

Governing Body Minutes – November 9, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 9, 2021. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on November 9, 2021, after which the City Clerk's Office provided the Zoom link information and protocols prior to the meeting start time. Written public comment was also considered to the extent it was personally submitted at the meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before November 9, 2021, for attachment to the meeting minutes.

At 6:05 p.m. Mayor De La Isla recessed the Governing Body meeting due to technical difficulties.

At 6:42 p.m. the Governing Body reconvened into open session with the following Councilmembers present: Councilmembers Hiller, Ortiz, Emerson, Padilla, Dobler, Duncan and Lesser - 7. Mayor De La Isla presided - 1. Absent: Councilmembers Valdivia-Alcala and Naeger - 2.

AFTER THE MEETING was called to order, Mayor De La Isla, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Frank Burnam to the Topeka Public Building Commission for a term ending November 15, 2025. (*Council District No. 4*)

Councilmember Emerson moved to approve the board appointment. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. The Mayor does not vote. (7-0-0)

Mayor De La Isla announced due to the delayed meeting start time, changes were being proposed to the agenda. She stated the proposed changes are to remove the following agenda items from the November 9, 2021 agenda and place them on the November 16, 2021 agenda:

- Item 3. City of Topeka Financial 3rd Quarter Report Presentation
- Item 6B. Discussion regarding the Citizens Advisory Council Ordinance
- Item 6D. Discussion regarding the Topeka DREAMS Grant Awardees
- Item 6E. Discussion regarding the America Rescue Plan Act (ARPA) Funding

Councilmember Naeger joined the meeting remotely.

Councilmember Ortiz moved to approve the changes to the November 9, 2021 agenda as stated Mayor De La Isla. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (9-0-0)

CONSENT AGENDA was presented as follows:

APPROVAL of a Utilities contract between the City of Topeka and A.W. Schultz, Inc. in the amount of \$613,660 to provide electrical control system design, construction, and installation for SCADA Pump Station Programmable Logic Controller Upgrades Project T-291097.01, was presented. (*Contract No. 49917*)

ORDINANCE NO. 20324 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period August 28, 2021 through September 24, 2021, and enumerating said expenditures therein, was presented.

MINUTES of the regular meeting of October 19, 2021, was presented.

Councilmember Naeger moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (9-0-0)

Councilmember Valdivia-Alcala joined the meeting remotely.

ORDINANCE NO. 20325 introduced by City Manager Brent Trout, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Valley Park Neighborhood Plan, was presented. *(CPA 21/01)*

Brent Trout, City Manager, reported the Valley Park Neighborhood Plan was discussed on October 19, 2021, and Staff recommends approval.

Councilmember Naeger moved to adopt the ordinance. The motion was seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler, Duncan, Lesser and Mayor De La Isla -10.

APPROVAL of a Utilities contract amendment between the City of Topeka and Bartlett and West, Inc. in the amount of \$1,419,738 to amend and add Design Services and Construction Manager at Risk (CMAR) Selection and Coordination for the North Topeka Nutrient Removal Project T-291106.00, was presented. (Contract No. 49929)

Brent Trout, City Manager, stated approval of consulting contracts over \$50,000 would normally be placed on the consent agenda; however, due to the significant changes to the overall project budget it was placed on the agenda as an action item.

Braxton Copley, Director of Utilities, provided an overview of the changes mandated by the Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE). He stated the request would cover design costs; however, in approximately two years Staff would be requesting an additional approximate amount of \$1 million for construction administration services. He reported by adjusting to a design (build) process it allows the City to achieve permit requirements in terms of completion by 2023, and

full permit compliance by 2024. He noted the original Capital Improvement Plan budget for the project would have to be amended to include an additional \$10.8 million to the original \$6.3 million project cost bid in 2012.

Councilmember Valdivia-Alcala stated she reviewed the support documentation and supports the contract amendment.

Councilmember Valdivia-Alcala moved to approve the contract amendment. The motion was seconded by Councilmember Lesser.

Councilmember Dobler stated he will abstain from the vote due to his employer Bartlett & West Engineers, Inc. being involved in the project.

