&I-3

WALL SIGNS

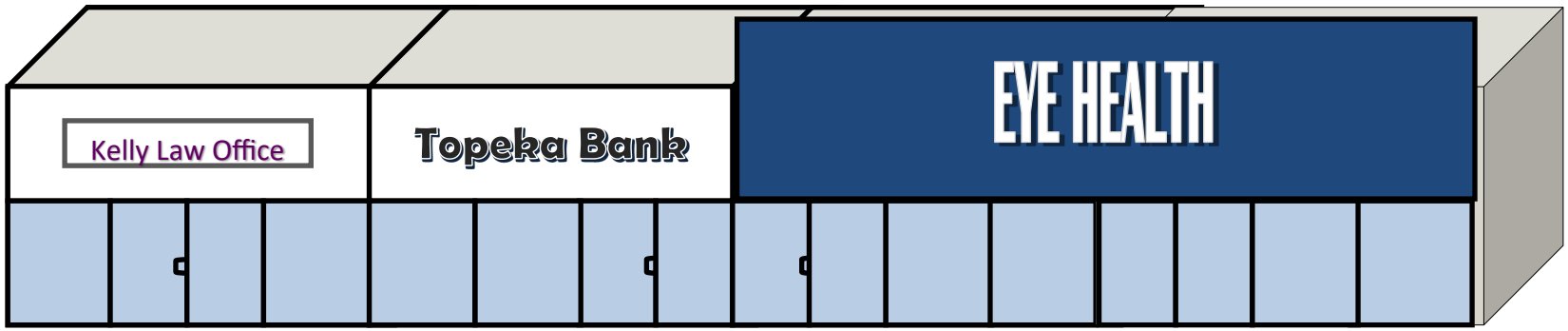
OFFICE & INSTITUTIONAL *

40 sf max size per sign

CURRENT



PROPOSED



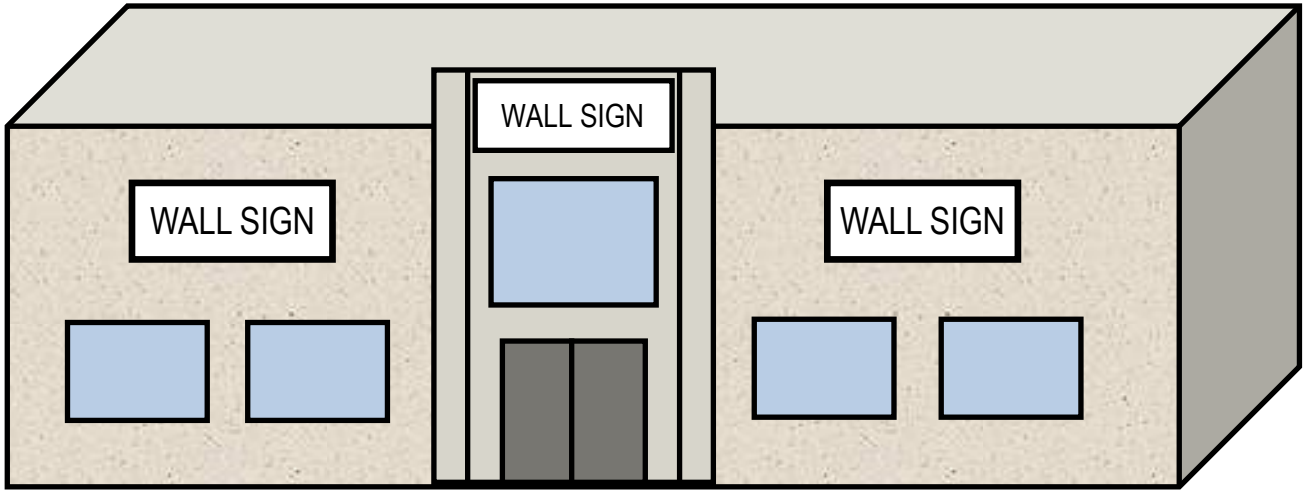
- 1 per tenant/establishment on each façade; 1.5 sq ft per linear foot of building frontage (occupied by tenant); max 100 sf per single sign; max 200 sf per sign on facades 300' or more from street right-of-way.

*O&I-2, O&I-3

WALL SIGNS

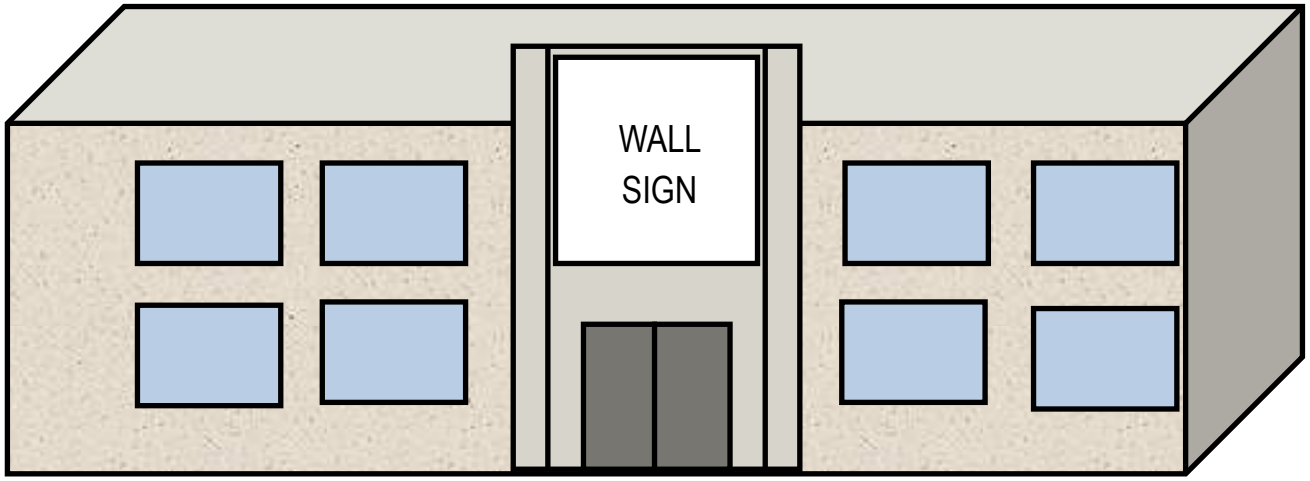
INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS

CURRENT



← Max 40 sq ft per sign

PROPOSED

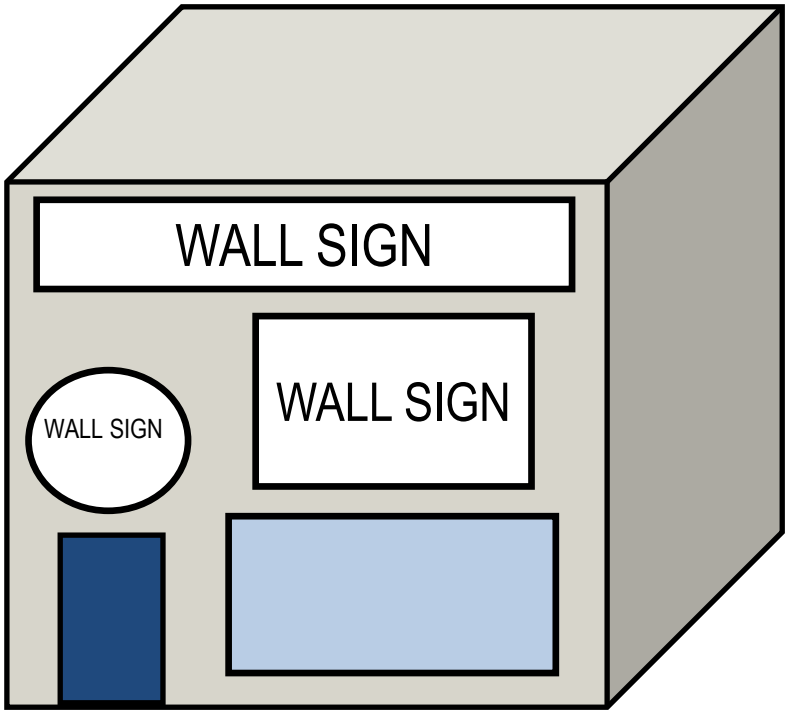


- 1 per 50 linear feet of the façade on which sign is located.
- 1.5 sq ft per linear foot of building frontage, max 100 sq ft per single sign
- Max 100 sf per single sign
- Max 200 sf per sign on facades 300’ or more from street ROW.

WALL SIGNS

COMMERCIAL DISTRICT *

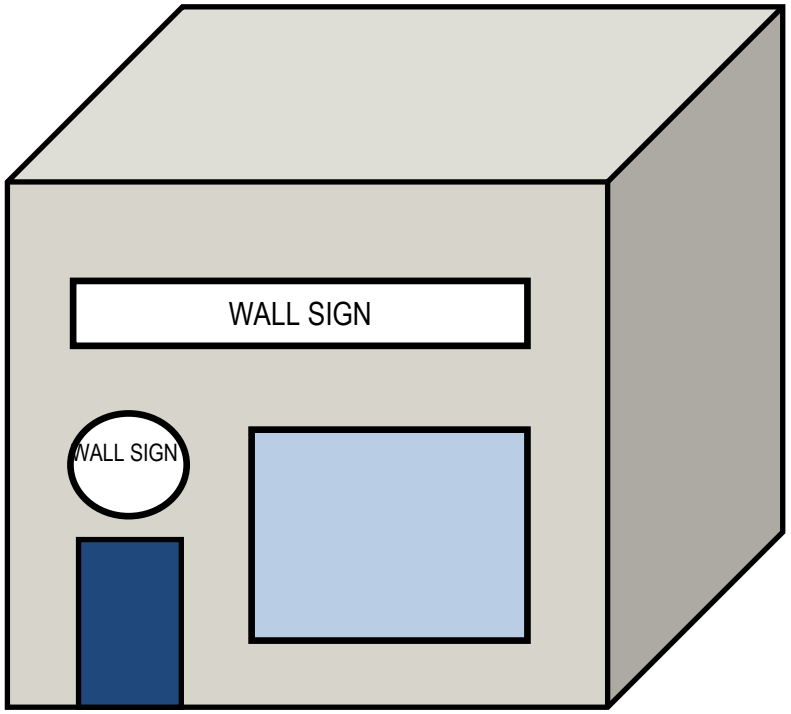
CURRENT



- Max size per sign is 200 sq ft
- No limit on quantity of signs

*C--2

PROPOSED

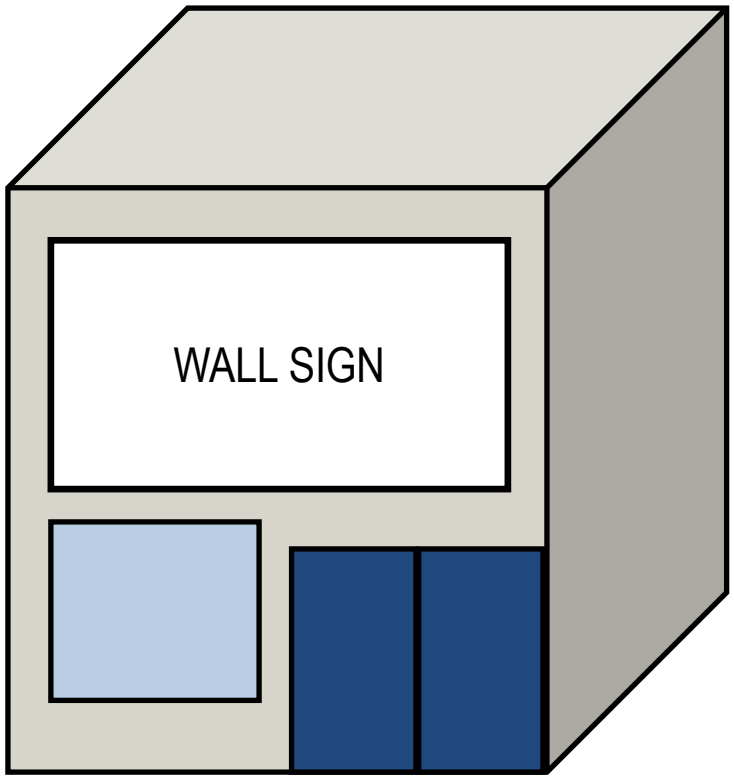


- Max is 3 sf per linear foot of building frontage
- Single sign max of 200 sf; max 300 sf for signs on facades 300’ or more from street right-of-way.
- No limit on quantity

WALL SIGNS

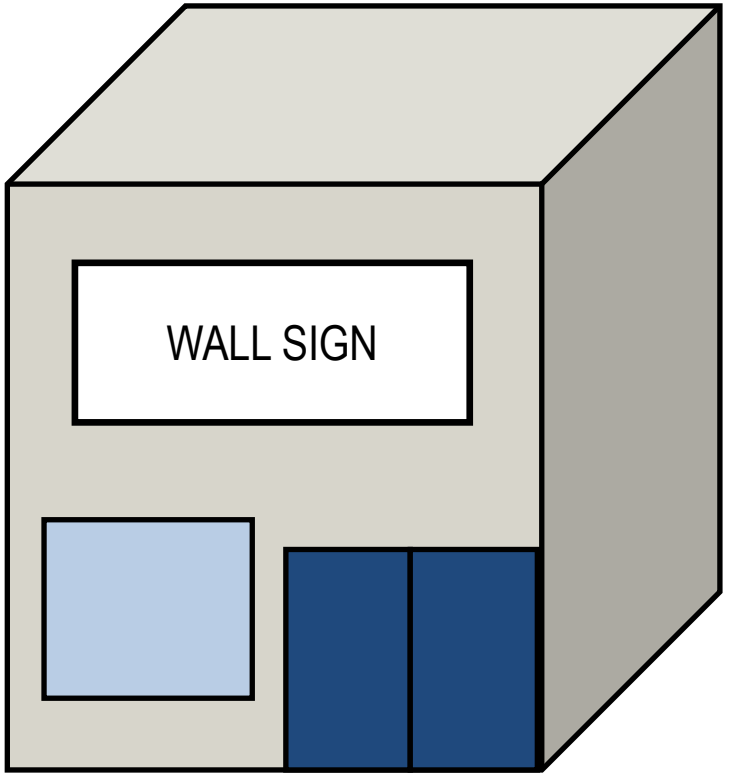
COMMERCIAL DISTRICTS

CURRENT



- Max size per sign is 300 sq ft
- No limit on quantity of signs

PROPOSED



- Max 3.2 sq ft per linear foot of building frontage
- Maximum 200 sf per sign; max 300 sf for signs setback 300’ or more from street right-of-way.
- No limit on quantity.

*C-3, C-4, I-1, I-2

WALL SIGNS

SIGN CODE COMPARISONS

Office Zoning (O&I)

Wyandotte County Unified Govt. (KCK)	Lawrence, KS	Olathe, KS
C-O (Nonretail Business District): • Maximum of 3 wall signs on single tenant building; maximum 1 sign per tenant on multi-tenant building. • Size: Maximum of 80 sf per sign. All attached signs may not exceed 5% of exterior wall area.	CO (Office Commercial District): • Maximum 1 sign per tenant on wall with entrance or facing public street. • Size: Maximum 5% of building wall area to which the Sign is attached, maximum. Max 32 sq. ft. per Sign.	O (Office) • Maximum 2 signs per building and 1 per wall. Multi-tenant buildings are allowed no more than 1 sign per tenant. • Size: Maximum 10% of total building wall area to which the Sign is attached.

WALL SIGNS

OTHER CITIES

Commercial Zoning (C-3, C-4)

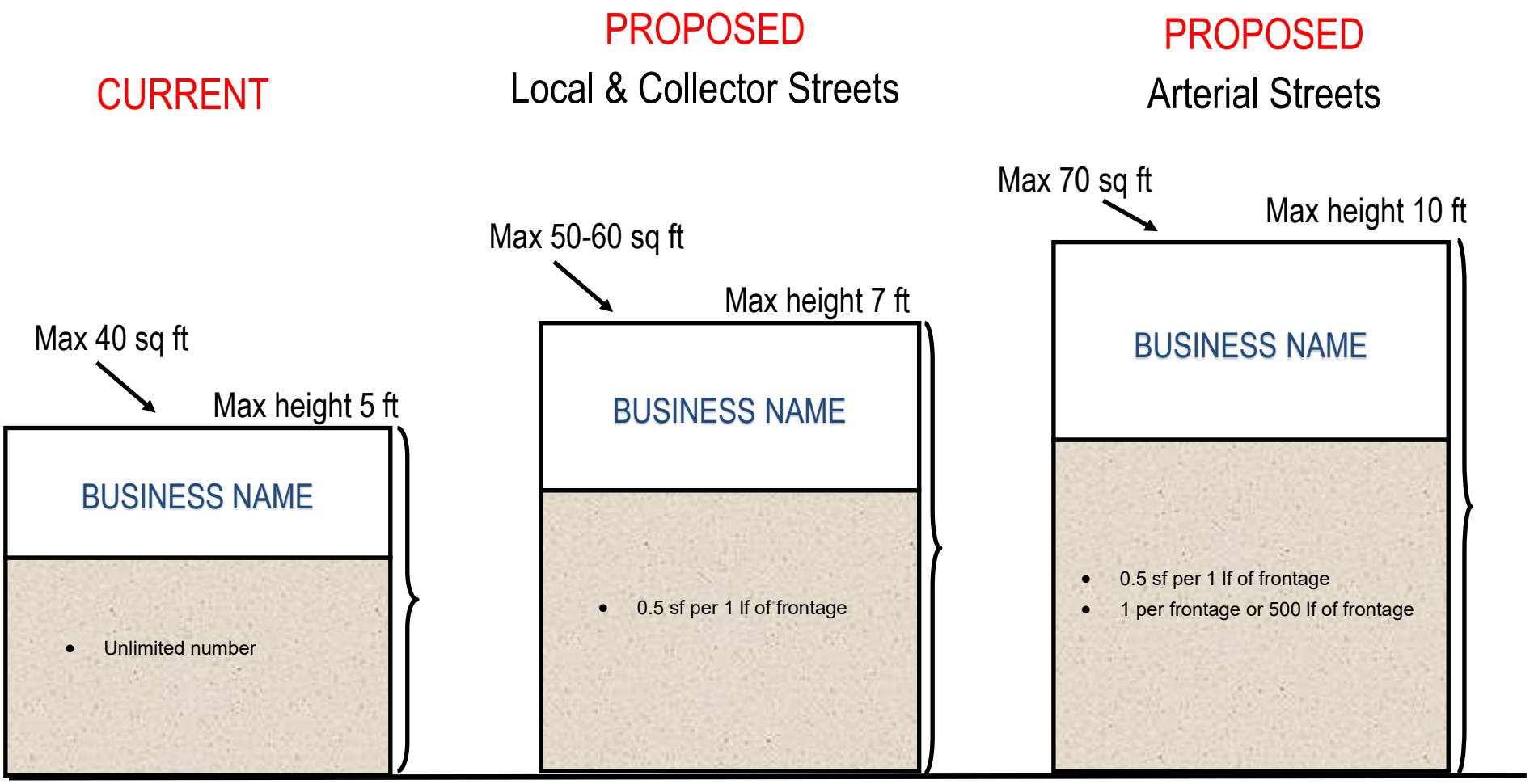
Wyandotte County Unified Govt. (KCK)	Lawrence, KS	Olathe, KS
• C-2 (General Business District): • Maximum of 3 wall signs on single-tenant building; maximum 1 sign per tenant on multi-tenant building. • Size: All attached signs may not exceed 7% of exterior wall area on which signs are placed; and all signs cumulatively shall not exceed 300 sf.	• CO (Commercial Strip District): • No restriction on # of signs for single tenant building; maximum 1 per tenant for multi-tenant buildings. • Size: Maximum 10% of building wall area or 150 sf, whichever is less. Size increases allowed for incremental increased setbacks from public right-of-way.	C4 (Corridor Commercial) • Maximum 3 signs per building and 1 sign per wall. Multi-tenant buildings allowed 1 sign per tenant. • Size: Maximum 10% of total building wall area to which the Sign is attached. Multi-tenant buildings allowed 10% of the wall on which the sign is placed.

