

Governing Body Minutes – January 18, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 18, 2022. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M. with the following Councilmembers present: Councilmembers Hillers, Valdivia-Alcala, Dobler and Duncan -4; and Councilmembers Ortiz, Emerson, Kell, Naeger and Lesser participated remotely -5. Mayor Padilla presided - 1.

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 January 18, 2022, 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 January 18, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Duncan provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Jessica Miner to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023, was presented. (*Council District No. 8*)

Councilmember Dobler moved to approve the board appointment. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. Mayor does not vote. (9-0-0)

PRESENTATION of the 2021 Troy Scroggins Individual Award was presented to

Washburn Law Dean Carla Pratt, and the 2021 Troy Scroggins Organization Award was presented to Omni Circle Group by Topeka Human Relations Commission Chair Nicholas Smith.

Brenda Younger, City Clerk, announced the minutes of the regular meeting of January 11, 2022, was withdrawn from the agenda and placed on the February 1, 2022, consent agenda.

ORDINANCE NO. 20337 introduced by Interim City Manager William Cochran authorizing and providing for the issuance of \$14,695,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2022-A, of the City of Topeka, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto, was presented.

Rachelle Matthews, Administrative and Financial Services Deputy Director, reported on the ordinance and corresponding Resolution No. 9287. She stated the bid was awarded to Robert W. Baird offering an interest rate of 1.4822% and generating a savings of \$381,519 or 2.475%.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously.

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

RESOLUTION NO. 9287 introduced by Interim City Manager William Cochran prescribing the form and details of and authorizing and directing the sale and delivery of \$14,695,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2022-A, of the City of Topeka, Kansas, previously authorized by Ordinance No. 20337 of the issuer;

making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Councilmember Valdivia-Alcala moved to approve the resolution. The motion seconded by Councilmember Duncan carried unanimously on roll call vote. (10-0-0)

ELECTION of a Deputy Mayor to serve a one-year term pursuant to Topeka Municipal Code Section A2-26(b), was presented.

Mayor Padilla stated the Governing Body Rules & Procedures states the council member with the most seniority and who has not yet served as deputy mayor is automatically nominated. He announced Councilmember Lesser would automatically be nominated to serve as deputy mayor. He opened the floor for additional nominations.

Councilmember Lesser respectfully declined the nomination due the amount of travel that will be required for his full-time job.

Councilmember Valdivia-Alcala nominated Councilmember Duncan.

Councilmember Ortiz reported the intent of the Governing Body when they approved their Rules was to provide an opportunity for all members of the Council to serve as deputy mayor. She asked which council member has the most seniority.

Amanda Stanley, City Attorney, stated Governing Body Rules and Procedures state that nominations will be conducted based on seniority; however, it also allows for other nominations. She noted the person nominated can accept or decline a nomination. She stated Councilmember Dobler has the most seniority and has not yet served as deputy mayor.

Councilmember Dobler respectfully declined the nomination.

Councilmember Dobler moved to cease nominations. Upon hearing no objections, Mayor Padilla announced nominations would cease.

Councilmember Duncan was nominated to serve as Deputy Mayor unanimously on roll call vote. (10-0-0)

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board, was presented.

Mayor Padilla opened the floor for nominations.

Councilmember Emerson nominated Councilmembers Dobler and Hiller

Councilmember Duncan nominated Councilmember Naeger.

Upon hearing no more nominations, Mayor Padilla announced nominations would cease.

Brenda Younger, City Clerk, announced the nominees include Councilmembers Hiller, Dobler and Naeger and the first two nominees receiving six votes will serve on the JEDO Board.

After the tally of the vote, the City Clerk announced Councilmember Dobler received 8 votes; Councilmember Naeger received 7 votes; and Councilmember Hiller received 3 votes.

The City Clerk announced Councilmembers Dobler and Naeger would serve as voting members on the JEDO Board.

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board, was presented.

Mayor Padilla opened the floor for nominations.

Councilmember Dobler nominated Councilmember Kell.

Mayor Padilla nominated Councilmember Emerson.

Councilmember Emerson nominated Councilmember Hiller.

Councilmember Dobler moved to cease nominations.

Upon hearing no objections, Mayor Padilla announced nominations would cease.

Brenda Younger, City Clerk, announced the nominees include Councilmembers Hiller, Emerson and Kell and the first two nominees receiving six votes will serve on the MTPO Board.

After the tally of the vote, the City Clerk announced Councilmember Kell received 10 votes; Councilmember Hiller received 7 votes; and Councilmember Emerson received 3 votes.

The City Clerk announced Councilmembers Hiller and Kell would serve on the MTPO Policy Board.

RESCINDING Resolution No. 9270 approved by the Governing Body on October 12, 2021, recommending resumption of metered parking on certain downtown streets, was presented.