Councilmember Duncan spoke in support of the project and stated he understands the necessity; however, he remains frustrated with outdated project bids. He strongly encouraged Staff to again review project bids that are ten years or older and to include those updated numbers in the next CIP. He asked for clarification if the additional \$1 million that would be requested next year was included as part of the total project budget.

Braxton Copley stated the additional \$1 million is included in the total project cost of \$17.1 million. He stated Staff is currently developing the CIP budget to present in 2022, at which time, a determination will have to be made as to how the project would be funded.

Councilmember Duncan stated because none of the \$10.8 million is currently included in the CIP he would like to have conversations on creative ways to fund the project so it will not affect the City's bonding cap. He noted the City has the authority to create a public building commission pursuant to State law. He asked if the Construction Manager is considered the final contractor.

Braxton Copley stated the Construction Manager at Risk will be the contractor that will

be selected through the RFP process in order to incorporate them into the design team. He stated typically, the contractor would be selected based on the low bid.

Councilmember Naeger asked if the recently approved Federal Infrastructure Investment and Jobs Act (IIJA) would provide funding assistance for the project.

Braxton Copley stated it was possible; however, no details have been released on how the IIJA funds could be spent or the funding mechanism.

Councilmember Hiller stated they will have an opportunity to consider using ARPA and IIJA funds in order to offset the project cost.

Councilmember Emerson spoke in support of the contract amendment and thanked Utilities Director Copley and Staff for their foresight on the project.

The motion to approve the contract amendment carried on roll call vote. Councilmember Dabler abstained. (9-0-1)

DISCUSSION concerning a Resolution of Intent authorizing the issuance of Industrial Revenue Bonds (IRBs) in the amount of \$10,000,000 to facilitate the acquisition and renovation of the former Topeka Holidome located at 605 S.W. Fairlawn Avenue, Topeka, Kansas, was presented.

Brent Trout, City Manager, reported Flywheel Fairlawn, LLC is requesting that the City issue Industrial Revenue Bonds (IRBs) to facilitate its acquisition and renovation of the former Topeka Holidome to use as workforce rental housing with approximately 140 units of multi-family housing. He stated the property will be exempt from property taxes for 10 years if the City issues IRBs.

George Meier, Flywheel Capital, LLC, stated his company owns 605 SW Fairlawn Avenue. He stated they are working on redeveloping the property from a hotel to workforce

housing to include studio, one bedroom and two bedroom apartments. He noted amenity spaces such as a fitness center and office area will be added. He stated the project cost is \$10.5 million with \$5.5 million in hard construction costs. He stated the average rent will be \$670 a month per unit, which aligns with the Topeka Housing Study completed in July of 2020.

Councilmember Naeger asked what type of lessors they are seeking to attract and stated she looks forward to seeing new development and the investment in the community.

George Meier stated their focus lines up with the housing study, which would be construction workers or warehouse workers.

Councilmember Hiller asked Mr. Meier to provide more details on the cost of rent and if utility costs would be included as part of the rent payment. She also asked if there will be other amenities located on the property.

George Meier stated the studio apartment will rent for approximately \$540 and a small portion of the rent will go towards the electric and gas bill, and the one bedroom units will cost approximately \$750. He stated the existing restaurant will be used, some space will be converted to a business center, there will be a fitness center, storage, and the ballroom area will be removed and a courtyard with grass will be constructed.

Mayor De La Isla stated typically 31% of an individual's income should go towards rent; therefore, someone that earns approximately \$2,200 a month of income should be able to afford the apartments.

DISCUSSION regarding the City's 2022 legislative priorities for the City's lobbyist to address and monitor during the 2022 Legislative Session, was presented.