FREE-STANDING SIGNS



FREE-STANDING SIGNS

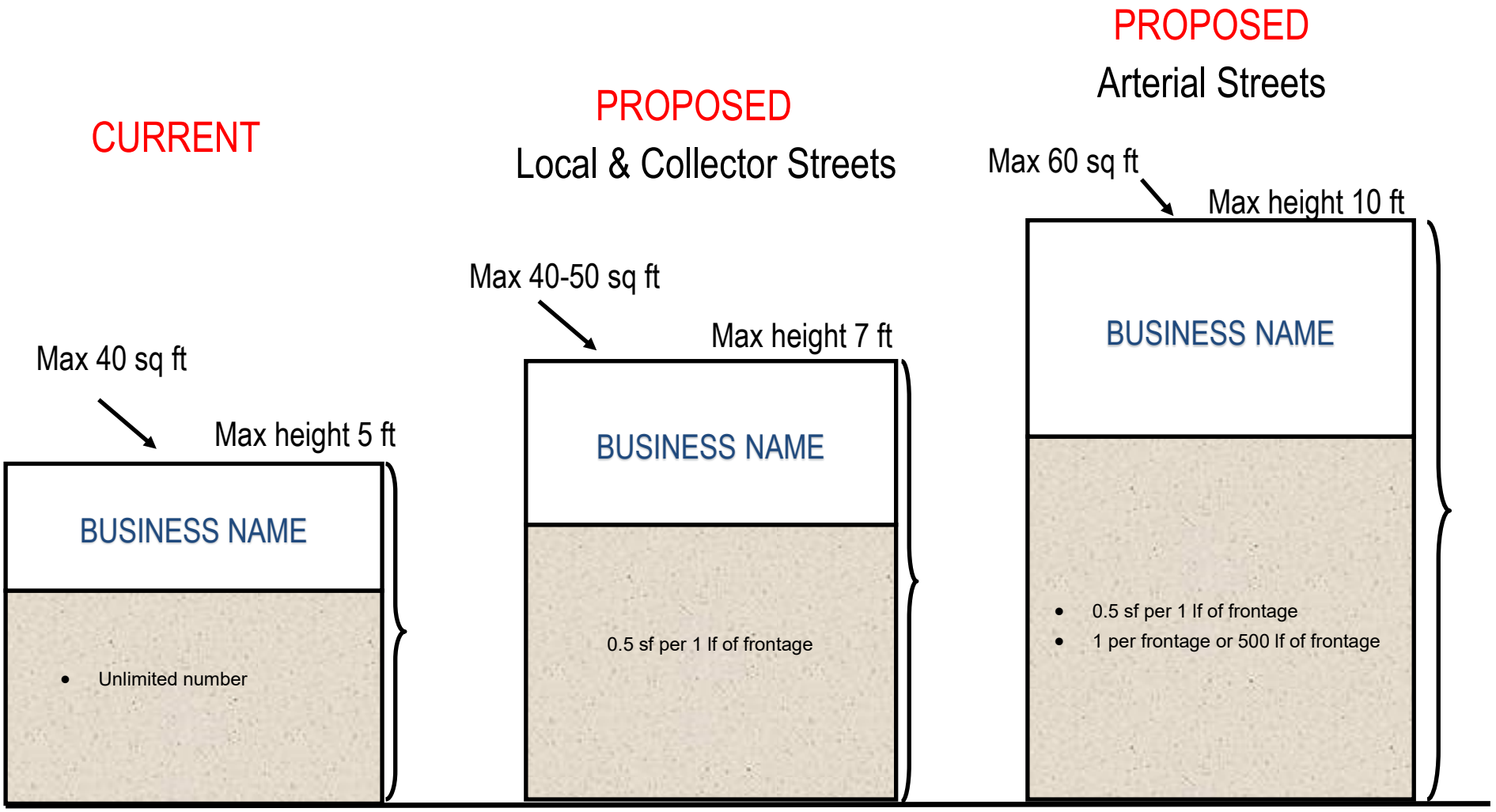
OFFICE & INSTITUTIONAL*



*O&I-2, O&I-3

FREE-STANDING SIGNS

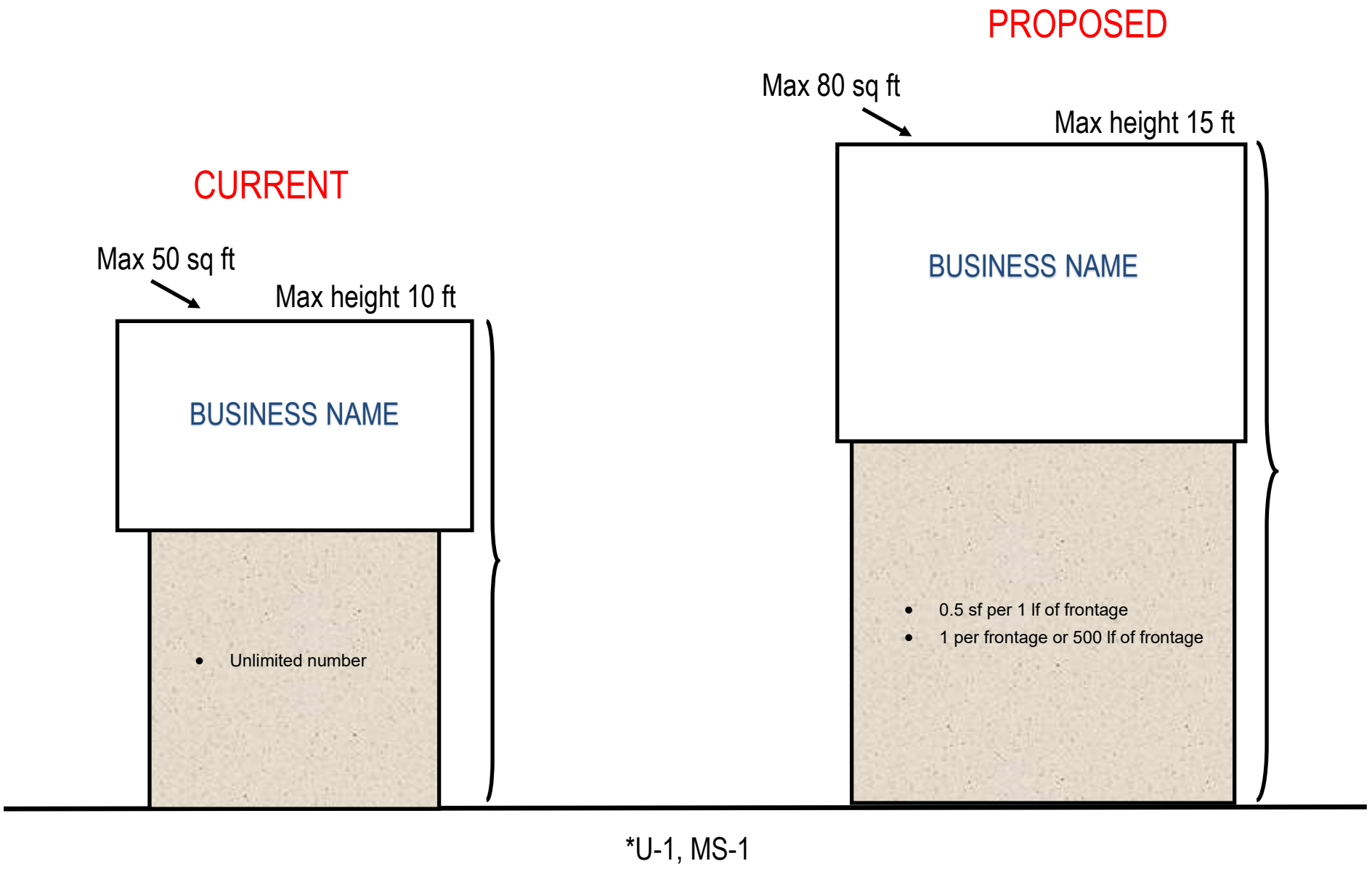
INSTITUTIONAL USES IN RESIDENTIAL DISRICTS*



* Includes schools, churches, etc. + O&I-1

FREE-STANDING SIGNS

UNIVERSITY/MEDICAL*



*U-1, MS-1

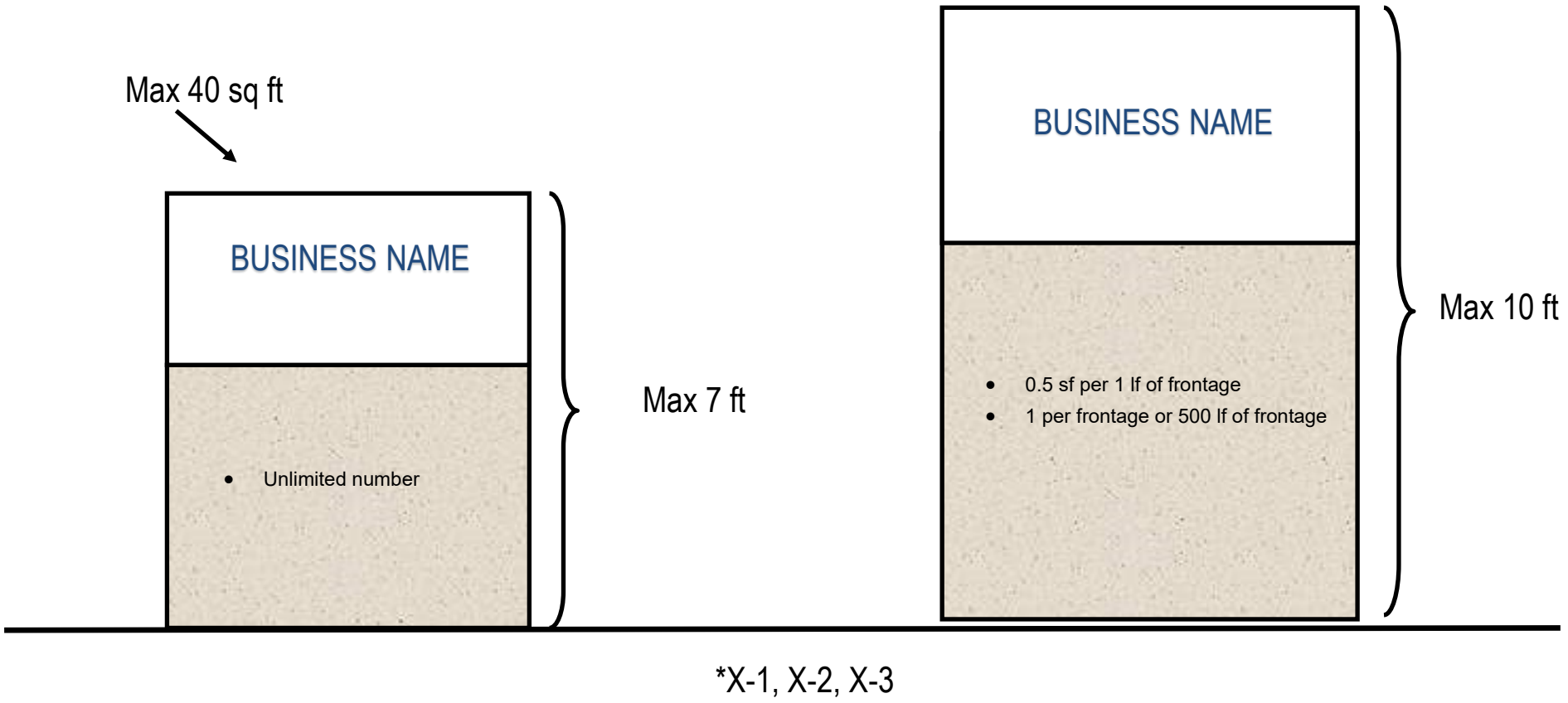
FREE-STANDING SIGNS

MIXED USE DISTRICTS *

PROPOSED

- .Maximum 1 per street frontage
- 0.5 sf per 1 linear foot of frontage not to exceed 50 sq. ft.

CURRENT



*X-1, X-2, X-3

FREE-STANDING SIGNS

COMMERCIAL— Neighborhood *

CURRENT

BUSINESS NAME

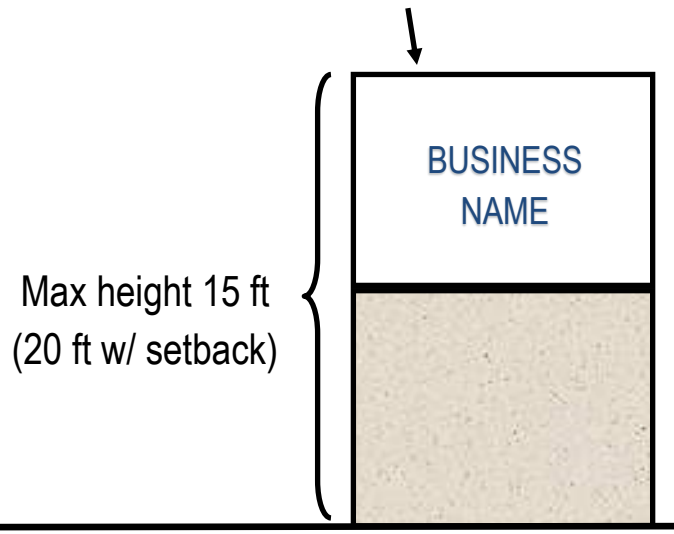
← 35’ max. height

← 200 sf maximum area

Unlimited number

PROPOSED

- 1 per street frontage/500 lf of frontage
- 0.5 sf per linear foot street frontage
- max 80 sf (112 sf with setback)
- Monument style



*C-2

FREE-STANDING SIGNS

COMMERCIAL— General *

CURRENT

55’ max. height

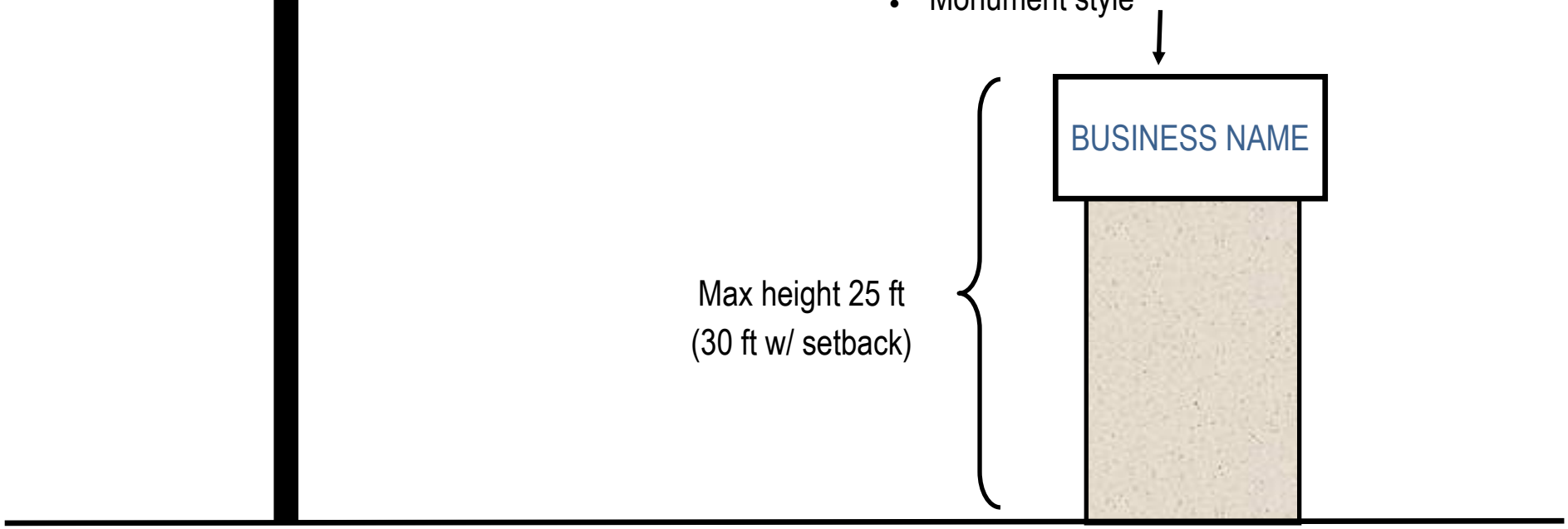
BUSINESS NAME

300 sf maximum area

Unlimited number

PROPOSED

- 1 per street frontage/500 lf of frontage
- 0.5 sf per linear foot street frontage
- max 120 sf (168 sf w/ setbacks)
- Monument style



*C-3, C-4, I-1, I-2

FREE-STANDING SIGNS

OTHER CITIES

Office Zoning (O&I-1, O&I-2)

Wyandotte County Unified Govt. (KCK)	Lawrence, KS	Olathe, KS
C-O (Nonretail Business District) • Monument sign only. Maximum 1 per street frontage not to exceed 3. • Height: **15 feet** max at minimum setback. For each 1 foot of additional setback, 1 foot of additional height is allowed up to max height (highest point of nearest principal building's roof on the premises or **24 feet**, whichever is lower.) • Maximum Size: **50 sf** • 5' minimum setback	CO (Office Commercial District) • Monument sign only. Maximum 1 per lot. For lots of 3 or more acres, 1 additional may be allowed at a secondary entrance facing a different street than first sign. • Height: **6 feet** high maximum. For each 5' of setback from ROW, height may be increased by 1' to maximum of **8 feet**. • Maximum Size: **32 sf.** For each 5' setback from ROW sign may be increased by 8sf for maximum of **48 sf**.	O (Office District) (allows for more intense office uses than O&I-1 district) • Monument sign only. Maximum 1 sign for each freestanding building. For complexes or single business sites on more than 5 acres and with more than 1 street frontage, a second monument sign is permitted on the additional street frontage. • Height: **6 feet** max. Height may be increased 2' for each additional 5' setback to a max of **15 feet**. Increases allowed for sites exceeding 5 acres. • Maximum Size: **25 sf,** may increase 10 sf for each additional 5' setback to a max of **65 sf.** Increases allowed for sites exceeding 5 acres. • 10' minimum setback.