Councilmember Dobler reported at the time the Policy and Finance Committee recommended parking meter fees be reinstated; they thought the COVID-19 pandemic was coming to an end. However, to reinstate the hooded parking meters for a limited time makes sense due to the lingering economic effects of the COVID-19 pandemic. He directed Staff to update the 2017 parking plan and any other actions needed to issue a Request for Proposal (RFP) to dispose of one or more parking garages; a presentation of the updated parking plan be presented to the Governing Body by May 10, 2022; and reinstate parking meter fees by May 17, 2022, through an approval of a resolution by the Governing Body. He noted this would allow Staff 120 days to take action on the downtown parking plan.

Councilmember Dobler moved to suspend the Governing Body Rules for the purpose of considering a motion to rescind. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. (10-0-0)

Councilmember Dobler moved to rescind Resolution No. 9270. The motion was

seconded by Councilmember Kell.

Councilmember Hiller stated she would not support the motion to rescind and expressed concern with rescinding the resolution without visiting with Downtown Topeka Incorporated Staff members. She noted she understands the intent of the resolution and supports revisiting the downtown mater plan; however, she believes the 120-day deadline is to long due to the amount of work that has already been done on the plan.

Councilmember Kell requested the City enforce the 2-hour parking limit on Kansas Avenue.

Councilmember Duncan suggested Staff take a serious look at courtesy warning tickets (oops tickets) as it relates the effectiveness and loss of revenue.

The motion to rescind Resolution No. 9270 carried on roll call vote. Councilmembers Hiller and Valdivia-Alcala voted “no.” (8-2-0)

APPROVAL of the 2023 Social Service Grants Committee recommendations for Calendar, Priorities, Scoring Sheet and Continuation of Contract with the Vendor was presented.

Councilmember Hiller moved to approve the 2023 Social Service Grants Committee recommendations. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Ortiz questioned the services being provided in the amount of \$40,000 being provided by United Way of Topeka. She stated she believes for that amount of money the services could be provided by a City Staff member. She questioned why the amount being charged for services seems to increase each year, an amount that is funded with taxpayer dollars.

Bill Cochran, Interim City Manager, stated the contract was negotiated by the previous

City Manager as a three-year contract with an annual steady increase due to a change in the scope of work.

Councilmember Valdivia-Alcala spoke in support of United Way of Topeka providing the services because they have enhanced a process that is vital to providing worthwhile social services to the community. She reminded Governing Body members that they voted to support having a second party vendor provide the services as well as it is a good use of City funds.

Bill Cochran reported the \$40,000 for services will be paid with General Fund dollars not Social Service Grant funds.

Mayor Padilla spoke in support of the services being provided by United Way of Topeka and expressed his appreciation of the objective recommendations being made to the Governing Body for a tasking job.

Councilmember Hiller provided an overview of the four items recommended for approval: the Calendar, Priorities, Scoring Sheet and Continuation of Contract with United Way of Topeka.

The motion to approve the Social Service Grants Committee recommendations carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9288 introduced by the members of the Public Infrastructure Committee comprised of Councilmembers Neil Dobler, Tony Emerson and Mike Lesser recommending approval of certain public infrastructure projects, was presented.

Councilmember Dobler, Public Infrastructure Committee Chair, reported the Committee recommends approval of the resolution approving \$7.6 million in street projects to be funded by Half-Cent Sales Tax revenue. He commended Staff for shuffling projects where needed based on scientific analysis of the condition of streets.

Councilmember Dobler moved to approve the resolution. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Hiller referenced Exhibit A of the resolution. She inquired on the details of the Miscellaneous Pavement Repair line item in the amount \$500,000 and the Pavement Replacement for Waterline Projects line item in the amount of \$250,000.

Robert Biswell, City Traffic Engineer, provided an overview of the projects. He stated miscellaneous pavement repair is intended to allow flexibility to address pavement projects and issues as they are requested and identified throughout the year. He stated this request was included and approved in the 2021 Half-Cent Sales Tax Program. In 2021 the work will include the following:

- SW 9th and Fillmore Streets
- SW 17th Street (Central Park Avenue to Fillmore Street)
- SW Lane Street (15th to 16th Streets)
- SW Wenger Road (north of 57th Street)

James Jackson, Public Works Director, stated the nature of the projects cannot be handled in-house because most are design/build projects and they do not have the expertise or sufficient amount of Staff to manage the projects.

Councilmember Hiller thanked Staff for the explanation and stated there have been concerns that the Half-Cent Sales Tax was being used for street maintenance projects instead of street improvements.

Councilmember Valdivia-Alcala encouraged citizens to view the Public Infrastructure Committee meeting videos as the meetings are very informative. She thanked the Committee members for providing guidance to the Governing Body and encouraged them to continue their good work.

Bill Cochran stated the line items referenced by Councilmember Hiller allows Public Works to complete projects that fall under the “Fix Our Streets” program prior to the applicable budget cycle.