Whitney Damron, P.A., City of Topeka Lobbyist, reported on the following items that were identified as legislative priorities in consultation with City Manager Brent Trout:

- Primary Issues: Support the construction of a new lab for KDHE to be located on the grounds of the Kansas Neurological Institutes (KNI) and Docking State Office Building redevelopment; the Polk-Quincy Viaduct Project; Study of Taxation and Exemption Issues; and Abandoned Housing.
- Secondary Issues: Hi-Crest Community area for economic development program; Topeka Police Department to review K.S.A. 22-2512 regarding firearms; and the Regulation of Firearms.
- League of Kansas Municipalities (LKM): The League has finalized its 2022 Statement of Municipal Policy and at this writing, major issues for the League in 2022 include:
 - Property Taxes - Dark Store Theory.
 - Home Rule Authority.
 - Government Competition (e.g., Post Audit Study referenced herein). City/County Tax Revenue Sharing.
 - Recodification of the Uniform Traffic Code.
 - Continued consideration of Mental Health Funding and Programs.

Councilmember Lesser asked what the process and possibilities are in regards to Governor Kelly's proposal to eliminate the food sales tax.

Whitney Damron stated the topic of trying to reduce the sales tax on food has been around for years and Governor Kelly would like to reduce the food sales tax when the State has a more firm financial footing. He stated the Governor has not indicated how the sales tax reduction would be paid for; however, she would prefer that existing funds be used so the State can absorb the cost. He noted there will also be interesting debate on how the State plans to address the possible COVID-19 vaccine mandate from the Federal government which may have an effect on how the food sales tax elimination plan moves forward.

Joseph Ledbetter stated the City seems to have a wide net each year regarding its legislative priorities. He asked the Governing Body to make solid decisions on what they would like their legislative priorities to be and he would support it. He spoke in support of the KDHE lab remaining in the city of Topeka.

Councilmember Duncan stated the City of Topeka should support the reduction in food sales tax and they do not have to provide guidance on what that plan looks like. He stated some

of the issues listed are supported by the City; however, the document does not recap the City's position on the issue. He inquired on the abandoned houses issue and if the City plans to introduce legislation in order to move forward with the process. He encouraged the Governing Body to coordinate efforts so they have definitive answers for Mr. Damron on important issues. He asked about the K.S.A. in regards to what can be done with firearms used in a crime and if someone is pushing legislation that the City would like to support or is the Topeka Police Department asking the Governing Body to generate legislation to make that change.

Whitney Damron stated the item was a suggestion that came up at the time the report was created; however, since that time, he has received information from a number of law enforcement agencies that the matter may not be pursued in 2022.

Mayor De La Isla suggested the Governing Body create a standing committee that would meet annually to discuss and determine the City's annual legislative priorities prior to the State Legislature meeting each year.

Councilmember Duncan stated he believes the Policy and Finance Committee could serve in this capacity.

Whitney Damron reported the challenge with the abandoned housing issue is to create a bill that can be defended and advanced while protecting private property owner rights as well as protect the interests of neighborhoods and municipalities.

Councilmember Hiller stated she believes the City has a resolution or policy that states the Governing Body should address the legislative agenda in October of each year. She stated some of the issues on the list need to be discussed by the Governing Body in coordination with the Greater Topeka Partnership. She commented on events that she believes transpired as it relates to the City's position of support on the plans for the Docking Building. She referenced

the KDHE building location issue and encouraged Staff to review the food sales tax numbers and how it would affect the City. She suggested the City to optimize ARPA and IJA funds in order to be competitive; and the State maintain the right-of-way for highways and interstates and suggested it be added to an administrative advocacy agenda. She spoke in support of the abandoned housing issue being addressed.

Councilmember Valdivia-Alcala stated she agrees with many of the comments made by Councilmembers Duncan and Hiller. She urged the City to not only utilize their Lobbyist to the full extent but to also utilize the relationship with the Shawnee County Delegation to move items forward, specifically the abandoned housing issue. She asked if the Governing Body could be provided the details on what percentage the City receives from food sales tax in order to answer questions from constituents.

Councilmember Lesser referenced comments made by Councilmember Hiller regarding the Docking Building and the statement that the City and the Governing Body as a whole support the Governor's plan.

Councilmember Hiller stated the information came from some advocacy she was involved with that included Downtown Topeka, Inc. (DTI) and the Greater Topeka Partnership (GTP) back in April 2021, where meeting discussions took place about Governor Kelly's preference and noted the City was involved in those discussions.