FREE-STANDING SIGNS

OTHER CITIES

Commercial Zoning (C-3, C-4)

Wyandotte County Unified Govt. (KCK)	Lawrence, KS	Olathe, KS
C-2 (General Business District) • Monument only. Maximum 1 per street frontage not to exceed 3. • Height: **15 feet** max at minimum setback. For each 1 foot of additional setback, 1 foot of additional height is allowed up to max height. Shall not exceed the highest point of the nearest principal building's roof on the premises or **24 feet,** whichever is lower. • Maximum Size: **75 sf** • 5' minimum setback.	CS (Commercial Strip District) • Monument only. Maximum 1 per lot. For lots of 3 or more acres, 1 additional may be allowed at a secondary entrance facing a different street than first sign. • Height: **12 feet** high maximum. For each 5' of setback from ROW height may be increased by 2' to a maximum of **16 feet**. • Maximum Size: **60 sf**. For each 5' of setback from the ROW sign area may be increased by 6 sf to a maximum of **72 sf**. For lots of 3 or more acres, additional sf of 20 sf is allowed or 1 additional signs is allowed with maximum 40 sf (**112 sf**)	C (Corridor Commercial District) • Monument only. Maximum 1 sign per building. For sites more than 5 acres and with more than 1 street frontage, a second monument sign is permitted on the additional street . • Height: **6 feet** max plus increase of 2' for each additional 5' setback to a max of **15 feet**. For sites more than 5 acres in size, max height is **15 feet** plus increase of 2' for each additional 5' setback up to max height of **21 feet**. • Maximum Size: **25 sf**, may increase 10 sf for each additional 5' setback to a max of **65 sf**. For sites more than 5 acres in size, no more than 1 monument sign may be increased to 65 sf plus increase of 10 sf for each additional 5' setback to a max size of **95 sf**. • On sites larger than 20 acres, signage may be increased to a max height of 25' and max size of **100 sf**. • 10' minimum setback.

EXCEPTIONS

Corner Lots



130% of maximum sign area allowed

- If combining 2 frontages on a single sign, allow 130% of maximum sign area allowed for the street with the most street frontage.



EXCEPTIONS

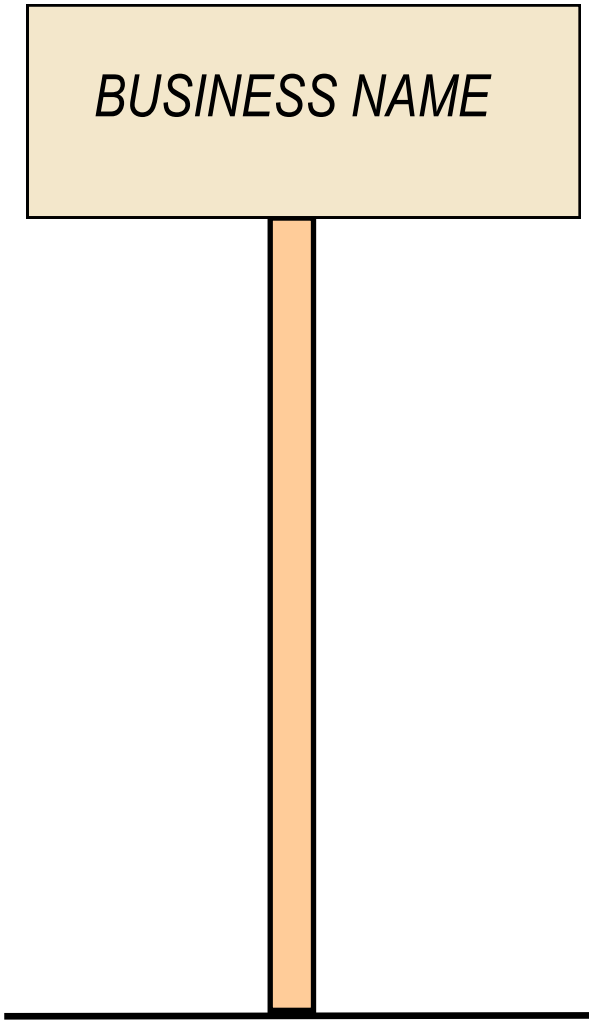


Historic Signs

Any sign listed or eligible for listing in a national, state, or local register or that contributes to the historic character of a listed property may be relocated or altered upon approval of the Topeka Landmarks Commission and is exempt from adopted dimensional standards.

EXCEPTIONS

Highway Signs



- Applies to sites zoned **C-3, C-4, I-1, and I-2** that are either:
  a) within a **800 foot radius** of the intersection of the centerline of I-70, I-470, or US-75 (north of I-70 and south of I-470) with an arterial or collector street, OR
  b) within **120 feet** of the right-of-way of an on/off ramp
- Height max is **55 feet**; sign area max is **250 sq. ft.**
- May be pylon/pole style if exceeds 35 feet

- For sites zoned **C-2**, a sign is allowed to a height of **35 feet** and sign area of **150 sq ft**. Signs over 25 feet may be mounted on two covered columns each at least two (2) feet wide if their design is integrated with or matches overall sign design.

EXCEPTIONS

Master Sign Plans



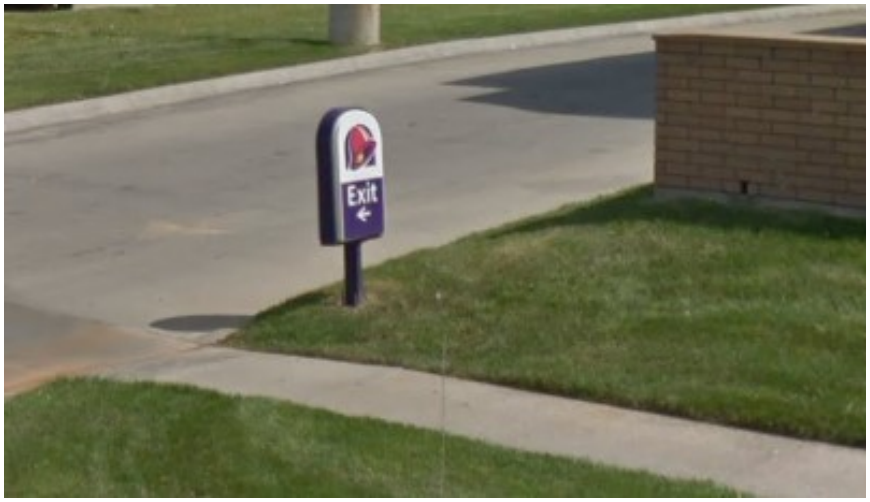
- Applies to sites of **4 acres** or more and having 5 or more tenants or 3 or more buildings in O&I2, 0&I3, C-2, C-3, C-4, U, MS, or I districts, and any PUD with any of these corresponding use groups.
- Each site is allowed 1 "center sign" that is **allowed to exceed the baseline height and size** standards for that zoning district:
  - ⇒ **O&I-1/2/3:** Height = 15 feet; Area = 100 sq ft
  - ⇒ **MS-1:** Height = 20 feet; Area = 120 sq ft
  - ⇒ **C-2, U-1:** Height = 20 feet; Area = 160 sq ft
  - ⇒ **C-3, C-4, I-1, I-2:** Height = 30 feet; Area = 240 sq ft
- Signs over 25 foot in height may replace monument style with two covered columns matching sign design each at least 2 ft wide
- An approved master sign plan is required

INCIDENTAL SIGNS





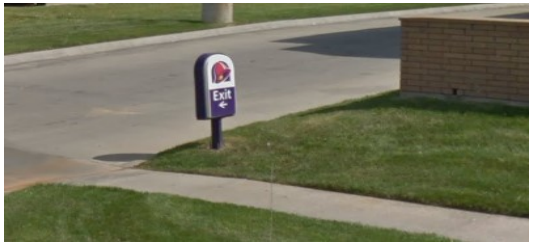






INCIDENTAL SIGNS







Currently:

- Not addressed. No restriction on quantity of signs.

Proposed:

- Accommodate freestanding signs in all zoning districts.
- Quantity: 1-2 per 300 feet of street frontage; no limit if setback 30' or more from any property line.
- Sign Area: 6-64 sq ft based on zoning district/setbacks with a maximum of 6-150 for all incidental signs.
- Height: 4-8 feet based on zoning district/setbacks.
- Portable Pedestrian Signs: accommodated for buildings setback five (5) feet or less from the public street right-of-way where a sidewalk is present .

LEGAL NON-CONFORMING SIGNS

Definition: *Any sign lawfully existing prior to the adoption of a new code that does not conform to the new code*

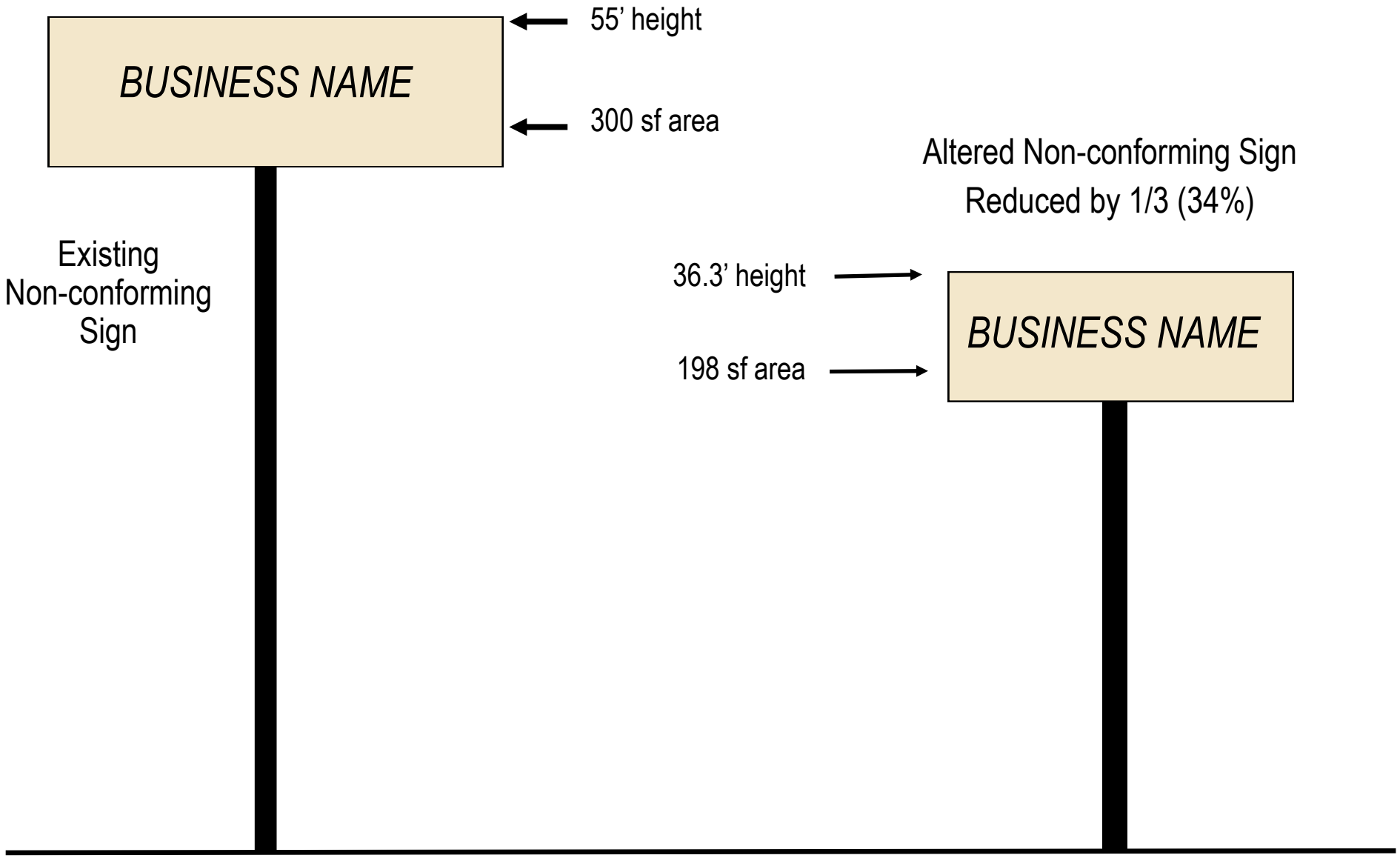
Current

- Signs are not addressed specifically.
- In practice, staff allows changes to existing legal non-conforming signs provided the height and area of the sign are reduced in keeping with provisions for legal non-conforming uses in Chapter 18.220

Proposed

- Legal non-conforming signs will be grandfathered **up to 20 years** after adoption of new code.
- Re-facing a sign will not trigger compliance with new code UNLESS associated with a major event as defined in the new code (e.g., tax incentives, rezoning, major renovation, etc.)
- Any alteration or dimensional change of **50% or more** to the sign area, cabinet size, height, or support structure shall achieve full compliance
- Any alteration or dimensional change of **50% or less** of sign area, cabinet size, height, or support structure shall achieve full compliance **OR** at a minimum partial compliance by reducing its existing sign area and height by at least **34%**.

LEGAL NON-CONFORMING SIGNS



SIGN MAINTENANCE

Currently

- Signs must be properly maintained per **TMC 18.10.100**:

  All signs shall be maintained in good condition. A sign with missing or visibly damaged face panels, exposed internal lights and related internal hardware, visible deteriorating paint and rust, or structural damage that ma be hazardous to the public is not in good condition and shall be repaired o be removed within a reasonable time as determined by the planning director or designee.

Proposed

- No changes

ABANDONED SIGNS

Definition (proposed): *An abandoned sign is defined as any sign on a property which no longer applies to a use of the property because the use has changed or the property has become vacant*

Currently

- Not addressed

Proposed:

- Any abandoned sign in existence for a period of more than **6 consecutive months** shall be removed or the face of the sign shall be covered.
- Any non-conforming abandoned sign in existence for a period of more than **24 consecutive months** shall be removed.
- Non-conforming abandoned signs shall be removed **immediately** when the primary building on the property is demolished or removed.
- When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed.
- **Grace Period**: Any sign made "abandoned" by this code must comply within one (1) year from the date of adoption of the

EXAMPLES

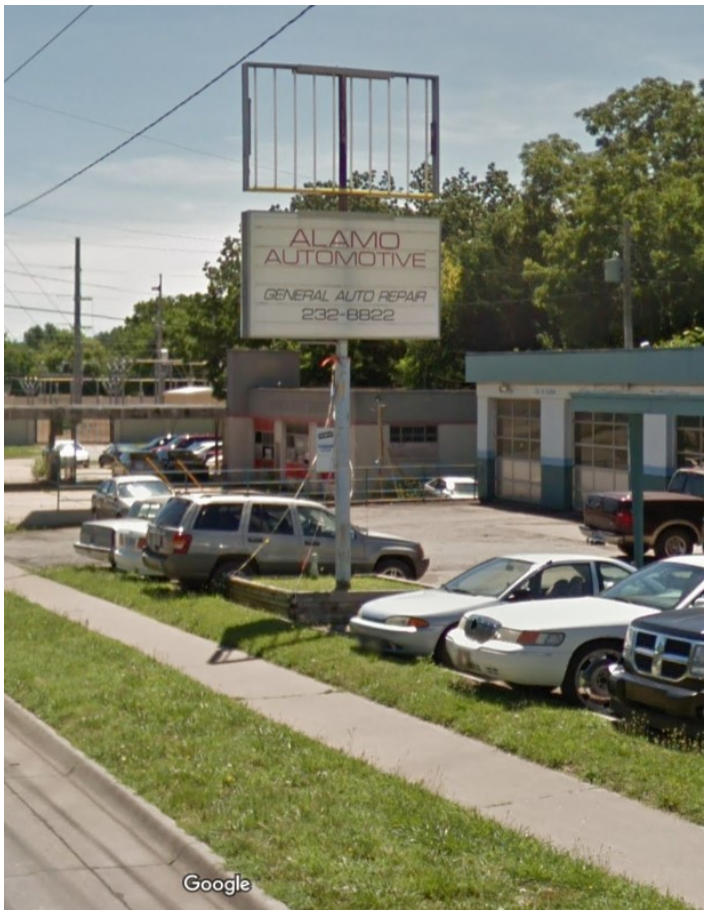


Current Code:

- Paint only

Proposed Code:

- Remove within 1 year of adoption



Current Code:

- Add blank sign cover or remove

Proposed Code:

- Add blank sign cover now or possibly remove if found to have been abandoned for at least 24 months (1 year after grace period)

EXAMPLES



Current Code:

- Add blank sign covers or signs

Proposed Code:

- Add blank sign cover now and possibly remove if found to have been abandoned for at least 24 months (after 1 year grace period)



Current Code:

- No action; permitted

Proposed Code:

- Cover sign now and possibly remove abandoned sign if found to be non-conforming (after 1 year

TEMPORARY SIGNS











TEMPORARY SIGNS - Yard Signs





Current Code:

- No more than 1 on the property at a time
- Limited to duration of an "event" and for only 2 events per calendar year
- In residential zoning districts — max 6 sf area and 4 feet in height, except for parcels greater than one acre allowed 32 sf area and 6 feet in height. In other zoning districts, max 32 sf area and 6 feet in height

Proposed Code:

- No change to height and size standards.
- For other than sf or two-family residential, allow 1 per 200' street frontage.
- Duration limited to 30 calendar days per single time period, 4 time periods per year and no more than 120 calendar days per year (limited to 2 time periods and 60 calendar days per year in SF residential districts.

TEMPORARY SIGNS
Free-standing Banners



Current Code:

- Prohibited

Proposed Code:

- Allowed
- Same standards as “free-standing yard signs”

TEMPORARY SIGNS

Feather Flags



Current Code:

- Not accommodated
- Do not meet height standards of other free-standing signs

Proposed Code:

- Max 30 sf area and 16 feet in height
- 1 per 200’ street frontage in commercial districts; 1 per street frontage in R, M, and OS districts
- Duration limited to 15 days per time period; max 4 time periods and total 60 calendar days per year in commercial districts OR 2 time periods and 30 calendar days per year in R, M, and OS districts

TEMPORARY SIGNS

Wall Banners



Current Code:

- No limit on quantity
- Must be placed flat on any face of the building; placement on fences and other accessory structures not allowed.
- Area of all signs shall not exceed 25% of the surface of the building face on which signs are placed
- Unlimited duration

Proposed Code:

- No limit except 1 per building in R, M-1, and OS-1 districts
- In all other districts the cumulative total of all wall banners shall not exceed ½ of maximum signage allowed for permanent wall signs.
- Can only be on primary building wall NOT accessory structures or fences
- Frayed, faded, and torn banners shall be removed

PORTABLE MESSAGE CENTER SIGNS





Current Code:

- A 12-month permit is required for each portable sign which allows them to be used continuously without time limits.
- Unlimited number
- Size not conforming in R districts (>6 sq ff)

Proposed Code:

- Allow in “C” and “I” districts + churches and schools
- 2 events per year; 30 days per event; 30 days in between event
- Require permit; meet electrical code
- No flashing lights
- Setback 5’ from property line
- 24-month amortization (phased out completely)

PORTABLE MESSAGE CENTER SIGNS

Other Cities

City		Standards
Wyandotte County Unified Govt.		Not permitted
Lawrence		Not permitted
Kansas City, MO		Not permitted
Olathe		Not permitted
Manhattan		Permitted as a temporary sign only. As such, no restriction on size but are limited to one per zoning lot, and limited to "C" districts and "LM-SC" district. Allowed for no more than 30 consecutive days and no more than 60 calendar days per year. Flashing and strobing lights not permitted.
Ottawa		Not permitted.
Hutchinson		Permitted as a temporary sign.
Wichita		Portable message centers permitted in a limited range of zoning districts and for institutional uses, and for commercial uses in other some other zoning districts. Flashing or strobing lights are not permitted.