Councilmember Lesser stated he understands how the message could have been misconstrued; however, he was not a participant in any of the meetings she referenced, and to say that the Governing Body as whole supports the Governor's plan for the Docking Building would be an inaccurate statement.

Councilmember Hiller agreed more conversation needs to take place about the Docking

Building.

Brent Trout stated the Shawnee County Delegation meeting will be held on December 9, 2021, and the City's priorities need to be determined by that date. He reported priorities can be discussed and determined through the committee process and then considered for action at the December 7, 2021, Governing Body meeting.

In closing, Whitney Damron stated the Shawnee County Delegation remains very much engaged in the new lab for KDHE and Docking Building issues. He noted the Shawnee County Delegation along with other community partners (DTI and GTP) support KNI staying in Topeka as well as the Docking Building is included in the budget.

Councilmember Duncan announced that he would work to schedule a Policy and Finance Committee meeting the week of November 29, 2021, in order to ensure the 2022 Legislative Priorities are considered at the December 7, 2021 Governing Body meeting.

PUBLIC COMMENT was submitted via email (Attachment A) by Lyndsey and TK Adams, Louis Weishaar, Marie Hall, Sally Kahle, Judy Miller, Marilyn Waugh and Joseph Ledbetter. The following individuals provided public comment:

Sandra Lassiter thanked City Manager Trout for his hard work and dedication to Topeka. She stated she believes there may be someone who resides in the city that would be qualified to serve at the next City Manager.

PJ Carter stated it has been over a year since police reform has been discussed at a Governing Body meeting. He referenced the City Manager position opening and the need to place a qualified person in the position that has the experience to help move the community forward. He referenced the lack of transparency in the recent Police Chief Candidate interviewing process and encouraged the City to partner with the community and work to build

trust.

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

Kelly Bogner, Assistant City Clerk, provided an overview of the November 16, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, invited the public to attend an Open House on November 10, 2021 at 6:00 p.m. at the Cyrus K. Holliday building located at 620 SE Madison Street to meet the four Topeka Police Chief candidates.

Councilmember Naeger thanked military veterans for their service.

Councilmember Duncan congratulated incumbent and newly elected Governing Body members. He also recognized all candidates that ran for office and thanked them for their interest in the community.

Councilmember Lesser thanked his constituents for allowing him to serve another term and commended his opponent Gregory Bland, Jr. for a respectful campaign. He stated he looks forward to working with Mr. Bland in the future. He expressed his disappointment with the inappropriate campaign flyers that were distributed in certain Council Districts.

Councilmember Hiller congratulated her colleagues that won the election and thanked all candidates that ran in the election and those who voted. She recognized Mayor De La Isla, Deputy Mayor Padilla and Shawnee County Commissioner Kevin Cook for speaking at the 2021 State of Community Address.

Councilmember Valdivia-Alcala announced an initiative where a press conference was held at Community Resources Council Care Center at Lundgren Elementary School hosted by Topeka Habitat for Humanity introducing the House to Home Program. She encouraged

everyone to stay vigilant in protecting themselves from the COVID-19 virus as numbers continue to rise with breakthrough cases.

Councilmember Ortiz recognized her opponent Regina Platt and thanked her constituents for re-electing her. She thanked the military veterans for their service and commended the Topeka Habitat for Humanity for their work in the community.

Councilmember Emerson expressed his appreciation with the outcome of the elections.

Councilmember Padilla stated he attended the new House to Home Program press conference and announced that the program is the only one like it in the nation. He stated he attended the Veterans Day Parade held on November 6, 2021, and expressed his appreciation to veterans for their sacrifice and encouraged everyone to work hard for them in the community. He congratulated those who ran for office and incoming Councilmember elect Brett Kell. He encouraged all candidates to remain involved in the community.

Mayor De La Isla stated running for office is taxing for the candidates and their families. She thanked all the candidates and encouraged them to remain engaged in the community. She thanked veterans for their service.

Councilmember Emerson moved to recess into executive session for a period of 30 minutes to discuss matters related to an individual employee, pursuant to KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; City Attorney, Amanda Stanley; and Human Resources Director, Jacque Russell. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Dobler.

Mayor De La Isla asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the

voice vote occurred, Mayor De La Isla announced the motion carried unanimously on voice vote. (10-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

Councilmember Padilla moved to recess into executive session for a period of 15 minutes to continue the discussion on matters related to an individual employee, pursuant to KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; City Attorney, Amanda Stanley; and Human Resources Director, Jacque Russell. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Naeger.

Mayor De La Isla asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried on voice vote. (10-0-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken during the executive session.

Councilmember Padilla moved to direct the City Attorney to negotiate and execute a separation and six month consulting agreement with City Manager Brent Trout to facilitate the transition. The motion was seconded by Councilmember Naeger.

Mayor De La Isla reported City Manager Brent Trout submitted his resignation to the Governing Body on November 4, 2021, and it is the duty of the Governing Body to accept the resignation and determine the parameters. She stated the Governing Body has decided to retain Brent Trout under a contract for services through a transition period of six months.

Mayor De La Isla asked all those in favor of approving the City Attorney to negotiate and execute a contract to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Mayor De La Isla announced the motion carried on voice vote. Councilmember Valdivia-Alcala abstained. (9-0-1)

NO FURTHER BUSINESS appearing the meeting adjourned at 9:30 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Lyndsey & TK Adams

March 1, 2021, the house at 333 Greenwood was listed for sale. My husband and I had been searching for a home for over a year, looking for something free of an HOA and HOA-like restrictions. As soon as the Greenwood house went on the market, being antique mall owners and lovers of historic homes, we fell in love. We were assured we were allowed to opt out of the historical designation if need be. My husband is medically retired from the Marines and has mental health issues that were a concern when looking at a home on such a busy corner. Planning to install a privacy fence was very helpful in feeling secure in our home. Aside from his service dog, our dogs provide a significant amount of emotional support for him. The smallest being just over 3lbs, we needed to install a fence with no gaps and a bottom running board to make sure they did not get out; and now have installed bricks on the interior to further ensure their safety.

Before making an offer, we asked our realtor, the sellers Realtor, and the sellers if a privacy fence would be an issue. I was assured by the seller and their realtor we would *not* have to worry about any restrictions; that there is no HOA or anything that came up with the title company. I was told if the historic society doesn't approve of anything we want to change, we just get taken off the registry and don't get any tax breaks, which was fine with us.

Our offer was accepted, and we closed on the home on March 31, 2021.

Mid-April 2021 we met with Davis Fence for a quote.

My husband and myself were present for the bid and measurements. I asked Davis Fence about restrictions that may apply; I was told Davis Fence installs in Potwin all the time, and the only regulations were the regular city codes such as height of fence at the corner etc.

I took his word for it as Davis Fence is a well-known company in town.

I was assured Davis Fence would handle obtaining the permit.

The fence was put up at the end of April, early May 2021.

We scheduled movers for the last week of May 2021.

May 12, 2021, I received a voicemail from Davis Fence company stating the historical society is not happy at all about the fence and they received a complaint that the fence is obtrusive and inappropriate due to its solid nature.

Davis fence said they did not know what the Design Review Committee was and stated they had never had this issue before in Potwin.

I can't truly describe how distraught we were after the phone call from Davis Fence. We turned down other homes because we couldn't have a privacy fence due to HOAs, and we thought we had done our due diligence by asking and trusting the professionals surrounding us.

May 14, 2021 When I requested the permit Davis fence applied for, the paperwork showed only that Davis had applied for a permit, not waited for approval. When I asked why they filed the permit but didn't wait for approval, I was met with evasive answers and a brushing off. I was not offered any solution by Davis and it did not seem like they thought it was a "big deal" because the fence is within city code.

May 15, 2021 When we became aware of the upcoming DRC meeting I was told by my realtor not to worry "we got it." The title work was reviewed, and nothing stated there were any special regulations.

We were unable to attend the first meeting due traveling back from a mental health facility in Tennessee that same night.