NEW FORMAT

- user friendly
- each sign type on single page by zoning district
- updated definitions
- pictures to illustrate sign types
- numeric standards
- “notes” for clarifications and exceptions

Wall Signs

Definitions

Wall Sign
A sign (other than Projecting Sign, Roof Sign, or Window Sign) that uses a building wall as its primary source of support, and that:

1. Is placed directly on and contained totally within the dimensions of the outside wall;
2. Does not extend more than 18 inches from a building surface



Standards

Wall Signs	Zoning Districts											
	R, M-1, M-1a, RR-1	M-2, M-3, + Non-residential uses in R, M-1, M-1a, OS-1	O&I-1, O&I-2, O&I-3	C-1	C-2	C-3, C-4	I-1, I-2	U-1, MS-1	X-1, X-3	X-2	D-1, D-3	D-2
Permitted?	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Number per 50 linear feet of building frontage *Note #1*	n/a	1	1	1	no limit	no limit	no limit	1	no limit	no limit	no limit	no limit
Sign Area Allocation square feet per linear foot of building frontage *Note #2*	n/a	1.5	1.5	2	3	3.2	3.2	1.5	3	3	3	2
Sign Area Allocation – All Attached Signs square feet per linear foot of building front	n/a	2	2	2.5	2.5	3	3.2	2	3	3	3.2	2.5
Sign Area Maximum square feet per sign	n/a	100	100	100	200	250	250	100	200	200	200	100
Electronic Message Centers % of allowed sign	n/a	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

Notes/Exceptions:

1. Regardless of the width of the building façade, each single tenant building is allowed a minimum of 1 wall sign per façade, and each multi-tenant or multi-use building is allowed 1 sign per tenant or use per façade.
2. Wall signs on facades located 300 ft or more from the street ROW to which they face are permitted up to 200 sf in O&I, C-1, U-1, MS-1, and D-2 district, and up to 300 sf in all other zoning districts.
3. Wall signs shall not cover or obstruct any architectural features deemed integral to the historic appearance or character of the building. Such features shall include, but are not limited to, transom windows, detailed brick, tile, or shingles

SUMMARY OF RECOMMENDATIONS

- Maximum sign size would generally be proportional to the size of the building/property instead of a “one size fits all” approach.
- The number of signs in commercial areas would now be limited based on the size of the property instead of allowing an unlimited number of signs on any property.
- Commericial zoning districts would see reduced size and height limits except along highway intersections and at shopping/commerce centers.
- Churches, offices, and multi-family areas would see more relaxed standards.
- Pole signs would be prohibited in favor of monument style for freestanding signs.

SUMMARY OF RECOMMENDATIONS

- All temporary signs would be accommodated between 30 and 120 days depending on the zoning district instead on an undefined “event” period.
- Abandoned sign prohibitions would be phased in after 1 year.
- Portable message center signs would be phased out after 2 years but be more restricted until then instead of not having any time, place, or number restrictions.
- Once the code is adopted, only new signs would need to comply with the new standards. Existing signs made non-conforming because of the new code would be allowed to continue as is unless the size of the sign is altered voluntarily.
- All signs would have to comply with the new code after a 20-year amortization period.

SIGN CODE OPTIONS

May 20, 2019 Public Hearing and Planning Commission Recommendation

The following options and clarifications were provided at the request of the Planning Commission.

Highway Sign Exceptions

Option A	**Option B (staff recommendation)**
Allow exceptions for location within 700 feet of intersection of centerlines of highway and arterial or collector street, and within 120 feet of where ramp intersects with arterial or collector. Exception for properties zoned C-2: F/S Signs allowed to a height of 35 feet and area of 150 sf meeting exception criteria for I-470, I-70, and US-75. Properties meeting the exception criteria relative to US-24 are allowed to an area not to exceed 150 sf without exception to the C-2 height standard. Exception for properties zoned C-3, C-4, I-1, and I-2: F/S signs to a height of 55 feet and area of 250 sf meeting exception criteria for I-470, I-70, and US-75. Properties meeting the exception criteria for US-24 are allowed an area not to exceed 250 sf without exception to the height standard for C-3, C-4, I-1, and I-2.	**Option A** except a) increase radius to **800** ft b) replace "within 120 feet of where ramp intersects with arterial or collector" with "within 120 feet of the right-of-way for an on-ramp or off-ramp".
Planning Commission: ***Agreed with staff recommendation of Option B.***	

Signs for Construction Projects

Option A (staff recommendation)	**Option B**
Include a section under "Applicability, Exemptions" stating… *Signs associated with the temporary use of a building or site, including buildings or sites undergoing construction, during the time of said temporary use.*	Apply "Incidental Sign" standards
Planning Commission: ***Agreed with staff recommendation of Option A.***	

Non-Conforming Signs

Option A (staff recommendation)	Option B	Option C
All non-conforming signs that were lawful prior to adoption of the new code and not defined as abandoned may legally continue without being brought into conformance with the new code IF no changes are proposed to the sign or property as outlined below. Any alteration or dimensional change of 50% or more to existing sign area, cabinet size, height, or support structure shall achieve full compliance. Any alteration or dimensional change less than 50% of existing sign area, cabinet size, height, or support structure shall at a minimum achieve partial compliance by reducing its corresponding sign area ~~or~~ and height by at least **34%**. In addition, any re-face/change of copy of a sign shall at a minimum achieve partial compliance by reducing its corresponding sign area ~~or~~ and height by at least **34%** IF the change accompanies one of the following events after adoption of the new code: • Rezoning of the property • 50% or more of the primary structure is damaged or rendered not useable • Any major building addition/expansion that requires Site Plan approval. • Any major façade renovation that requires approval of building elevation design. • Any property that applies or is approved for City of Topeka economic incentives (e.g., NRP, TIF, CID, etc.) Any sign height reduced 35 feet or less in height must conform to monument sign requirements.	**Option A** except: Full compliance required for any triggering events PLUS: • Change of use (per building code specifications)	**Option A** or **B** except: Full compliance with any triggering events PLUS: A ~~ten (10)~~ twenty (20) year amortization period from date of ordinance adoption when non-conforming free-standing signs must be removed, altered, or replaced in a manner that conforms entirely to the sign regulations. (See Note below)

Note: An amortization requirement may be applied in the same manner, using the same time period, for all nonconforming signs or on a case-by-case basis using a formula. Avoiding a taking and protecting the owner's return on investment is the basis for the time period and/or formula to be used.
In the APA Planning Advisory Service report *Street Graphics and the Law* (2004) author Daniel Mandelker explains that how amortization requirements have been upheld by several state supreme courts. Legally defensible amortization requirements are those that set the amortization period based on return on investment, some using the Internal Revenue Service depreciation schedules to determine the amortization period. None of the cases cited by Mandelker are from Kansas.

Planning Commission: ***Adopt Option C, including Option A with changes to paragraphs 3 & 4, changing "or" to "and" (in paragraph 3) and change the 10 year time limit in Option C to a 20 year time limit.***

Abandoned Signs

Option A (staff recommendation)	**Option B**
Definition: An *abandoned sign* is defined as any sign on a property which no longer applies to a use of the property because the use has changed or the property has become vacant. 1. Any abandoned sign in existence for a period of more than **6 consecutive months** shall be removed or the face of the sign shall be covered. 2. Any abandoned sign in existence for a period of more than **24 consecutive months** shall be removed. 3. Abandoned signs shall be removed **immediately** when the primary building on the property is demolished or removed. 4. When an abandoned sign is removed, all parts of the sign, including structural supports, shall be removed. 5. **Grace Period**: Any sign made "abandoned" by this code must comply within one (1) year from the date of adoption of the new code. .	**Option A** except: 2. Any abandoned sign that is non-conforming in existence for a period of more than **24 consecutive months** shall be removed. 3. Abandoned signs that are non-conforming shall be removed **immediately** when the primary building on the property is demolished or removed 5. **Grace Period**: None; effective immediately

Planning Commission: ***Adopt Option A, replacing #2 and #3 with #2 and #3 from Option B. Retain #5 in Option A. Provide a more robust definition of "covered" as included in Option A.***

Portable Message Centers

Option A (staff recommendation)	Option B	Option C
Prohibit in all zoning districts. Owners and users of portable message center signs will have 12 months from the date of ordinance publication (effective date of the ordinance) to discontinue use of these signs.	• Allow as a temporary sign in C-2, C-3, C-4, I-1, and I-2 districts • Require a permit • Restrict use to two events per year, 30 days per event maximum, 30 days between events, maximum 60 days total per year Standards: • Maximum 32 sf per side of sign; any part of the sign containing copy and/or illumination is restricted to 32 sf. • Maximum 6 feet high • Flashing lights prohibited • Sign must be set back a minimum of 5 feet from any property line	Same as Option B but also allow for nonresidential uses in residential districts.
Planning Commission: ***Adopt Option B and Option C but phase out entirely (prohibit) at 24 months from date of code adoption.***		

CITY OF TOPEKA

TOPEKA PLANNING COMMISSION

Monday, May 20, 2019

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

CASE MINUTES

Members present:	Brian Armstrong, Corey Dehn, Marc Fried, Carole Jordan, Wiley Kannarr, Corliss Lawson, Ariane Messina, Katrina Ringler, Matt Werner (9)
Members Absent:	(0)
Staff Present:	Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Declaration of conflict of interest/ex parte communications by members of the commission or staff –

None

ACZR18/02 Visual Code Update III (Sign Standards)

Consider amending the Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) as follows:

> Repeal and replace the entirety of Chapters 18.10, 18.15, 18.20, and 18.25 (Division 2.Signs) with Chapter 18.10 (Division 2.Signs) concerning the use of signs by businesses, institutions, and other entities for their identification.

Mr. Fiander introduced the case, noting that work on the update began in November 2017 and thanking those who have worked on it. Work on the update has included a visual appeal survey that received 960+ responses, 2 public meetings, a committee that met numerous times, multiple presentations and discussions at Planning Commission meetings, input on “best practices” from consultant Mark White of White & Smith, LLC, and more.

Mr. Fiander noted this is the first sign code update of its kind for Topeka in 50+ years. The major intent and impetus has been to improve the city’s visual/aesthetic appeal, which is in keeping with the Greater Topeka Partnership’s **Momentum 2022**. It is also a response to court decisions, especially US Supreme Court case Reed v. Town of Gilbert (Ariz.) which requires sign regulations to be content neutral; signs are to be regulated by time, place and manner rather than content.

Mr. Fiander gave an overview of “points of emphasis”: with the proposed sign code update, maximum sign sizes will generally be proportionate to property and building size, and the discrepancy between zoning districts will be softened. All new free-standing signs will be required to be monument signs; with a few exceptions, new pole signs will not be allowed. Temporary signs will be accommodated; portable message centers are proposed to be phased out.

Mr. Fiander explained that abandoned signs are not dealt with in the current code, but the proposed update does address them. Regarding signs made non-conforming by the proposed update; staff is not proposing a sunset but have provided an option for that. Mr. Fiander also noted that a change in size of existing signs would trigger full or partial compliance requirements.

Commissioners agreed that it would be best to start off reviewing options provided by staff. These options are a direct result of comments and requests made by commissioners at the March, 2019 Planning Commission meeting. The options are included in the agenda packet ("Sign Code Options" document).

Highway Sign Exceptions

Mr. Hall presented the options and answered questions. Mr. Fiander explained that increasing the radius to 800 feet (rather than 700 feet) is staff's attempt to accommodate more properties without having to move from a nodal to a linear pattern.

Mr. Armstrong and Ms. Messina stated they have no problem with the 100' increase (**Option B**) and there **was consensus amongst the commissioners that Option B be adopted.**

Signs for Construction Projects

Mr. Hall reviewed the options and commissioners agreed they prefer **Option A** and asked staff to **more clearly define "construction"**.

Non-Conforming Signs

Mr. Hall presented the options and he and Mr. Fiander answered questions, especially clarifying what would trigger the requirement of an existing sign to come into conformance with the new code. It was noted that the table doesn't exactly match the wording in the draft code and staff will make the necessary corrections to the code draft.

Ms. Messina asked when we might expect to see a visible change if Option A is codified. Staff suggested that someone who works in the sign industry might have a better grasp on that. Mr. Armstrong pointed to the section of Option A that requires properties to bring their signage into compliance if they apply for or are approved for COT economic incentives. He noted that this would likely speed up the process of bringing non-conforming signs into compliance. Later Virginia Baumgartner of Luminous Neon, a member of the sign code committee, came forward and provided some insights. She noted that we see fewer "mom and pop" businesses; many are national chains who typically change their branding every 5-10 years. While some locally owned/non-franchise businesses (for example, The Pad) might not make changes to their sign for a number of years, she would anticipate seeing a substantial difference within 15-20 years.

Each of the options were discussed, and Mr. Fiander gave additional information about what constitutes a "change of use" in Option B.

Mr. Armstrong noted that in Option A, paragraphs 3 & 4, he is more comfortable with using "and" than or, so (paragraph 3) "shall at a minimum achieve partial compliance by reducing its corresponding sign area **and** height by at least 34%"; (paragraph 4) "shall at a minimum achieve partial compliance by reducing its corresponding sign area **and** height by at least 34%". This will mean there is no risk of having a huge sign face on a relative short sign, or having a very small sign face on a quite tall pole. Following additional discussion there appeared to be consensus amongst commissioners that it should be "and" rather than "or".

Mr. Kannarr asked if Option C could be changed to a 20 year amortization period rather than the 10 years given in the option. He suggested that in 20 years all signs should be required to be brought into compliance with the new regulations or, if there is a valid reason, given an exception (i.e. for historic purposes). Staff explained that the May 20 Mike Hall Memo (handout) proposes adding a section about

"Historic Signs" so this would be possible. Ms. Feighny noted that from a legal standpoint, 20 years is a generous time allowance.

Following additional discussion, it was agreed that general consensus would be to adopt Option A, changing the "or" in paragraphs 3 & 4 to "and", and adopting Option C, changing the 10 year amortization period to 20 years.

Abandoned Signs

Mr. Hall reviewed the options, noting that the current code does not require "abandoned" signs to be removed; it only requires that they be well maintained. Mr. Fiander and Mr. Hall spoke to and answered questions about examples in the draft handbook. Ms. Messina asked if, from a real estate perspective, it's better to leave a sign in place if it's in good repair. Mr. Fiander noted the "24 month" clause and noted that if a building is up for sale for more than 24 consecutive months, a perspective owner would understand that it will require investment and repairs will be more than simply installing a new sign. In addition, prospective buyers would understand this requirement and be aware before buying. If the building is not up for sale, Mr. Fiander explained that the city would need to notify owners of the new regulations and may end up having to remove signs ourselves if the owners cannot.

There was discussion about what the term "covered" means (Option A, #1). Ms. Baumgartner returned to the podium and explained some of the options that might be used to accomplish this. She recommends replacing the word "covered" with "re-faced".

Ms. Messina stated she would be okay with either Option A or B. Following additional discussion, there appeared be consensus that the preference would be Option A, but using #2 & #3 from Option B. The grace period would be #5 in Option A.

Portable Message Centers

Mr. Hall explained that since the Commission last discussed these in April, the owner has come into Planning & Development and applied for permits for his 50+ signs. During this process it was found that the existing signs do not meet our electrical code, so while a permit may be provided, the signs cannot be lit without first being brought up to code. Mr. Hall added that flashing lights are prohibited since they can appear to be a traffic control device and therefore confusing to drivers.

Ms. Messina noted that while she agrees the signs must be compliant with current codes and flashing lights can be dangerous and therefore prohibited, she likes these signs and thinks of them as being rather unique to Topeka, "a Topeka culture".

Mr. Fried referenced the visual appearance survey and noted that more than 95% of those responding found them either somewhat or very unappealing. He stated that the recommendation to do away from them is based on that, with the intent of the sign code update being to make our city look better than it did yesterday. Visual appeal is tied to civic pride and local economic spending.

The various options (A, B, C) were reviewed. Ms. Lawson and Mr. Fried noted that enforcing Option B would be difficult with only one person to provide zoning code enforcement for the entire city.

Following additional discussion about the various options and the possibility of a grace period for 24 months rather than 12, it was agreed that the public should be heard on the matter.

Ms. Ringler declared the **Public Hearing open** and invited people in the audience to speak to any aspect of the proposed sign code update.

Patrick Barnes came forward to speak against disallowing portable message centers. He stated he is an attorney who has experience with the sign code. He expressed concern that the City is targeting Shawn Holthaus's business, Rent A Sign, which rents portable message centers to the public. He stated that nobody had specifically asked Shawn or his customers what they think about portable message centers.

Mr. Barnes stated that he could speak to many "inaccuracies" he feels like he has heard in the discussion, but the biggest thing is that there is, he says, only one person in the community that is proposed to be eliminated - Mr. Holthaus's company. He questioned whether that's a fair use of government power and authority.

Ms. Ringler asked staff about how the survey that was taken was publicized, as well as other ways the public was notified and invited to be involved and provide feedback. Mr. Fiander noted that the public survey was the most successful survey we've had to date. There were two public meetings that were widely advertised; Planning staff identified businesses using the portable message centers along collectors and arterials ("major streets") and sent notices directly to them. Planning also sent notices to schools and churches, which are heavy users of portable message centers. The proposed sign code update has been on the Planning Commission agenda multiple times, and these are open to the public. Staff feels that they have provided many opportunities for people to talk to them about the proposal, and Mr. Hall stated that there has been direct communication between himself and Mr. Holthaus. It is staff's belief that they've provided overwhelming opportunity for stakeholder engagement.

Mr. Barnes returned to the podium and stated that there has been confusion about the permitting process and that's why Mr. Holthaus's signs have not been permitted; he was told at one point that permits are needed. The process has now been clarified and he has applied for the required permits.

Randy Wheat came forward to speak against disallowing portable message centers. He stated he has just begun acquiring signs and hopes to rent them out to the public. He anticipates being able to purchase and rent out around 50 portable message center signs fairly quickly. Mr. Wheat stated he feels the signs work well for small businesses and churches who can't afford larger, more expensive signs.

Chris Deister came forward to speak in support of the sign code update. He spoke to how we all want to strive for the elevation of our city and have it be attractive to both those who come in and those who are already here. Mr. Deister supports temporary signs if they are well-made, well-maintained, and in fact temporary. He spoke to the fact that if we make rules, we need to provide staff with the resources to enforce them.

Mr. Deister noted with the digital world comes cultural change. He stated that "phone booth manufacturers" are now out of business because we no longer need phone booths, and in fact with the advent of GPS on our phones, signage has largely been (and will be) rendered unnecessary for wayfinding.

Virginia Baumgartner of Luminous Neon came forward and suggested that permit applications should have a start and end date so that it is clear when they need to be removed.

With nobody else coming forward to speak, Ms. Ringler declared the **public hearing closed.**

Ms. Ringler asked staff if current sign permits have a start/end date. Mr. Fiander stated that currently there is not because they're 12 month permits that are renewable. If that changes, a more restrictive permit will be necessary.

Mr. Fried asked if portable message centers are a sub-set of temporary signs. Mr. Fiander explained they are not; they are in a category all to themselves. Currently, temporary signs are allowed "per event" rather for a certain number of days, which is hard to enforce or understand.

Mr. Fiander noted that there are additional changes proposed in a memo from Mike Hall and provided as a handout. The Commissioners approved Mr. Hall reviewing those proposed changes.

Mr. Hall explained that Ms. Baumgartner has read the proposed draft code in full and offered some recommendations about changes. Some are not substantive, so staff will work on those going forward.