I was put in contact with Tim Paris, who explained the alterations they wanted us to make. Taking down or picketing and painting the fence was what I was told would be the best solution to the DRC. To us, this seems unreasonable since picketing the fence obviously would not contain our dogs. Chicken wire was mentioned and to pay for a brand new red cedar fence just to have to stare at chicken wire all the time seems an eyesore. It is also a massive safety hazard for our animals. People walk by our house constantly and stop and let their dogs attack at our fence viciously when our dogs are barking. If our dogs could touch noses or mouths with others, it is just a matter of time until one of them gets bit.

We are not and were not trying to circumvent ANY process, we trusted the professionals and now are trying to understand how to remedy this situation.

My husband and I absolutely LOVE Potwin, being a part of that community and improving a Victorian home is a dream come true. We want to find a happy medium. Surely, we can find a reasonable alternative to this situation. I apologize from the bottom of my heart for the misunderstandings, but this was NEVER a matter of us trying to "buck" the system.

If my family is forced to remove our fence or picket it, our entire life will be uprooted. We cannot risk the emotional and mental wellbeing of my husband and the physical danger that it places our dogs in. Our only goal is to be a cherished family of Potwin, who brings joy and life to the neighborhood. We want to improve Potwin by being there, not hinder or damage it in any manner.

Thank you so much for your time.

November 9, 2021

Louis Weishaar, Assoc. AIA
221 SW Greenwood Ave
Topeka, KS 66606
785-806-5475
weishaar.louis@gmail.com

VIA EMAIL

Mayor Michelle De La Isla
Council Members:
Karen Hiller
Christina Valdivia-Alcalá
Sylvia Ortiz
Tony Emerson
Michael Padilla
Hannah Naeger
Neil Dobler
Spencer Duncan
Michael Lesser

214 SE 8th Ave
Topeka, KS 66603

RE: Potwin Place Fence Appeal

Dear Mayor De La Isla and City Council Members,

I am writing as a concerned neighbor and proud lifelong Topekan to express what I believe could be a small step towards the erasure of a part of Topeka that makes it truly unique. I refer to an appeal brought before you that would seek to allow a fence to remain that was recently constructed on the Northwest corner of SW 3rd Street and SW Greenwood Ave. It is my understanding that this fence was constructed without the homeowners or their contractors seeking proper approval through the City of Topeka Permit process or through the Landmarks Commission. The fence as currently built has been deemed non-conforming to the historic nature of Potwin Place, a historic district on the National Register of Historic Places, by the Topeka Landmarks Commission. It is also my understanding that efforts have been made by members of the Landmarks Commission to open a dialogue with the homeowners in order to find an agreeable solution. These efforts seem to have been ignored by the homeowner.

I understand the red tape required to acquire permits from the City of Topeka, as I have dealt professionally with the Development Services Office and the Landmarks Commission, as well as personally with both entities when applying for a fence permit at my home in Potwin Place. However, if this red tape is allowed to be ignored, I fear a precedent will have been set that could lead to an eventual reevaluation of the designation of Potwin Place as a Historic District. As a homeowner in the district, I am able to take advantage of tax credits for improvements to my home. If Potwin Place is allowed to lose historic designation, homeowners within the district would potentially lose these tax credit opportunities.

Potwin Place is a truly unique Topeka Neighborhood, in part because it has remained relatively unchanged for over 130 years. It exists much as it did when electric trolley cars were the fastest way to get downtown, and when brick streets were seen by some residents as a display of metropolitan extravagance. While the fence in question is admittedly a small blemish on a historically significant property and neighborhood, I fear the precedent that would be set by approving the appeal could have lasting impact on the entire district. Therefore, I am imploring this governing body to deny the appeal as it has been presented.

Respectfully,



Louis Weishaar

227 SW Woodlawn Avenue
Topeka, KS 66606

November 2, 2021

City of Topeka, Clerk's Office
214 SE 7th Street, Room 166
Topeka, KS 66603

Mr. Warner:

Thank you for the opportunity to provide comments regarding Fence Permit Application #202105072881 for a property located in the Potwin Place National Historic District.

My husband and I purchased our home in Potwin Place in September 2019. The neighborhood was the primary factor in our decision to move here, even more so than the specific house we purchased. There is a unique "feel" to Potwin Place that in my opinion is nothing short of magical. The brick lined streets, the towering trees, the circle parks, the limestone curbs, all sets the tone to enjoy the architecture of the wonderful historic homes that exist in the neighborhood. When we decided to make our purchase, I had confidence that the characteristics that drew us to the neighborhood would be preserved due to Potwin's status on the National Register as a Historic District.

As noted in the National Register of Historic Places Nomination Form: *What makes the buildings of Potwin Place Historic District a distinctive collection of residences is not simply that there are the above-mentioned types of designs here, but that they are **as a totality a harmonious mixture** of 19th century and early 20th century designs because of continuities in scale and form that reflect **continuities of conditions and taste.***

Any deviation to the historic integrity of one property impacts the harmony of the neighborhood as a whole. I appreciate the Topeka Landmarks Commission's expertise regarding Historic Preservation and would urge the City Council to support their decision regarding this fence permit.

Thank you for your consideration,

**Marie
Hall**

Digitally signed
by Marie Hall
Date: 2021.11.02
09:32:24 -05'00'

Marie Z. Hall

Kelly L. Bogner

From: SALLY KAHLE <spkahle@sbcglobal.net>
Sent: Thursday, November 4, 2021 10:29 AM
To: City Clerk
Cc: Karen A. Hiller; Tim Paris
Subject: upcoming meeting public input for Nov. 9

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I am writing in **objection** to the matter before the Council on November 9, concerning the appeal of non-historic fencing at 333 SW Greenwood, Topeka, Kansas.

I am a long time of the Potwin Place Historic District (30+ years). I am a property owner in Potwin, similarly on a corner lot, who also put up a fence. However, I obtained permission from the Kansas State Historical Society for my fence's design, and correctly filed the paperwork for a City permit.

When I saw the newly constructed wooden fence at 333 SW Greenwood, I was horrified. The residential building at 333 Greenwood is one of the finest examples of Victorian exterior architecture in Potwin. The newly constructed wooden fence severely **degrades** the exterior appearance of the residential structure. It stands out like a sore thumb, and is not in keeping with other approved fences in Potwin.

It is my understanding that the property owner at 333 SW Greenwood did not obtain the necessary permit for the design and installation of this fence. There is a second consideration in this appeal. The decision that the fence does not meet the Standards for Rehabilitation as implemented in Historic Districts has already been made.

If the property owner at 333 SW Greenwood had applied for a permit in a timely manner as is required, approval would have been denied because of the design of the fence. Now the property owner wants to be "excused" from this requirement and wants the fence to stand because it is already installed. So there are two components here: (1) the lack of proper permit application, and (2) the design of the fence.

I am completely opposed to granting permission to have the unapproved fence stand. It degrades the historic exterior appearance of a prominent residence in the Potwin Place Historic District, and the property owner failed to follow the rules that the rest of us abide by.

Please take my input into consideration when this matter is taken up Nov. 9.

Any questions or feedback may be directed to my contact information below.

Sally Paige Kahle
303 SW Woodlawn Avenue
Topeka, KS 66606
785-554-3137

I

Kelly L. Bogner

From: kashka999@aol.com
Sent: Sunday, November 7, 2021 5:17 PM
To: City Clerk
Subject: Appeal on fence

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council Members.....

I am writing to support the Landmarks Commission's denial of a fence permit to 333 Greenwood. I have lived in the Potwin Place Historic District for 37 years and have never known of property owners to refuse to comply with the parameters of living in a historic area. Most people moving into such a neighborhood support maintenance of the history there. This fence does NOT belong in such an area. It detracts from the house and the owners seem unwilling to make any adjustments which would be accommodating. I understand there have been several options suggested, but nothing has changed. I am sorry if the owners did not understand the expectations and commitment they were making, but the district should not be punished. It was their responsibility to educate themselves and they have done nothing.....they didn't even get the original permit on time.

My biggest fear is if this appeal is honored, it will open the door to a host of other issues going forward. Please honor the Landmark Commission's decision.