Mr. Hall reviewed the items included in the memo, especially noting wording about historic signs and their being exempt from the dimensional standards in Section 18. Examples of signs that might be

recognized as historic would be the Chief Drive-In sign, Gage Center, Bobo's, etc. Historic designation would ultimately be decided by the Topeka Landmarks Commission.

Mr. Hall also spoke very briefly about residential subdivision signs and off-premise signs or billboards.

Mr. Hall reported that staff has received feedback regarding the section on incidental signs and asked legal to review. The main change is that a non-illuminated incidental free-standing sign will not require a permit (e.g. real estate signs).

Mr. Fried expressed concern about frontage restrictions on temporary signs as they relate to political campaigns and whether we can restrict the number. Ms. Feighny stated that the proposed code states that state and federal law trumps the ordinance. Currently there is a state law prohibiting cities from regulating the number of political signs on private property so essentially political signs are exempt.

Mr. Fried asked if each of the proposed options in the memo needed to be voted on separately. Mr. Fiander suggested voting on those for which consensus may not have been absolutely clear. The first two (Highway Sign Exceptions and Signs for Construction Projects) appear to have clear consensus.

Ms. Ringler re-stated what she believed consensus to be for **Non-Conforming Signs** and Mr. Fried offered a **motion to adopt Option C, including Option A with changes to paragraphs 3 & 4, changing "or" to "and" and changing the 10 year time limit in Option C to a 20 year time limit. Second by Ms. Lawson. APPROVAL (9-0-0)**

Ms. Ringler re-stated what she believed consensus to be for **Abandoned Signs** and Ms. Lawson offered a **motion to adopt Option A, replacing #2 and 3 with #2 and 3 from Option B. Number 5 of Option A would be retained. Further, a more robust definition of the word "covered" as included in Option A, #1. Second by Mr. Dehn. APPROVAL (9-0-0)**

Regarding Portable Message Centers, there was additional discussion about how a compromise could be reached and it was ultimately suggested that Option C be adopted, adding a 24 month amortization period from the date of ordinance adoption. This would allow for the reasonable phasing out the signs.

Motion by Mr. Dehn regarding Portable Message Centers, to adopt Option B & Option C with a phase-out period of 24 months. Second by Ms. Lawson. APPROVAL (8-1-0 with Mr. Fried dissenting)

Ms. Ringler asked for further discussion or questions regarding the proposed amendments included in the May 20 memo from Mike Hall, and Ms. Jordan offered a **motion to accept the amendments in the May memo from Mike Hall regarding ACZR18/02 Visual Code Update III / Sign Code Update; second by Mr. Fried. APPROVAL (9-0-0)**

Ms. Ringler asked for further discussion or questions regarding the entirety of the code (ACZR18/02 Visual Code Update III) with the amendments just approved, and Mr. Armstrong offered a **motion to accept the ACZR18/02 Visual Code Update III / Sign Code Update with the already passed changes to Highway Sign Exceptions, Signs for Construction Projects, Non-Conforming Signs, Abandoned Signs, and Portable Message Centers, and the Mike Hall memo; second by Mr. Dehn. APPROVAL (9-0-0)**

CITY OF TOPEKA

MINUTES

TOPEKA PLANNING COMMISSION

Monday, March 18, 2019

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present:	Brian Armstrong, Corey Dehn, Marc Fried, Wiley Kannarr, Ariane Messina, Katrina Ringler, Matt Werner (7)
Members Absent:	Carole Jordan, Corliss Lawson (2)
Staff Present:	Bill Fiander, Planning & Development Director; Mike Hall, Current Planning Manager; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Discussion Item

ACZR18/02 Visual Code Update III (Draft Sign Standards)

Mr. Hall presented information about the draft sign standards and also about feedback received from the February 26, 2019 public meetings. He took questions as they arose and there was discussion throughout with and amongst the commission. Mr. Hall also noted two handouts, which included an email from Shawn Holthaus and one from Virginia Baumgartner and Cindy Proett.

Present were Virginia Baumgartner and Cindy Proett, both of Luminous Signs. Ms. Baumgartner and Ms. Proett both served on the sign code committee. They came forward at times to provide information.

Ms. Ringler noted that there were people in the audience and asked if anyone would like to speak. Pat Barnes came forward and expressed concern about the possibility of no longer allowing portable message center signs.

It was ultimately agreed that Visual Code Update III (sign standards) will come back to the commission at the May 20, 2019 meeting as an action item. There was discussion among the Commission and staff regarding non-conforming signs, abandoned signs, signs adjacent to highways, signs related to construction, and portable message center signs. At the next meeting staff will present additional information and options for how to address the sign issues discussed at this meeting.

CITY OF TOPEKA
Planning & Development Department
620 SE Madison, Unit 11
Topeka, KS 66607
Bill Fiander, AICP, Director
Tel: 785-368-3728
www.topeka.org

March 2019

Sign Code Update

Questions/Comments from February Sign Public Meetings

Q = Question
C = Comment
R = Response

Q: The proposed height of free standing signs are too close to the ground. Trucks, campers, etc will hit a sign that is only 15' to 25' tall.
R: With minor exceptions the proposed code requires free-standing signs to be monument signs in which the base is, at a minimum, nearly the full width of the sign. The current and proposed code do not allow a free-standing sign to extend into a street right-of-way. For these reasons it will not be possible to drive under a sign and collide with it due to its height.

Q: How are smaller shopping centers (<7 acres) handled that have multi tenants that don't meet size for a center sign?
R: There is less need for smaller centers to be allowed larger multi-tenant signs because in such cases the buildings will be closer to the street and wall signs for each business are likely to be visible. The proposed standards for wall signs allow substantial signage. We will look into lowering the threshold under 7 acres and report back.

Q: Does the max sq. ft. of 80 sf allow the letters to be large enough so they are visible from the street (taking into account wider rights of way)?
R: Yes, 80 square feet should be large enough to allow sign copy to be read by drivers at a lower height. Staff will also add exceptions allowing larger signs with a setback.

Q: Can real estate signs be in the R/W on a temporary basis?
R: Real estate signs are not currently allowed in the right-of-way. It is proposed that real estate signs and all other signs, except for those signs specifically allowed in the right-of-way by Kansas Statutes, continue to be prohibited from being located in the right-of-way.

Q: Can a limit be placed on the number of free standing banners?
R: The current sign code does not allow free-standing banners. It is proposed that free-standing banners, along with free-standing yard signs, be allowed as temporary signs and restricted to 1 sign per 200' of street frontage.

Q: How are construction signs handled or how should they be handled?
R: Staff are still looking for the most effective way to regulate construction signs. The US Supreme Court case Reed v. Gilbert, Arizona (2015) concluded that sign regulations must be

content-neutral with regulations limited to time, place, and manner. Therefore, the proposed sign code may not distinguish construction signs from other forms of temporary signage. As proposed the sign code will not allow banners to be installed on fences. Furthermore, if regulated as a temporary sign, a sign used for a construction project would be limited to a maximum of 30 days per time period and to no more than 120 days in a calendar year, which would not accommodate the typical time needed to complete a construction project. A construction sign could be installed as a free-standing sign, constructed of durable materials and would be allowed as long as it meets other standards for incidental signs. They are not considered an issue now so staff will consider ways to legally accommodate signs for transitional land uses.

Q: Can portable signs (portable message center signs) be allowed on temporary basis with a permit if the time and placement is regulated?
R: Allowing portable message center signs on a temporary basis to be enforced by a permit is an option. However, it is not an effective option because of the difficulty of getting users to obtain permits and ensuring compliance with the time limits of a temporary sign. The current sign code requires annual permits for portable signs but no one using a portable sign now has a valid permit. The City has limited resources to enforce temporary signs in the field and adding portable message center signs to the list of enforcement duties is not cost-effective given the community's very poor rating of such signs in the Visual Appeal Survey.

Q: Why should new businesses be put at a disadvantage vs existing businesses when it comes to meeting the new standards?
R: Not all sign owners will be put at a disadvantage so to speak. Some of the proposed sign regulations, including those for the office and institutional district and non-residential uses (churches, schools, etc.), are far less restrictive than current standards. There are also a number of exceptions for larger shopping centers, corner lots, and businesses near highway interchanges.

In the case of free standing signs in commercial districts, the proposed standards are more restrictive in Topeka but substantially less restrictive than standards for other comparable cities. The current standards for signs in Topeka's most common commercial and industrial districts have not been revised since the late 1960s and are far out of line with current regulatory best practices. The negative aesthetic impact they create make Topeka less visually appealing than other cities and contribute to putting Topeka at a competitive disadvantage.

The proposed rules for non-conforming signs provide for compliance over time, not overnight. Existing signs that do not comply with the new rules will be able to continue. As substantial alterations are made to signs that are taller and larger than the new standards allow, the altered signs will be required to be reduced in size and height by one-third (34%) until the sign conforms to the new standards. This means that no more than two alterations would take place before the sign is compliant. Staff considers such an approach to be more practical and more effective than approaches typically taken by cities, which is to require complete conformance when there is any alteration made to the sign. Staff is concerned that too aggressive compliance may have the reverse effect of encouraging non-compliant signs to not change at all over time.

Q: Why does it not make sense to have a "one size fits all approach"?
A. A one-size fits all approach whereby the maximum size permitted is the same for every property within the same zoning district does not serve Topeka well. Topeka has developed over a long period of time and with a variety of uses and diverse range of building and parcel sizes

and amidst a variety of neighborhoods. Mature development in and close to Central Topeka tends to be on smaller lots and in smaller buildings, and located within or adjacent to residential neighborhoods. Newer development is generally characterized by larger parcels and larger buildings and with greater separation from residential uses. It is appropriate that the maximum amount of signage allowed for individual development be in proportion to the size of parcels and buildings. Proportional standards are better for aesthetic reasons but will not compromise the effectiveness of signs, since the visibility of signs is partly a function of context.

Q: Does the code restrict window signs?
A. The current code contains regulations of window signs in the D-1 and D-3 Downtown districts. Reasonable regulation of window signs is anticipated for the proposed code, as well, to be fair and to meet the objectives of the sign code. At this time it is expected that window signs will not require a permit.

Q: Increase height allowed in C2 to 20'-25' and in C3-4 to 35'. This will help trucks from blocking the view of signs.
A: The large majority of vehicles are at a height of 6 feet or below. Therefore, signs at a height of 15 and 25 feet will be visible under the majority of circumstances. In part to address this concern, staff is recommending allowing an increase in sign height and area in exchange for increased sign setbacks. Signs for large retail centers and office parks will be allowed increases in size and height. Signs for commercial uses in close proximity to highway interchanges will be allowed increase height and size.

Q: Should there be setbacks for signs?
A. We are not recommending that a setback be required for free-standing signs but it will be required that all parts of the sign be contained behind the property line and not be allowed to extend over streets and sidewalks. In response to the feedback received at the February 26th meeting staff is recommending that owners and operators be given the option to set the sign back from the property line in exchange for moderate increases in size and height.

Q: Will closing up "holes" in an unkempt sign trigger compliance?
A. No. Sign maintenance is expected and will not require changes to the sign to conform to current standards. The current and proposed sign code require that signs be kept in good condition.

C: If there are no buildings on the property, left-behind signs should not be allowed to remain at all.
A. It is proposed that signs no longer pertaining to use on the property be considered "abandoned signs" and be required to be removed when the building on the property is removed or the property is substantially redeveloped.

Q. How long will political signs be allowed before the election barring any legislation from the State saying otherwise?
A. The current limit is 45 days. The legislature is considering amending the current law. The State law does not treat political signs the same as Topeka's current sign regulations for other temporary signs and that is not likely to change with a new sign code. However, the Kansas statute regulating political signs preempts Topeka's sign regulations.

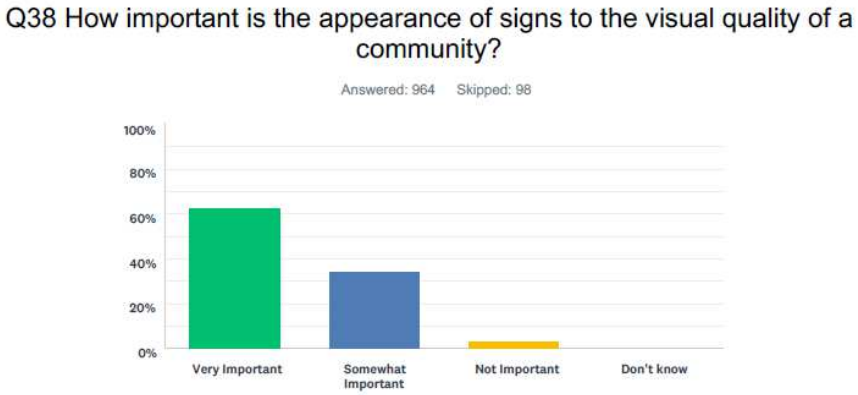
C: A setback for a monument sign would be a good idea.
R: A setback is a requirement that can improve the visual appeal of a street or major corridor. The City also recognizes that a setback can reduce visibility of the sign in part because a sign that is set back from the property line is more likely to conflict with parked vehicles and landscaping. Because the City is proposing more restrictive standards on size and height in the commercial and industrial districts there is reluctance to also require a setback for signs. In response to the feedback received at the February 26th meetings staff is recommending that owners and operators be given the option to set the sign back from the property line in exchange for moderate increases in size and height.

C. There is no need to accommodate feather signs.
R. Feather flags are so commonly used as a form of temporary signs, and because they are another type of free-standing sign, staff are proposing standards to accommodate and control them rather than to prohibit them.

C: Portable signs are an eyesore for the City. Prohibit portable signs.
R: The City's Visual Appeal Survey included an image of a portable message center sign. 95 percent of the responses to the image were "unappealing". This was the lowest rated score of any image in the survey. It is proposed that portable message center signs be prohibited partly because of their ranking on the Visual Appeal Survey but also because they are often poorly maintained, misused as permanent signs, and efforts to control them by permits and time limits are not likely to be effective.

Signs Visual Appeal Survey Key Takeaways

- ***964*** people took the sign survey and submitted ***386*** written comments.
- Signs matter. 97% of survey respondents say that signs are either very "***important"*** or ***"somewhat important"*** to the visual appeal of a community.



Responses to Sign Images

- A preference for short, monument-style signs over tall signs on poles.
- Poles without covers are more unappealing than poles with covers.
- The use of multiple wall signs on buildings, especially those constructed of low-quality materials, is very visually unappealing.
- The sites of businesses that use few signs, such as one monument sign and one to two wall signs, are more visually appealing than those sites that contain a larger number of ground and wall signs.
- Size of sign matters less if the sign is a monument-style sign.
- Use of more than one temporary sign is very visually unappealing.
- Portable reader board signs are visually unappealing.

Written Comments

- There are too many signs. The large quantity of signs is unattractive.
- There is too much sign "clutter". ("Clutter" could mean too many signs, poorly maintained signs, or both.)
- Landscaping is important to visual appearance. The numerous comments about landscaping are especially significant considering the survey did not pose questions about landscaping.
- Many signs are too tall. Shorter signs are more attractive.
- Outdated, aging, and poorly maintained signs are unattractive.
- Pole signs are unattractive. Signs on solid bases (monument signs) are much more attractive than signs on poles.
- Portable readerboard signs are unattractive and the City needs to do more to control them.
- Quality of the design of signs and materials used is important to visual quality.
- Temporary signs are needed in some cases but they are visually unappealing.
- Signs should be easy to read in addition to being visually appealing.
- Businesses need signs and they should not be overly restricted.

August 27, 2019

Temporary Signs – Time Restrictions

City	Time-Based Restriction – Free-standing Signs	Exceptions
Topeka (Proposed)	Maximum 30 continuous days, 4 time periods per year in commercial and industrial districts, and for nonresidential uses (churches, schools, etc.) in residential districts. Maximum 30 continuous days, 2 time periods per year for residential uses in residential districts. Minimum 14 days between time periods.	Kansas statutes covering political campaign signs preempt Topeka temporary sign standards. It allows unlimited number to be put in right-of-way (outside site triangle) or private property 45 days before election and 2 days after. Signs for temporary uses such as construction projects. Signs used for garage sales are not explicitly regulated by the sign code but may be restricted by TMC 18.210.030 limiting garage sales to 4 consecutive days, and no more than 2 per year.
Lawrence, KS	Maximum 45 days per calendar year for commercial districts; no limit for residential districts	Political Campaign Signs allowed from 50 days prior to election and 10 days after election. Real Estate Signs are exempt from time limits except do need to be removed 15 days after sale (execution of sales contract).
Olathe, KS	For commercial and industrial zones and uses: maximum 30 days per period; no more than 4 events per year. "In no case shall a thirty (30) day be carried over from month to month."	60 days per calendar year unless otherwise noted. Real estate signs and construction signs are exempt from time limits.
Kansas City, KS (Wyandotte County Unified Government)	Maximum 30 day continuous time period for signs with wire stakes; maximum 90 day continuous time period for signs mounted on metal or wood frames.	Feather flags limited to a maximum of 3 continuous days within any 60 day period.
Kansas City, MO	Maximum of either one 60-day period per year or two 30-day periods per year.	No explicit exceptions in code.
Manhattan, KS	Maximum 60 days per period; 2 periods per year (residential districts). No time limit in commercial districts.	No explicit exceptions in code.
Salina, KS	No time limits but signs that are dilapidated must be removed.	N/A.

City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 10, 2019

DATE:	**September 10, 2019**	
CONTACT PERSON:	**Sasha Haehn, Director of Neighborhood Relations**	**DOCUMENT #:**
SECOND PARTY/SUBJECT:	**Property Registration Programs**	**PROJECT #:**
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**	
CIP PROJECT:	**No**	
ACTION OF COUNCIL:		**JOURNAL #:**
		PAGE #:

DOCUMENT DESCRIPTION:

DISCUSSION of proposed Neglected, Foreclosed and Vacant Property Registration Programs.

VOTING REQUIREMENTS:

Discussion item only.

POLICY ISSUE:

Neglected and vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant neglected buildings and/or substandard or unkempt buildings discourage economic development and retard appreciation of property values. It is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. A vacant or neglected building that is not well maintained and managed can be the core and source of spreading blight.

Such buildings constitute a nuisance, and to adequately protect public health, safety and welfare, the establishment and enforcement of a registration system to monitor such buildings and to develop a means to decrease the number of vacant and neglected buildings within the city is a tool that should be considered for Topeka.

Often the vacant and neglected properties are not only the result of irresponsible individual owners and businesses, but also the result of foreclosed properties. Foreclosures may often be held or owned by financial institutions hundreds or even thousands of miles away from Topeka. Identifying who the correct person is within the financial institution to contact regarding the condition of these properties can be difficult if not impossible at

times for Property Maintenance staff. In many cases, financial institutions who foreclose on properties do not change the ownership information with the register of deeds and the City has no way of knowing who the real responsible party is.

STAFF RECOMMENDATION:

Staff is recommending the creation of all three registration programs; **Vacant, Neglected and Foreclosed**. If the Governing Body were to approve an ordinance creating these registrations, roll-out of the programs could begin in January 2020. Each of these registration programs will include an application, annual fee and a local registered agent (Shawnee County) for property owners who live further than 60 miles from Topeka.

BACKGROUND:

Blight and neglected buildings have long been an topic of concern in the City of Topeka. When the Department of Neighborhood Relations was created, staff was charged with researching and producing a recommendation regarding a *rental* registration program. Many in the community feel that negligent landlords are the major contributor to blight in neighborhoods. Although there are irresponsible landlords in the community, in the experience of our Property Maintenance Division, there are also many other property owners contributing to blight in Topeka, including homeowners and commercial property owners.