Judy Miller
314 Greenwood

Brenda Younger

From: waugh5 waugh5 <waugh5@cox.net>
Sent: Wednesday, November 3, 2021 7:47 AM
To: City Clerk; Mayor; City Council; City Manager
Cc: cdreyn@sbcglobal.net; Tim Paris
Subject: Nov 9 City Council meeting - fence discussion
Attachments: IMG_0692.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Topeka Council Members, Mayor and City Manager:

Throughout my thirty-five years as a Potwin Place resident, I have observed Topeka promoting walking and driving tours of our Victorian neighborhood which, as I understand, is the largest historic district/neighborhood in Kansas. My husband and I love our neighborhood and appreciate the restrictions of the US Department of the Interior Standards and Guidelines (supported by Kansas law) which help maintain the integrity and beauty of this historic neighborhood.

In the Lyndsey and T.K. Adams appeal letter of August 14, 2021, some photos were mistakenly attached that show properties outside the boundaries of the Potwin Place Historic District. If the pictures the Adams submitted had been captioned with the address of each example, these errors would have been apparent for the photos not of Potwin homes. I have attached a photo of the beautiful Victorian home at 333 SW Greenwood Avenue from Spring 2021; I encourage this body to compare the photo to the August picture, with the raw cedar privacy fence in the front yard, submitted by the Adams.

I respectfully request the governing body follow the recommendations of the Topeka Landmarks Commission regarding this inappropriate cedar fence erected, without a building permit, at 333 SW Greenwood in the National Historic Potwin Place District. This particular majestic house has been a showplace for our neighborhood and I am saddened to see this inappropriate privacy fence visually block much of the residence. Replacing the unfinished cedar privacy fence in the front yard of 333 Greenwood with an appropriate metal fence is a feasible and simple solution.

That you,

Marilyn Waugh

411 SW Greenwood, Topeka 66606

cc: Potwin Place Mayor Chris Reynolds

Topeka Planning Department staff Tim Paris

Marilyn Mendenhall Waugh, MA
American Adoption Congress, Kansas Rep and Past President
www.americanadoptioncongress.org
"honesty, openness and respect for family connections"
Adoption Concerns Triangle, Dir.
www.adoptionconcernstriangle.webs.com



Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, November 9, 2021 6:38 PM
To: City Clerk; City Council; Tony Emerson; Neil Dobler; Michael Lesser; Spencer Duncan; Karen A. Hiller; Sylvia Ortiz
Subject: For Public Comment record.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I believe we need two reforms to our governance:

1st I believe the City Council should set the agenda of all Council meetings. Perhaps two council members could do that job with some input from the manager , and maybe rotate that duty among council members every six months or for a year. 2. I believe we need to fix the charter ordinance to have all contracts \$50,000 and over to be voted on by the governing body for approval. That should be mandatory. The Board needs that direct oversight. Thank you. Joseph Ledbetter JD, MPA.

Sent from my iPhone

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, November 9, 2021 6:49 PM
To: City Council; City Clerk; Tony Emerson; Neil Dobler; Michael Lesser; Michael Padilla; Michelle De La Isla
Subject: Legislation priority's.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like a list of legislative proposals from the Board and then see it refined to possibly three priorities. We seem to do a shotgun approach through the years. Obviously highways and connectivity to them are very important.

Thank you. Joseph Ledbetter JD , MPA.

Sent from my iPhone

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, November 9, 2021 8:02 PM
To: City Council; City Clerk; Tony Emerson; Neil Dobler; Michael Lesser; Michael Padilla; Michelle De La Isla
Subject: Re: Legislation priority's.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The highway right of ways of the State are getting very unkempt in Topeka. This got really bad this year. The state is incredibly well funded now. I think they should privatize the mowing in the highway right of ways of major cities like Topeka. It gives the State a trashy appearance in the cities especially the Capital.

Thank you. Joseph Ledbetter JD, MPA.

Sent from my iPhone

> On Nov 9, 2021, at 6:49 PM, Joe Ledbetter <joe_ledbetter@yahoo.com> wrote:

>

> I would like a list of legislative proposals from the Board and then see it refined to possibly three priorities. We seem to do a shotgun approach through the years. Obviously highways and connectivity to them are very important.

> Thank you. Joseph Ledbetter JD , MPA.

> Sent from my iPhone