Additionally, the passage of a 2016 state statute that prohibits the mandatory inspection of the interiors of rental property caused concern for staff regarding the effectiveness of a rental registration program.

In 2017 a Neglected Property Registration program was identified in Wichita, KS. Although this program is no longer being administered in Wichita, their staff shared the fact that it was effective for the target areas that it was created to address during the time it was being administered. This program would require registration of properties which have had an unresolved property maintenance violation on the structure for 12 months or more to register the property with the Property Maintenance Division. It would also require property owners with bench warrants for failure to appear in municipal court for property maintenance case to register their property, as well as properties that have been declared a criminal nuisance by the Police Department. The owner of the property would be required to register the property annually until such time that the property meets the minimum standard required by the International Property Maintenance Code (IPMC). It would also require the property owner to have a registered agent in Topeka if the owner resides further than 60 miles from Topeka.

Each property registered in this program would be required to have a Statement of Intent from the owner which would describe the plan of action to bring the property up to the minimum standard in the IPMC. This plan must include timelines and milestones that the Property Maintenance Division would monitor. If a property owner refuses to register their property or registered it, but did not meet the timelines and milestones in their Statement of Intent, there would be a monetary penalty applied quarterly that would be assessed to the property tax rolls annually. This program is being proposed for both residential and commercial properties.

During the research phase on the Neglected Property Registration program, staff became aware of a Foreclosure and Vacant Property Registration program that Wyandotte County adopted in May 2018. These programs were created to help address blight in the community. Wyandotte County contracted with PROCHAMPS for the administration of both of these registration programs.

The Foreclosure Registration requires financial institutions with properties in the foreclosure process to register the property with the City. Currently, the Property Maintenance Division struggles with foreclosed property with violations because financial institutions do not update the ownership records on foreclosed property. The official property record on these properties remains in the name of the person who lost the property to foreclosure, with our Property Maintenance Division having no way of knowing immediately that the property is in foreclosure. The notification of property maintenance issues goes to the former owner who lost the property and nothing is done to remedy the issues. Often times we perform abatement of weeds/grass and nuisance/trash on the property and bills are generated that go unpaid. At the point that the former owner is contacted by our collection agency, that is when they contact us to notify us that they no longer own the property. Many hours are spent by staff researching the financial institution that holds the mortgage on the property, who the property manager for the financial institution is and if there is a local contractor responsible for maintaining the property.

Sometimes we have no success is tracking down the appropriate people and the property languishes with unresolved violations. Ironically, the Property Maintenance Division is being contacted on a monthly basis with inquiries from financial institutions of whether or not Topeka has a Foreclosure Registration program.

PROCHAMPS has developed a system to quickly identify foreclosed and vacant properties and the financial institutions that hold the mortgages on the foreclosed properties. They are administering Foreclosure Registration programs in at least 200 cities across the country. They notify the banks and mortgage companies of the required registration, administer the registration process and provide the appropriate contact and property information to city departments by sharing their database(s) with contracted cities.

The Vacant Property Registration requires owners of vacant properties to register the property, and provide a local resident agent for properties held by owners living more than 60 miles from Topeka. This registration program provides accurate and up-to-date contact information of owners and registered agents for the Property Maintenance Division and Emergency Response Departments (TPD and TFD).

BUDGETARY IMPACT:

Staff has provided recommended registration fees and penalties for each of these programs in the executive summary attached to this item. There should be no additional start-up cost for the programs at this time.

The Neglected property registration program would be administered in-house by the Property Maintenance Division, and is not believed to require additional resources at the initial start-up. As the program grows, there may be need to consider an additional administrative position.

PROCHAMPS does not charge cities for the administration of the Foreclosed and Vacant Property Registration programs. They collect the fees necessary to administer these programs from the property owner, and depending on the registration fees implemented, will revenue share the fees with the cities they contract with.

SOURCE OF FUNDING:

Neighborhood Relations existing, approved operating budget.

ATTACHMENTS:

Description

Property Registration Executive Summary
Presentation
PROCHAMPS Topeka Summary
Neglected Property Registration Survey results

CITY OF TOPEKA
Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118
Tel: 785-368-3711
www.topeka.org

MEMORANDUM

Date: August 12, 2019

To: Brent Trout, City Manager

From: Sasha Haehn, Neighborhood Relations Director

Subject: Neglected, Foreclosed and Vacant Property Registration

---

BACKGROUND:

Neglected and vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant neglected buildings and/or substandard or unkempt buildings discourage economic development and retard appreciation of property values. It is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. A vacant or neglected building that is not well maintained and managed can be the core and source of spreading blight.

Such buildings constitute a nuisance, and to adequately protect public health, safety and welfare, the establishment and enforcement of a registration system to monitor such buildings and to develop a means to decrease the number of vacant and neglected buildings within the city is a tool that should be considered for Topeka.

Often the vacant and neglected properties are not only the result of irresponsible individual owners and businesses, but also the result of foreclosed properties. Foreclosures may often be held or owned by financial institutions hundreds or even thousands of miles away from Topeka. Identifying who the correct person is within the financial institution to contact regarding the condition of these properties can be difficult if not impossible at times for Property Maintenance staff. In many cases, financial institutions who foreclose on properties do not change the ownership information with the register of deeds and the City has no way of knowing who the real responsible party is.

CITY OF TOPEKA
Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118
Tel: 785-368-3711
www.topeka.org

Foreclosure Registration

The **foreclosed** property registration program and **vacant** property registry offered by PROCHAMPS was identified when Neighborhood Relations traveled to Milwaukee in May of 2018 to the Center for Community Progress' Reclaiming Vacant Properties conference. The Wyandotte County Consolidated Government contracted with this vendor beginning in May 2018 to establish a foreclosure registry. Prior to contracting to PROCHAMPS, Wyandotte had 517 active bank foreclosures and another 381 potential foreclosures. A total of 1,015 properties have been registered in Wyandotte County since May 2018. Based on the programs structure, PROCHAMPS keeps $100 of each $200 registration fee and returns the rest to the local government. PROCHAMPS has returned over $100k in registration fees to Wyandotte Consolidated Government, as well as registering and requiring maintenance of over 1,000 vacant and/or foreclosed properties.

Vacant & Neglected Registrations

Cities across the country have begun to institute neglected and vacant property registration programs to help address blighted properties and their impact on the communities in which they exist. Staff investigated many of these programs and spent most of 2018 talking to the community regarding a **neglected property registration** program. Many groups were engaged in this effort, including but not limited to various NIAs, the Citizen's Advisory Council, and the Shawnee County Landlord's Association and attendees of the City's first Landlord Expo which was held at the end of October 2018. Additionally, an anonymous survey was offered to the community and 443 community members provided feedback on the proposed neglected property registration. Of the 443 respondents, 86% indicated that they thought a neglected property registration would be a good idea in Topeka. Sixty two and a half percent of the respondents indicated they have a neglected building near their home or work. Approximately 82% of respondents indicated they thought a neglected property registration would help to combat blight in Topeka. Staff from the Topeka Fire Department and the Topeka Police Department have also reached out in support of this proposal. Knowledge regarding the status of ownership and basic conditions of the vacant properties would contribute to their safety when responding to vacant structures. Additionally, the City can include measures such as required exterior lighting, working fire alarm & suppression systems in vacant commercial and industrial settings as supported by building and fire codes, as well as requiring ownership contact information be posted on the exterior of vacant properties for both City staff and the publics' information.

FINANCIAL CONSIDERATIONS:

Neglected Registration

There will be expenses associated with the startup of a **neglected** property registration – mailing costs, and materials to notify owners required to register as well as violation notification via certified letter. PROCHAMPS is not currently offering administration of a **neglected property registry**. Approximately $10,000 is estimated for the mailing and office supply requirements to begin a neglected property registry. Staff is proposing a $125 registration fee for the **Neglected Property Registration** program annually.

CITY OF TOPEKA
Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118
Tel: 785-368-3711
www.topeka.org

This registration fee will be collected to help offset the cost of internal administration for the **Neglected Property Registration** program – office supplies and postage, etc.

Vacant and Foreclosed Registrations

If the vacant and foreclosure registration is entirely administered by PROCHAMPS there is little to no start-up costs for this program. There may be minor costs related to promoting the program. If PROCHAMPS administers both the **vacant and foreclosed property registration programs,** we do not believe that additional staff will be required at this time. If we do not use PROCHAMPS to administer vacant and foreclosed registries, additional administrative staff may be needed to track and maintain data for notification and filing. This would run in excess of $50,000 in annual salary and benefits, plus an estimated additional $10k in materials and mailing costs.

Staff is proposing a $125 registration fee for the **vacant property registration** annually. This registration fee will be collected to help offset the cost of internal administration for the **Neglected Property Registration** program – office supplies and postage, etc.

The registration fee for the **Foreclosure Registration** we are proposing between $300-$400 bi- annually. This revenue could be used to cover the cost of the Neglected Property registration as we grow the program.

LEGAL CONSIDERATIONS:

A draft Neglected Property Registration will be developed by the Legal Department and can be modified according to the desires of the City Manager and Governing Body.

A draft template ordinance has been provided by PROCHAMPS for both a vacant and foreclosed registry. These draft have been used by other cities across the nation with success. Legal will be able to customize it to Topeka based on the desires of the City Manager and Governing Body.

RECOMMENDATION/ACTION:

Staff is recommending the creation of all three registration programs; **Vacant, Neglected and Foreclosed**. If the Governing Body were to approve an ordinance creating these registrations, rollout of the programs could begin in January 2020. Each of these registration programs will include an application, annual fee and a local registered agent (Shawnee County) for property owners who live further than 60 miles from Topeka.

The **Foreclosure Registration** would begin January 1, 2020 with PROCHAMPS notifying the banks with local, foreclosed properties immediately after the passage of an ordinance creating the program. This program will require banks to complete an application and pay a biannual registration fee of $300-$400. PROCHAMPS keeps $100 and returns $200-$300 to the city. What we charge is up to the City, but

CITY OF TOPEKA
Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118
Tel: 785-368-3711
www.topeka.org

PROCHAMPS requires $100 per property. The financial institutions with foreclosed properties in Topeka will be required to provide contact information for their local property management staff or contractor in addition to being required to ensure that foreclosed properties meet the minimum requirements of the IPMC for securement and exterior property conditions. The properties will be removed from the Foreclosure registry when the banks sells the property.

The **Vacant Property Registration** would begin January 1, 2020 with PROCHAMPS doing the research and notification to vacant property owners. The program will require property owners to pay an annual $125 registration fee. PROCHAMPS keeps $100 of the fee and returns $25 to the city. We are recommending a minimal fee for vacant registry as vacant properties do not reach the seriousness as neglected properties but they still do pose a quality of life issue for the area. Property owners with vacant properties in Topeka will be required to complete an application and pay a registration fee and annual registration. They will be required to provide up-to-date contact information for themselves and a resident agent located within Shawnee County if the owner lives more than 60 miles from Topeka. Registration will be required as long as the building remains vacant. Owners will also be required to post contact information on the property which will be beneficial to first responders and Property Maintenance staff. Identifying a property owner of a vacant property is very difficult in the middle of the night when law enforcement identifies a crime. With no victim it is difficult and sometimes impossible to pursue criminal charges. The contact information will play a key role in addressing crime at vacant structures.

Neglected Property Registration would begin January 1, 2020. Properties will be identified through our current process of citing housing violations. Failure on the part of the property owner to meet the criteria set out in the IPMC would qualify the structure as a neglected property. If adopted, the Property Maintenance Unit plans on administering the program with current staff. However we are also talking with PROCHAMPS about the possibility of them running the administrative portion if we provide which properties are in violation. PROCHAMPS will already have information on the vacant neglected properties through the vacant registry.

The owner of a neglected building shall be required, after written notification from the code official to apply for registration of such building within thirty days of the date of notification. Each registrant shall pay a registration fee of two hundred fifty dollars ($250.00) per property. Any owner who fails to register a neglected building, as required, may be liable for a civil penalty not to exceed five hundred dollars ($500.00). After the initial registration, each registration fee will be due and payable annually by January 31st. If the building continues to meet the definition of a neglected building for a period of ninety (90) calendar days, and the owner fails or refuses to register such building, the code official may continue to assess a penalty of five hundred dollars ($500.00) for each ninety (90) calendar day period the building continues to be unregistered. At no time may the amount of the assessment exceed one thousand five hundred dollars ($1,500.00) per property in a calendar year. A neglected building shall be removed from the registration requirements of this chapter by the code official if any of the following conditions apply; Compliance with the IPMC, removal or demolition by the owner; abatement or demolition by the City, if such structure is unsafe or unfit for habitation.

CITY OF TOPEKA
Department of Neighborhood Relations
620 SE Madison Street, 1st Floor, Unit 8
Topeka, KS 66607-1118
Tel: 785-368-3711
www.topeka.org

The code official shall create and make available a form entitled 'Statement of Intent' to be completed by the owner or resident agent of any neglected building required to be registered pursuant to this chapter. The owner or resident agent of a neglected building shall complete the information required on the Statement of Intent and submit the Statement to the code official along with the registration form within thirty (30) days of the date of the notice. The code official shall determine whether a submitted Statement of Intent is complete and may require an owner to provide more complete information. When a submitted Statement of Intent does not meet with the code official's approval, the owner or registered agent shall, within ten business days, correct and resubmit the Statement of Intent. The Statement of Intent shall include information as to: a plan for repair of the building to be in compliance with the IPMC, a plan for regular maintenance of the building during the repair phase, a list of contractors or agencies contacted to make repairs and maintenance of the building, the expected period that the building will remain unoccupied or a reasonable plan and time line for the lawful occupancy, rehabilitation or demolition of the building; and any additional information required by the code official. Failure to pay registration fees will result in the fees being applied to the taxes of the property and sent to collections.

Property owners who receive a foreclosed, vacant and neglected property registration notice have the right to appeal the decision of the code official regarding the registration requirements or the assessment of a penalty fee, as provided for by these chapters, may be made by requesting, in writing, to the code official, within ten calendar days from the date of such decision or penalty, a hearing before an administrative hearing officer

SUPPORTING DOCUMENTS:

PROCHAMPS Program Summary for Topeka, KS

Survey Monkey survey results

Property Registration Programs

Questions?



Foreclosed Property Registration

- BiAnnual Registration
- requires accurate information on lender contact & property preservation contact
- Increased awareness of property maintenance requirements for responsible parties
- Financial incentive for lenders to move properties from foreclosed status to sale and new ownership status

Cultural Transformation

Property Maintenance Division's Mission & Philosophy

Transforming the maintenance of all Topeka neighborhoods from Optional to Required

More Tools to Consider

Registration Programs can;

- Ensure owners of problem properties are known, including up-to-date contact info
- Ensure owners of problem properties are aware of obligations of ownership under local codes & regulations
- Provides increased scrutiny of problem properties
- Provides financial impact/ incentive to owners of vacant, neglected & foreclosed properties to maintain or dispose of properties

Cultural Transformation



Property Maintenance Division's Mission & Philosophy

Transforming the maintenance of all Topeka neighborhoods from Optional to Required

A Little History

- Adoption of the IPMC
- Creation of Neighborhood Relations
- Certification of Inspectors
- Coordination with TPD, Prosecution and Municipal Court
- Special Structure Unit/Demo Program
- Abandoned Housing legislation efforts
- Team Up to Clean Up
- Proactive Communications
  - Courtesey winter housing notice
  - Courtesey mowing notice
- Partnerships
  - Facebook Live How-To videos
  - DIY classes & Tool Bus
  - Rock the Block

COMPLIANCE IS THE GOAL



LISC

More Tools to Consider

Registration Programs can;

- Ensure owners of problem properties are known, including up-to-date contact info
- Ensure owners of problem properties are aware of obligations of ownership under local codes & regulations
- Provides increased scrutiny of problem properties
- Provides financial impact/ incentive to owners of vacant, neglected & foreclosed properties to maintain or dispose of properties

Neglected Property Registration

- Commercial & Residential
- Occuppied & Unoccuppied
- Annual Registration
- Triggered by continued neglect by owner
  - unresolved code cases
  - bench warrants
- Resident agent required for owners further than 60 miles from Topeka
- Statement of Intent by owner required
- Failure to register or follow statement of intent = fines

Vacant Property Registration

- Annual registration
- Requires up-to-date contact info including physical address of owner
- Resident Agent for all owners residing further than 60 miles from Topeka
- Increased awareness of property maintenance requirements for property owners
- Monetary incentive to occuppy or sell property

Foreclosed Property Registration

- BiAnnual Registration
- requires accurate information on lender contact & property preservation contact
- Increased awareness of property maintenance requirements for responsible parties
- Financial incentive for lenders to move properties from foreclosed status to sale and new ownership status

Questions?

11.5.18

PROCHAMPS Program Summary for Topeka, KS

Benefits of the program

When homes fall into a state of foreclosure or vacancy, they all too often also fall into a state of disrepair. When this occurs, these sources of neighborhood blight become a thorn in the side of code enforcement officials. It is difficult to identify a responsible party that could be held accountable for the maintenance of these homes while they sit in foreclosure or vacancy.

This is where PROCHAMPS can help. PROCHAMPS provides a free service to communities to register these properties, providing government officials with responsible party information on foreclosed and vacant homes.

We will build for Topeka an interactive cloud-based program that can be utilized to communicate blight issues with responsible parties. We will train your staff on how to utilize the program and provide as many entry points as Topeka needs. PROCHAMPS will do all of this at our expense. The only way PROCHAMPS makes money is by keeping $100 of each fee that is collected. The rest will get remitted back to the City every 30 days.

Experience in Kansas

PROCHAMPS has been administering property registration solutions for communities around the nation for nearly a decade. We are currently working with around 200 communities and have registered almost 1 million properties since the inception of our program.

Our program is focused on registering properties that are often sources of neighborhood blight. Non-owner occupied and unoccupied homes – rental, foreclosed and vacant properties – is what we specialize in.

We began working in the State of Kanas in May of 2018 when we partnered with Kansas City-Unified Government of Wyandotte County on a default property registration program. Prior to the inception of the program in this community, we identified 517 active bank foreclosures and 381 potential bank foreclosures within their community. Since May, we have registered 488 properties in Kansas City-Unified Government of Wyandotte County.

We are a unique vendor to a community in that we never send bills, only checks. Since the inception of our program in Wyandotte County, we've returned nearly $50,000 in registration fees to them and provided them with a valuable resource in the battle against blight.

Topeka, KS – Lay of the Land

Currently, we are seeing 291 active bank foreclosures City-wide and an additional 87 potential foreclosures. The active bank foreclosures are properties we are certain are in a state of foreclosure, and, if we were operating a program for your City, we are confident we would be able to register those 291 properties.

The potential foreclosures (87) are foreclosures that occurred within the City limits in the last 2 years that have been sold in that same timeframe. It would be our job to see if they were just sold to another financial institution or if they were sold to an individual owner – at which time we would not seek registration. Typically, we find about 40% of the potential number become actual registrants.

No Risk Program

If Topeka were to move forward with the institution of a default/vacant property program and allow PROCHAMPS to manage the registrations, you would be getting a battle tested program that could be used to communicate with responsible parties, you would have a team of property registration experts seeking registration on properties in your community daily, you would get it for free – and, if you work with our best practice ordinance, we are confident this program would create at a minimum $50,000 in enhanced revenue from fees annually. It is important to note that our program is based on economic circumstances, so it is difficult to forecast exactly what the fees will be in the long-term.

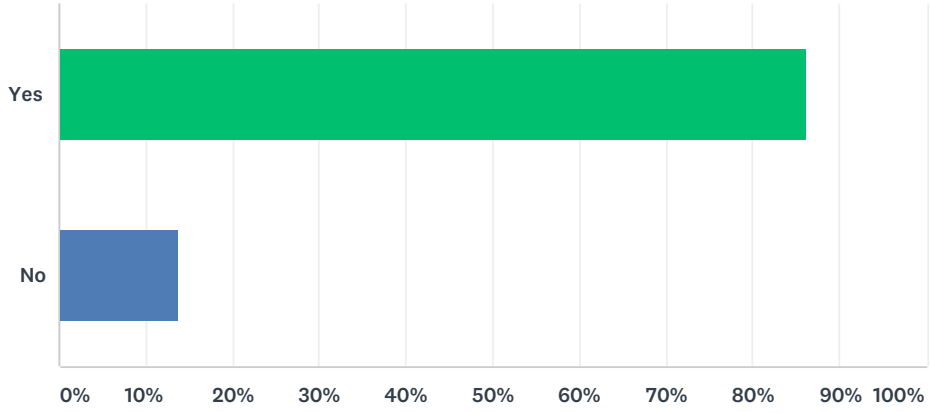
It is also important to note that the information PROCHAMPS would create through the administration of this program would be proprietary to Topeka. This information belongs to the City and we do not sell any data to third parties.

Best Practice Ordinance

To accomplish what is laid out in this document, we ask that Topeka work with us on an ordinance. PROCHAMPS has an incredible amount of experience in this field and we would ask that you allow us to assist in the creation of an ordinance that will serve your City well.

Q1 I think that a Neglected Building Registration would be a good idea.

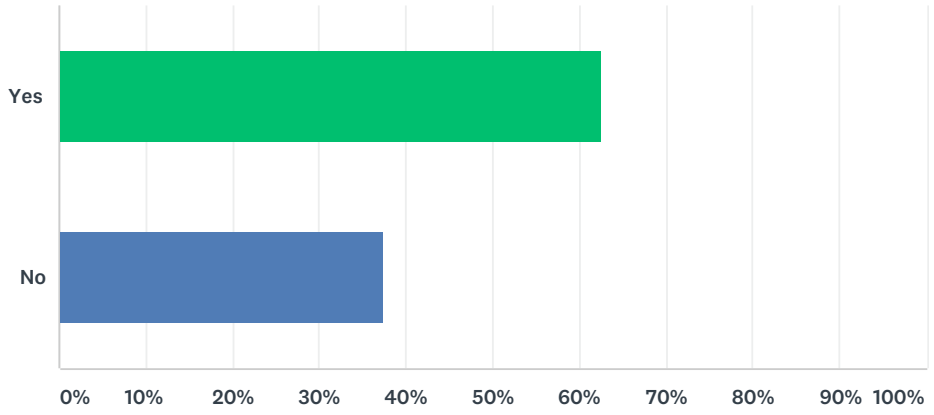
Answered: 441 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	86.17%	380
No	13.83%	61
TOTAL		441

Q2 There is a neglected or abandoned building near my work or home.

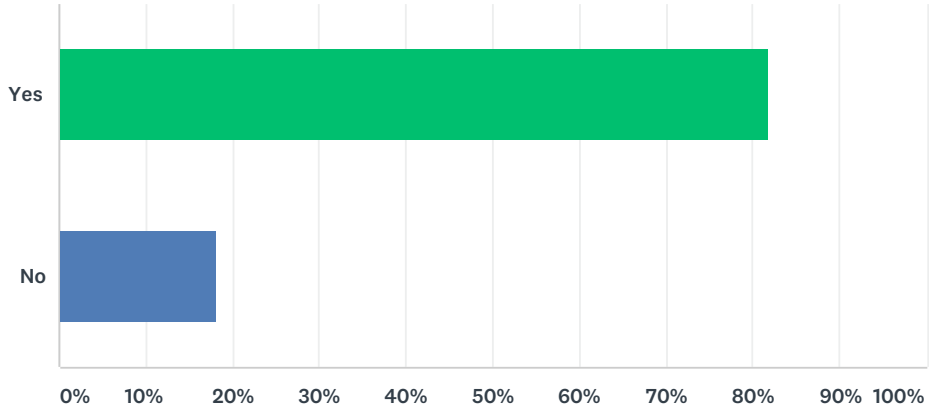
Answered: 440 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	62.50%	275
No	37.50%	165
TOTAL		440

Q3 Do you think a neglected building registry would help to combat blight in Topeka?

Answered: 441 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	81.86%	361
No	18.14%	80
TOTAL		441

Q4 If you do not think that a neglected building registry would combat blight in Topeka, what do you think would help to combat blight in the community?

Answered: 194 Skipped: 249

#	RESPONSES	DATE
1	We don't have a blight problem. Just look at other Cities our size. We are better than most.	12/5/2018 1:11 AM
2	Actually helping people with the work. When I grew up all teenagers helped with painting,mowing etc. Neighbors were kind. There was little crime to destroy property.	12/4/2018 2:23 AM
3	none	12/3/2018 3:36 PM
4	buy the properties that they don't like. City needs to take of its own problems like the Van Buren school at 1601 VanBuren. The City owns that mess !	12/3/2018 2:36 PM
5	Rental registry, all buildings that are rented for use should be registered.	12/3/2018 10:07 AM
6	Rental housing inspections would help even more!	12/3/2018 9:51 AM
7	I would like to see if homeowners that can't keep the building up if there is a way to help them out instead of fine's	11/30/2018 1:59 PM
8	I think Topeka could use some help from a local library for ideas because I don’t have any	11/24/2018 2:42 PM
9	some people are just poor	11/21/2018 12:10 PM
10	If by registry you mean neighbors can register abandoned buildings in their area it would be a great idea. If you mean owners of abandoned buildings register their own building it's a futile effort. Who would do that?	11/20/2018 7:12 PM
11	You already have a code. This is just a way to get money from property owners and I think this would be abused big time by the city	11/18/2018 5:41 PM
12	how about making it more public the resources for elderly to maintain their homes	11/15/2018 10:36 AM
13	The problem is that many of the properties are owned by those without the means to fix the properties. Even if they manage to submit a plan to bring the property back into compliance, they may not have the funds to actually do so. In some cities, I have seen habitat for humanity increase the number of rehabs they do instead of full builds to try to remedy blight. It might be helpful to involve community groups that can help rehab some of the properties in the city.	11/7/2018 7:59 PM
14	Monetary incentives. Reward property owners for improvements. Either with direct payments or tax breaks.	11/5/2018 12:07 PM
15	More fines	11/5/2018 11:47 AM
16	Less drugs	11/4/2018 9:39 PM
17	i do believe that a registry would be very useful in topeka	11/4/2018 8:07 PM
18	We just need to be more forceful about it and when said going to do it do it. Seems to many things are reinforced. We just let let them go.	11/4/2018 9:14 AM
19	Figure out some incentives for owners of blighted property to motivate them to take care of their property. The old "what's in it for me" concept. Why would I try to clean up my property? Maybe a month or two of waived WST bills, or perhaps a discount on electric or gas bills....or perhaps a couple new windows installed....or a promise that scouts would come by and shovel snow....you get the idea.....	11/2/2018 1:53 PM
20	Start giving the owner an itemized list of everything that needs to be done to bring the building up to code, with a 6 month timeline. If nothing has been done in that 6 months, bulldoze the building and sell the property, giving the owners a percentage of the profit while the City keeps the rest.	11/2/2018 1:47 PM
21	Seize the property if vacant more than a year + taxes were not paid. If it is worn down; knock it down sell the land or build a park.	11/2/2018 1:01 PM

22	N/a	11/1/2018 5:27 PM
23	The city can do nothing if the community does not notify City officials about the blight. A registry is very important!!!!	11/1/2018 5:06 PM
24	If the only cat fix it up they should sell it to somebody for $1 so they can fix it up but to make sure they have at least$500 in savings to start with as long as it is not condemned where I live there are two 4-Plex Townhomes buildings empty all the way up to Rice Road it draws nothing but trouble and it looks bad and it brings my property value down	11/1/2018 3:45 PM
25	Higher penalties?	11/1/2018 11:33 AM
26	#3 is yes and no. It depends on how accountable they will be held.	11/1/2018 12:48 AM
27	I think a registry would help if buildings could be put on it without the owner participating. The problem of neglect is often that owners are not local. Requiring them to participate in going on the registry will slow registration of abandoned buildings.	10/31/2018 9:08 PM
28	We have a code compliance department . We don't need more road blocks in the way of the property owners.	10/31/2018 7:10 PM
29	Make these owners pay a hefty fine tacked on their taxes	10/31/2018 4:49 PM
30	Assistance to those desiring help to bring property into compliance	10/31/2018 3:07 PM
31	I believe it might help, but if your code officers would stop telling the offenders how to get around some of the problems the person has been written up for. You just might get this to work.	10/31/2018 3:07 PM
32	N/A	10/31/2018 1:22 PM
33	This is a necessary thing!	10/31/2018 9:51 AM
34	Nothing will, it is a fact of life. People buy, die, over extend... There is many reasons for property to be left ideal. This is nothing more that an attempt to make more money in fines from the citizens. It also is another way for our city government to SPEND MORE MONEY so they can say they don't have enough and need more money!	10/31/2018 9:49 AM
35	I am not sure if this will work but it might be worth trying. What will happen if a person is not willing to register their property?	10/31/2018 9:16 AM
36	I teach at the university, and I am appalled at the number of students who live with ridiculous living conditions. I think we have far too many absentee property owners in Topeka who do very little to maintain and upkeep their properties. I think a lot more needs to be done. I favor this as a first step.	10/31/2018 8:43 AM
37	there have been a lot of people that just can't keep up with there age, or financial income problems. If this was just commercial property, then that would be something different	10/31/2018 8:05 AM
38	stronger enforcement actions with legal limits	10/31/2018 8:04 AM
39	The owner is responsible in a large community like Eastgate more than half or empty brings her property property value downwhat are we going to do about it as a community nobody wants to speak up because there's only three homeowners other than the majority homeowner	10/31/2018 8:02 AM
40	It will work if people register	10/31/2018 6:36 AM
41	Why can't we give abandoned homes to eligable families with stipulations then have those homes eligible for neighborhood improvement grants to be updated. Emil Spaeth	10/31/2018 2:19 AM
42	A minimum wage that is fair.	10/30/2018 11:28 PM
43	Cumulative fines would also accelerate the repair of issues. If they have funding issues, such as a homeowner going through a tough time, it would be a wonderful opportunity for our community to reach out and help each other!	10/30/2018 11:24 PM
44	Prevent crime that damages homes and buildings. Crime is horrible in topeka . Police do nothing.	10/30/2018 10:34 PM
45	Restoration of the aid to elderly homeowners on a fixed income that was eroded or eliminated by Brownback and his cronies.	10/30/2018 10:24 PM
46	ya know, some people have just hit on hard times and have to decide between meds, food, utilities, and painting the house. which one do you think wins?????	10/30/2018 9:59 PM
47	Enforce existing ordinances	10/30/2018 9:44 PM

48	I think it would help IF ppl registered, which in reality they prob. wont.	10/30/2018 8:49 PM
49	This drive will definitely help authority to short list high priority items.	10/30/2018 8:26 PM
50	Leave Topeka	10/30/2018 5:59 PM
51	I want to think neglected building registry would help as I live across the street from a house that has set empty for 4 years. Vagrants get in to sleep, take shelter, which is a danger to have. It is a holy mess to look at from my view. I wish something could be done.	10/30/2018 5:44 PM
52	More Code personnel, easier defined violations	10/30/2018 4:08 PM
53	how about the slum lords doing better checks on renters.	10/30/2018 4:02 PM
54	we do not need a big brother that is too big for their pants	10/30/2018 4:01 PM
55	Proper enforcement	10/30/2018 2:45 PM
56	I think a registry would help, but only if there is a mechanism to force sale or eminent domain if the property is not brought up to code. I also think some safeguard for property owners of limited means should be included in the provisions.	10/30/2018 2:34 PM
57	The registry will only work if The City actually does something about them. And, in a timely fashion.	10/30/2018 2:29 PM
58	Community trash collection. River trash walks. Apt complexes keeping trash areas cleaned. Eye sore citations for residents.	10/30/2018 1:33 PM
59	Not sure how much it will make owners responsible, but it can't hurt to have a handle on where concentrations of blighted buildings are located as a way of planning. I am really angry that so many businesses abandon buildings. Big companies like Kmart are prime examples...I don't understand why they were allowed to build new retail spaces while their old abandoned properties languished and deteriorated.	10/30/2018 1:30 PM
60	Condemnation and destruction of neglected properties	10/30/2018 1:28 PM
61	I answered yes, so it should not have taken me here. I don't think an owner should have to pay a fee to register their neglected building. I think the city should just put the address on the registry and then send the owner a notice that a plan of action is needed.	10/30/2018 1:24 PM
62	I believe that if a building is neglected or abandoned for a certain period of time the property should be taken over by the city. the building should be demolished & the city should be able to own the property at that point.	10/30/2018 12:47 PM
63	Neighbors should also be able to bring abandoned buildings to the attention of city authorities to investigate.	10/30/2018 12:45 PM
64	It seems as if even if the city were to actually put such a registration in effect, there would still be individuals and/or companies that would just pay the "penelties"/fines and still go on letting the building/structure decapitate. If there would be a clause in the law/statue/registration of said buildings where there was a specific time line that 1 they HAVE to register said buildings, 2 if not voluntarily registered then the city would automatically register the building and at THAT POINT they were then charged a registration fee, 3 if voluntarily registering then there would be no fee to register the building, 4 that there would need to be an inspection of said buildings after registration so that the owner of the building maybe more educated toward needed to be brought up to code and a minimal cost (or cost per square foot) thus you are still raising a little bit of money for the city works, 5 offer grants and/or some sort of tax benifit if small owners of these building were to do the fixing and hire the local population then the city would paid (x) percent of the repair cost for the building thus creating jobs and also giving back to the smaller Mom and Pop shops that we have seen die off in the last decade. There are numerous options that can help not only the city but the state and also the population throughout the city, county and state while at the same time making our community shine and be more radient then what it is currently. It may also give home owners the incentive and pride in this city and their communities that the city will take care of them and help them if we, the population, would help. It seems like a long battle but it needs to start somewhere.	10/30/2018 12:44 PM
65	Currently building enforcement picks and chooses which houses to post and are punishing homeowners who are trying. Why don't you leave them alone and get them help to bring their home up to standards instead of assessing fines. That doesn't help anyone but the city. I am totally against this.	10/30/2018 12:41 PM

66	I’m not sure what would help. I don’t think the registry will help because I don’t think the owners of these properties have the money or means to make the repairs or pay any of the penalties	10/30/2018 12:31 PM
67	Working with the owner to make the building compliant.	10/30/2018 12:04 PM
68	N/A	10/30/2018 11:57 AM
69	Unused billboards and signs (e.g. former Denny's at SW 29th & Fairlawn - now finally removed) should be either taken down or used as intended.	10/30/2018 11:49 AM
70	I think a building registry is a good idea as long as owners are actually held accountable for repairs and such	10/30/2018 11:47 AM
71	Registry will only work if followed through on requirements and penalties actually enforced	10/30/2018 11:47 AM
72	This will only work if you guys actually follow through and do something. Are you willing to follow through and use eminent domain to take away and destroy properties that are not salvageable ?	10/30/2018 11:33 AM
73	Providing maintainence help to elderly and poor.	10/30/2018 10:56 AM
74	In Baltimore, I believe that the city seized buildings for taxes that had been delinquent for a certain time. The buildings were sold for a minimum fee to people who had to agree to bring them up to code standards within a year.	10/30/2018 10:53 AM
75	NA	10/30/2018 10:42 AM
76	tear down abandoned buildings	10/30/2018 10:38 AM
77	I don't know but the registry seems to be owners policing themselves. If they aren't keeping the buildings up to code , what will the registry change.	10/30/2018 10:35 AM
78	Not sure	10/30/2018 10:33 AM
79	Low income housing that is held to standards of cleanliness	10/30/2018 10:33 AM
80	This requires owners of neglected buildings to voluntarily pay a fee to register their property, spend resources developing a plan, and then spending money to rehab their property or face a penalty. I don't see very many owners of neglected properties doing this. They aren't spending money to keep up their property now, so why do we think they will do so if we add more cost with this registry? In addition, there are costs to the city to develop and maintain the registry and I would assume additional staff would have to be hired for management and enforcement.	10/30/2018 10:32 AM
81	When people improve property their property taxes go up. Why not reward homeowners for taking care of property. Raise taxes if owners don't comply. Lower on those who do.	10/30/2018 10:30 AM
82	It would allow government and NIAs to work more closely to address the quality of life in a more organized way.	10/30/2018 10:20 AM
83	Fix it up or tear it down.	10/30/2018 10:15 AM
84	I WOULD like to see more about the concept before I would get behind it though. I would like to see the definitions and actions to be taken.	10/30/2018 10:13 AM
85	Nuclear bombs.	10/30/2018 9:58 AM
86	Lower taxes might help to be able to put money back into property.	10/30/2018 9:56 AM
87	Finding the right combo of private and not for profit groups to assist the elderly in caring for their properties so they don't become run down in the first place.	10/30/2018 9:55 AM
88	A program to provide grants or no interest loans to help low income owners to fix their property.	10/30/2018 9:51 AM
89	Bring quality employers to Topeka. Quality jobs is what effects property value	10/30/2018 9:44 AM
90	I think the plan would work if enforced.	10/30/2018 9:43 AM
91	Enforcement will be key.	10/30/2018 9:43 AM
92	The building doesn't necessarily have to be abandoned. There seems to be a problem within the older neighbor hoods with landlords renting to people who bring in drug traffic. The people that own thier homes suffer because of this. Robbery and violence stsrt occuring and the problemd just serm to escalate. All it takes is one shady person to ruin the safety of a once quiet peaceful neighborhood.	10/30/2018 8:38 AM

93	I think the registry would work, if the City has authority to take action if the building owner does nothing, otherwise only those building owners that would normally fix the problem would comply and those that would still would not comply.	10/29/2018 2:20 PM
94	Same thing.	10/29/2018 1:43 PM
95	Just follow through on Code Enforcement. You already know who the people are.	10/29/2018 1:40 PM
96	Leave people alone. A home should be a safe sanctuary and home base for a family, that allows their cost of living to decrease significantly once it is paid for. Your harassment only would hurt people financially. Stop being communists. Further, stop finding an excuse to get in people's business to make more money.	10/26/2018 8:43 PM
97	Possibly. The possibility of penalties and hard time frames are scary and may be difficult to enforce.	10/25/2018 10:01 PM
98	.	10/25/2018 8:11 PM
99	Clean up any and all trash, dump sites, tvs tires, etc...	10/25/2018 4:39 PM
100	Promptly auction property when taxes are not paid	10/25/2018 3:27 PM
101	Enforce the rules already in place. Hold landlords accountable. Speed up the process.	10/25/2018 12:24 PM
102	Higher property taxes in the outer neighborhoods that would be used to make improvements in the inner city.	10/25/2018 6:14 AM
103	fining the owners, penalizing the owners	10/25/2018 2:10 AM
104	More funding help for home owners only. And make building owner, the company pay the fines, not get away without paying the fee.	10/24/2018 8:48 PM
105	Enforcing the codes and laws we have. I have taken pictures of a home in 2600 block of massachusetts and emailed code compliance. Police come out and nothing is done. Currently street is blocked by a dumpster. No need to add more laws you cant inforce. But then i get a ticket if rental property isnt mowed.	10/24/2018 7:21 PM
106	We cannot simply go after properties in completely negative way. If this is a COMMUNITY plan we need to have ways to help small businesses and home owners address these issues. There should be no fee for registry and landlords who are in the business of renting properties should be given the highest scrutiny. Rental properties is the single most issue in a TOPEKA as most landlords have been given a pass for many years.	10/24/2018 6:03 PM
107	na	10/24/2018 5:29 PM
108	Enforcing existing laws for everyone. City officials already know where the neglected buildings are and who owns them. Making a new list will only waste time and money.	10/24/2018 5:23 PM
109	A landlord's registry of all rental properties in Topeka. I think it would cut down on the slumlords that don't take care of there properties. they just rent them for the money & never check on them again .	10/24/2018 5:03 PM
110	I think fast processing of current claims and issues and not allowing something to.have constant issues over ten years of time.	10/24/2018 5:02 PM
111	Actually put the criminals in jail instead of not going after them	10/24/2018 4:59 PM
112	I do agree. This is a step in the right direction.	10/24/2018 4:23 PM
113	Greater fines for not reacting to notices from the city?	10/24/2018 3:55 PM
114	Following through with condemnation proces.	10/24/2018 3:52 PM
115	Bulldoze buildings that are neglected too long	10/24/2018 3:35 PM
116	Some of them could be used for veteran's who could get better jobs and help	10/24/2018 3:32 PM
117	What would be different than using See, Click, Fix?	10/24/2018 3:24 PM
118	Incentivize to redevelop commercial properties on a smaller retail scale	10/24/2018 3:18 PM
119	I do not believe blighted bluffing owners should create and follow their own plan of action, but that a mutual agreed upon plan should be implemented.	10/24/2018 3:09 PM
120	Seizure of property by the City for resale. A financial fine does not work!	10/24/2018 1:19 PM

121	Getting Rid of Car's that are No longer Running and Sitting On property is a problem Also. Neglected Property Needing attention.	10/22/2018 11:14 AM
122	na	10/22/2018 10:42 AM
123	Without the program property owners would continue to let them decline as there would be no accountability and The will continue to look blighted.	10/22/2018 9:36 AM
124	N/a	10/21/2018 7:31 PM
125	N/A	10/17/2018 10:53 AM
126	Re-purpose buildings such as schools and hotels.	10/16/2018 11:13 PM
127	I do think a neglected building registry would help identify properties suffering from blight but will need to be enforced to combat the blight.	10/15/2018 11:13 AM
128	I think it would.	10/14/2018 8:37 PM
129	Upgrade existing vacant buildings/houses city- county property regulations/ordinances and state laws to better serve communities state wide.	10/14/2018 6:59 PM
130	Community gardens, more restaurants, Green groceries, grocery store, maybe target	10/14/2018 11:49 AM
131	There should be a place to report concerns. Owners who do not attend to their buildings are not going to register them - get real, they are into ignoring the problem. The codes exist. Enforcement is more the key, not another loophole to make it more complicated.	10/13/2018 9:56 AM
132	It would	10/12/2018 8:17 PM
133	Fine the slumloards taking rent from people while doing very little to upkeep properties. They take advantage of poor individuals until the property is uninhabitable. Thus creating these abandon properties, especially focusing on those owners who don't even live in Topeka much less Kansas, who own several properties in the same neighborhood.(Highcrest especially)	10/12/2018 10:22 AM
134	I'm sure the slum lords can afford to pay the fine and still not clean up the property. However, the poor and elderly on fixed incomes cannot afford to pay fines or care for the property. I understand the problem but more helpless people will suffer all the more. I'm sure it is not cost effective but let's help the elderly, single parents, and others in poverty be able to care for their homes. Topeka is not such a large city and I'm sure our officials know who those negligent landlords are. Let's target the instead if punishing all.	10/12/2018 5:55 AM
135	Sale of blighted properties. Jail time for owners who do not comply for any reason.	10/11/2018 10:44 PM
136	Buy and sell homes to someone that can afford to keep a house in good repair	10/11/2018 4:08 PM
137	have the police actually do their job and get the druggies off the street and keep them off	10/11/2018 3:39 PM
138	It is not as big deal as people make it out to be. What will happen is people will just bull doze old business buildings and we will have just vacant lots through out the city.	10/11/2018 2:17 PM
139	I think a registry is needed and would move forward the goal of combating blight. Additionally, I am in favor of a more stringent registration process for property owners with rental properties and with that registration, higher fees. This is standard practice in many communities. I wish it could be all carrots and no sticks but I'm not sure a carrot-only strategy will ever get us where we need to be. Blight and apathy about blight are serious issues that are holding this community back from being the vibrant place it could be.	10/11/2018 2:16 PM

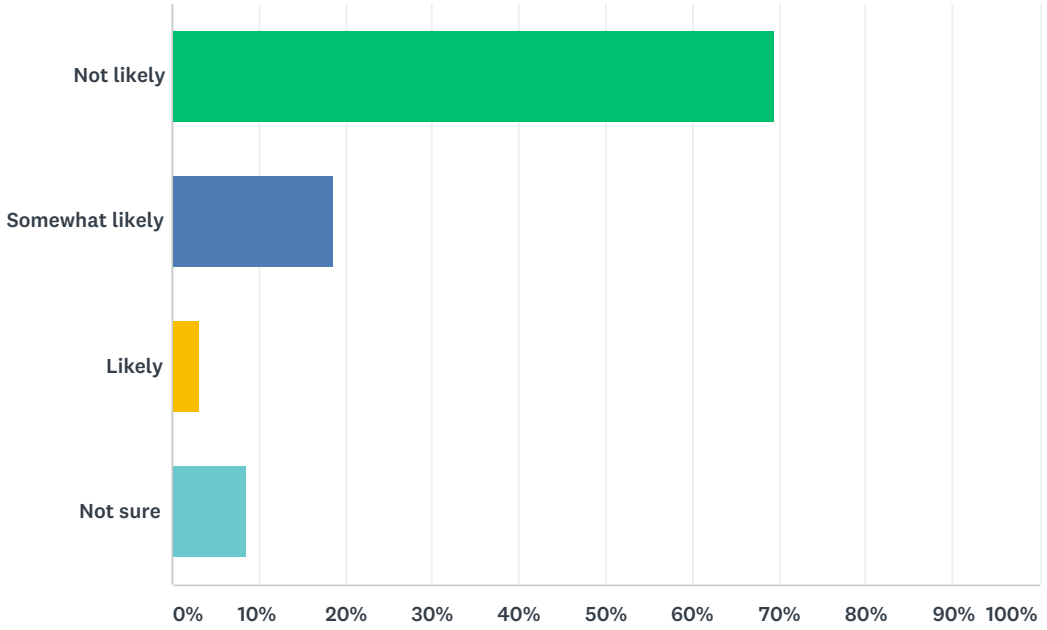
140	Honestly, I think most people's human condition isn't too take care of things. People are lazy and no fine is going to fix that. It's just going to further tax them into having no resources or money. The people that will take care of property are already doing it. The people that aren't, aren't going to care. They will just leave the city or find another way. People don't have the money to fix things, hence why they aren't fixing it in the first place. There are people in the city that would take these homes and fix them but you make it so difficult to do business with as a home owner or business owner. Your regulations are already stiffling the economy and you can't understand that. More regulation and burden put on the people that are trying to get by is only going to further demenish your city. After these people already don't have the resources to fix their house and you keep taking money away from them, then what? To what ends are you willing to go? My opinion is it they paid for the place, they are up on their taxes and they aren't causing bodily harm to anyone that is their home and they can do whatever they wish with that, less of course we really don't own our properties and in reality the city has control over ever aspect of our lives. I'm sure that's not in anyone's best interests and it's not what a healthy society is based on. In my opinion the city has a lot bigger things to worry about than if my house is in "code" compliance. Like crime maybe? Being 34th on the list of the most crime infested cities in America should be your concern. It's driving people away from the city and makes it impossible to even want to have nice things when it will get stolen, vandalized or destroyed. Tell me why someone would want to put money into your city like that? The question here isn't if we are going to take care of ourselves it's if you are going to take care of your self and your business. Good day!!!	10/11/2018 1:02 PM
141	There is not enough strong enforcement at the judicial level. We are simply not enforcing current regulations as we should be and we are not being aggressive enough using current laws to their maximum effort.	10/11/2018 12:48 PM
142	Calling out homeowners for situations that may or may not be out of their control via physical or financial obstructions has the potential to sow discernment among neighbors. A hands on approach is what is needed, not a registry.	10/11/2018 11:16 AM
143	Make absentee landlords from out of town have to be more responsible for their properties. They're not here having to see and live with their properties like the rest of us, but they are "out of sight/out of mind" for the property owner. If rules/regulations were more strictly enforced to clean up this town (it would help the crime too if renters were held to a higher standard) as the criminal elements don't like being told what to do and would move on to other tolerant communities. No reason to be allowing such elements safe harbor in THIS community! Please start being more aggressive in this matter. We should be more engaged with how our city appears to outsiders, instead of just continuously turning a blind eye. Have heard it stated many times that this place is "just a dirty little town" and it often makes me ashamed to claim living here. This is a step in the right direction, but a long way from what should be being done. Other better communities don't stand for it, so why should we?	10/11/2018 8:30 AM
144	large fines, don't let owners tag their vehicles until they meet certain rules, rules/guidelines: contacting city about building, making arrangements to start correcting problems	10/11/2018 8:23 AM
145	Have them torn down.	10/11/2018 7:38 AM
146	Some circumstances are due to health or economic situation we can't forget that some people are unable to perform duties such as painting or roofing maybe have a program to help them out not the slumlords getting new hvac or roofs on rentals just because poor people live in their properties..... Defeats the purpose of community action they really know how to bend the rules..... Help the underprivileged be proud of their home	10/11/2018 5:41 AM
147	Help the poor or disabled homeowners with a grant	10/10/2018 8:51 PM
148	□	10/10/2018 5:13 PM
149	I think it's a great idea. Property owners need to be held accountable.	10/10/2018 2:42 PM
150	Establish drug zones where addicts could congregate and live without needing to squat	10/10/2018 1:26 PM
151	I think the department needs to be bigger. How can 8-10 people realistically look at 45,000+ properties(estimating, probably more). Seems like common sense to me we need more boots on the ground spending more time inspecting but also talking to citizens about their properties.	10/10/2018 9:34 AM

152	There needs to be regulations on how many types of multiple living units can be allowed in a particular neighborhood. The houses that are divided up into apartments tend to become eye sores. A person who owns a large home would need to go to the city or code compliance or some city entity to find out if the number of those types of rentals has already been met. The same for apartment dwellings. We have too many apartment buildings that are rat traps for drug deals. They have mold, broken windows, and they are nasty yet they continue to be used for Section 8 housing. Stop letting out-of-state people be landlords in this town! They do not care what happens because they can not be reached!	10/10/2018 5:52 AM
153	Rental props registry	10/9/2018 8:28 PM
154	Somethjing that does not threaten owners of occupied buildings. Many elderly do not have the finances to beautify their residence or do major repairs beyond the absolutely neccesary. Worry about grass police is bad enough without adding more to it. Exclude homesteads from whatever you come up with. The self reporting part of the proposal truly smacks of fascism and is quite mean spirited.	10/9/2018 4:00 PM
155	Ordinances that require building owners to keep the property in good condition. Fines & follow-through essential.	10/9/2018 3:08 PM
156	More help for property owners to make repairs to their property instead of fining them. Tell homeowners about Title 1 government insured home improvement loans. Admiral Bank - 800.715.8472. This Neglected Building Registry is a duplication of the Code Violation system that the city already has in place.	10/9/2018 2:52 PM
157	n/a	10/9/2018 1:54 PM
158	The Court needs to enforce the Property Maintenance Code.	10/9/2018 1:42 PM
159	A registry is just a list...add on consequences, fines, possession	10/9/2018 1:31 PM
160	Community programs to help homeowners receive assistance in updating their property.	10/9/2018 11:48 AM
161	Only if a law giving the owner a specified amount of time to bring up to code and a very stiff penalty or confiscation and demolishing if it is not. This includes the abandoned/empty building on Kansas Avenue and surrounding streets downtown. No favoritism.	10/9/2018 11:05 AM
162	Combatting blight requires property owners to have the financial means and access to resources and services to maintain their properties. A coalition to help them clear these hurdles could be beneficial. A program to coordinate the sale of these properties to parties who have the resources to maintain the properties is an option, providing the owner is willing to sell.	10/9/2018 7:30 AM
163	More checks of each neighborhood or have self report of the neighbors to report it	10/9/2018 6:27 AM
164	NA	10/9/2018 12:31 AM
165	Putting out free containers where people can go throw out their junk instead of just throwing out in their yards. Containers for throwing out tires so many tires r all over the city. Penalize people but not so much cause they can't afford it, stop picking on same people.	10/8/2018 11:12 PM
166	Continue regulating homes but don’t add more red tape to those who are struggling financially to upkeep their homes.	10/8/2018 11:00 PM
167	I think the registry is worth a try	10/8/2018 8:34 PM
168	the registry will only work if used and if the policy has teeth. This is the city of slum lords where we have to live next to abandoned buildings for YEARS with the city doing nothing.	10/8/2018 7:56 PM
169	Condemned buildings should be removed within 30 days of notice posted. Bugs, rodents, snakes, garbage... All just gathering more of the same for months!	10/8/2018 7:49 PM
170	?	10/8/2018 6:57 PM
171	Fining wonders who create public nuisances by boarding up and allowing buildings to become dilapidated.	10/8/2018 6:23 PM
172	This registry should include vacant buildings, vacant lots (not maintained), boarded up buildings. Having vehicles in the back which are not driven or tagged, should be kept track of, to determine the new code of 6 months. It is very hard for one person to patrol our area and N.Topeka. I would like more help to do the coverage needed. Ward Meade NIA helps with watching for code violations, still it is hard for one to follow up. Maybe have a floater for areas needing more coverage.	10/8/2018 5:40 PM

173	Just enforce the Code. Your actions, ability to set custom plans and consequences are all there already.	10/8/2018 5:28 PM
174	The city itself has to clean up and do there part as well	10/8/2018 5:15 PM
175	Hold property owners responsible!!!!	10/8/2018 5:00 PM
176	N/A	10/8/2018 4:45 PM
177	fair,firm and consistent enforcement on a citywide basis. Same standards in Westboro as in Central neighborhoods	10/8/2018 4:32 PM
178	Fines or other restrictions. It would nees to be able to reach across state lines.	10/8/2018 3:00 PM
179	Code compliance needs to do their job	10/8/2018 2:46 PM
180	N/a	10/8/2018 2:34 PM
181	N/a	10/8/2018 2:01 PM
182	All these empty house need to be fixed to help low income families.	10/8/2018 1:43 PM
183	Idk	10/8/2018 1:26 PM
184	N/a	10/8/2018 1:17 PM
185	I think it would help, but I think we need better communication and education of the policies of code enforcement. It seems even if people would report, the process is so long to combat.. would it even help? Also better education - for instance each month have a different topic that is for the better of the community. Like - January is snow removal month - did you know it is illegal to not clear your sidewalks for more then 48 hours in the City of Topeka - help a neighbor and get your sidewalk clear. Fines are up to $100 if you do not comply. March - Paint your house month. Did you know that chipped paint on your home can result in a $300 fine from the city? etc. and so forth.	10/8/2018 11:18 AM
186	I have rentals. Here is my concern, not as a land lord but as a tax payer. I don't want to pay thousands of dollars or even a thousand dollars to get people to take care of their property. It is shameful what some of these Landlords have those people living in. I have had some of the worse renters imaginable. Really tare the place up, skip out on the last months rent... I feel like not fixing it up, put some lipstick on it and move on, but I don't. Not because of what that does to someone else but what that behavior does to me. Yes I make money on my rentals, but not as much as I could if I lowered my standards. You can't make people do the right thing and if you try it will most likely cost more than what it is worth.	10/8/2018 10:26 AM
187	meaningful enforcement.	10/3/2018 1:28 PM
188	Either knock down the buildings and rebuild or make them into something good. Like Whitelakes mall, that could be use as another homeless shelter for Topeka.	10/2/2018 8:05 PM
189	fines, confiscation, and demolition	10/1/2018 2:06 PM
190	Warnings posted on property to clean up property and/or make repairs to dwelling (s) in dire need of painting due to worn structures. Neglect brings down surrounding properties values down.	9/28/2018 1:03 PM
191	I am from the state of Maryland. In my opinion, Topeka is a diamond in the rough that I've enjoyed making my home. This is a beautiful city that offers more than one wants to admit. Recently, a resident of Maryland stated that she wished her town had a library like Topeka. I would like to see abandoned buildings converted into homes for residents who have great rental history but, can not purchase a home in the traditional way. Also, assist single mothers with business ownership. There should be a mentor program that pairs a single mother with a professional mentor. This is how you change communities; identify the ones with potential and let them inspire their communities to want and be more. Residents with real potential are often forgotten about.	9/28/2018 8:24 AM
192	Incentives for owners and communities.	9/26/2018 9:11 AM
193	This registry would help a lot.	9/25/2018 2:30 PM
194	Stricter enforcement of codes.	9/24/2018 12:21 PM

Q5 How willing do you think a building owner would be to sign up for the neglected building registry?

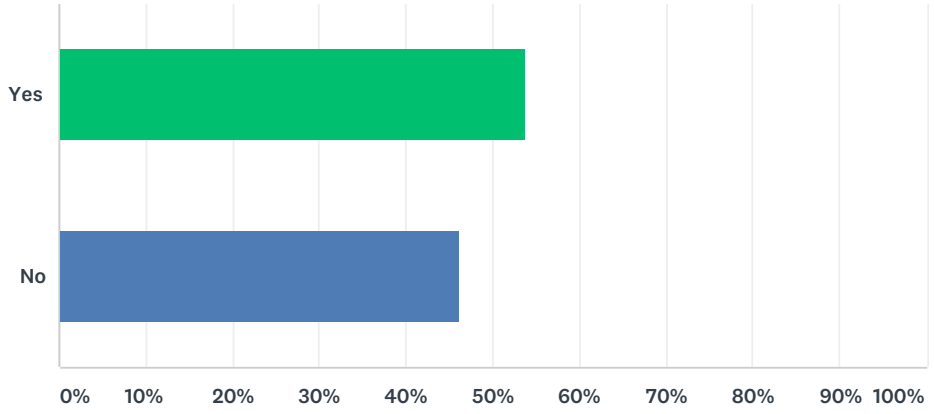
Answered: 439 Skipped: 4



ANSWER CHOICES	RESPONSES	
Not likely	69.48%	305
Somewhat likely	18.68%	82
Likely	3.19%	14
Not sure	8.66%	38
TOTAL		439

Q6 Would you show up at a public meeting about the neglected building registration?

Answered: 439 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	53.76%	236
No	46.24%	203
TOTAL		439