Councilmember Ortiz confirmed the funding can only be used for repair of existing infrastructure. She commended the Committee for their great work and noted it continues to be very informative.

The motion to approve the resolution carried unanimously on roll call vote. (10-0-0)

APPROVAL of the executive search firm scope of work and authorize Staff to move forward with the posting of a request for proposals for the recruitment of a City Manager was presented.

Jacque Russell, Human Resources Director, reported following the discussion at the January 11, 2022, Governing Body meeting the language in Section I. has been revised to state successful recruitment and placement of “senior executive-level administrators” instead of “city managers.” She noted no other substantial changes have been made to the language in this section. She asked the Governing Body if they would prefer the language referencing future executive-level search recruitments remain in the document or be omitted. She reported the language would prevent Staff from having to reissue another RFP if additional executive-level searches are needed.

Councilmember Dobler stated he would not oppose leaving the executive-level search recruitment language in the scope of work if it helps Human Resources processes be more effective and efficient.

Councilmember Hiller asked if the more broad language as proposed would affect the cost of the services being provided and legally obligate the City to utilize the firm for multiple

executive-level searches.

Jacque Russell confirmed the City will have no legal obligation regarding multiple searches.

Councilmember Emerson stated he concurs with Councilmember Dobler and supports the use of more broad language especially if it supports operational efficiencies.

Councilmember Dobler moved to approve the executive search firm scope of work and authorize Staff to move forward with the posting of a request for proposal for the recruitment of a city manager. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

DISCUSSION regarding an appeal to the Governing Body as specified under KSA 75-2724 for the issuance of a fence permit, found by the Topeka Landmarks Commission to damage and destroy the historic integrity of the property located at 333 SW Greenwood Avenue, and the surrounding Potwin Place National Historic District, in the City of Topeka, Shawnee County, Kansas, was presented. (*CLGR21/12*) (*Council District No. 1*)

Dan Warner, Planning Department Division Director, provided an overview of the case. He stated the Topeka Landmarks Commission determined that the fence erected at 333 SW Greenwood Avenue does not meet the United States Secretary of the Interior Standards for Rehabilitation. He reported pursuant to K.S.A. 75-2724 the property owner has appealed that decision to the Governing Body.

Councilmember Dobler asked how the case would have been handled if the property owner would have followed the City's fence permitting process.

Dan Warner reported prior to the fence being built, the application would have been reviewed by the Design Review Committee and the Topeka Landmarks Commission.

Councilmember Kell inquired if a metal fence, which is more historic in nature, would have been installed would it still require a fence permit; and if the property owners were informed that they were buying a home within a national historic district.

Dan Warner stated a new fence requires a permit regardless of what type of material. He stated he was unsure of what information was provided by the applicant's realtor; and the Planning Department distributed national historic district education material subsequent to this situation to several historic neighborhoods.

Councilmember Duncan asked if the property owners would have been informed of the fencing requirements if they would have applied for a fence permit. He stated he understands the emotions involved in the situation; however, the role of the Governing Body in the appeal process is to make a decision based on if the applicant complies or not, and what is the City's role in that. He questioned the process of contractors verifying if a fence permit is required or not prior to construction.

Bill Fiander, Planning and Development Director, stated City code requires an owner to obtain a fence permit before construction.

Councilmember Ortiz stated no matter what type of improvement people are doing to their property or home it requires a building or fence permit.

Councilmember Hiller stated it is unfortunate that this has happened; however, this is a procedural issue. She stated uniformly Potwin Neighborhood residents support the regulations associated with their historic district.

Councilmember Duncan reported the City's fence permit application and all applicable information is readily available online for easy access and application to obtain a fence permit.

Lyndsey Adams, homeowner, distributed a handout. She stated they were told a

privacy fence would be allowed. She provided an overview of the events that have transpired to date.

Helen Crow provided an overview of her experience with the Topeka Landmarks Commission and its processes. She stated she alerted the homeowner of fencing permit requirements and asked the Governing Body to honor the work of the volunteers, the Landmark Commission and City Staff members.

Brigid E. Markey, Legal Counsel for the Lyndsey Adams family, reported the family was unaware of the fence requirements and she believes the Adams family has conducted their due diligence as a homeowner. She stated she believes the options are not feasible for the family. She suggested the family be allowed to create a historically accurate vegetation fence as an alternative.

Councilmember Valdivia-Alcala asked how long it took to construct the fence and if there was any attempt during construction to contact the City.

Bill Fiander stated there is no timeline for contact or phone calls and the City did not receive a fence application.

Councilmember Emerson commended the Adams family for their contribution to cleaning up several properties throughout the city; however, as a Governing Body they are to only consider compliance in this situation.

Councilmember Kell asked if the option presented by the applicant's attorney would be a feasible alternative for Staff to consider before the Governing Body makes a decision on February 1, 2022.

Dan Warner stated any design change or new design has to be approved through the Landmarks Commission for review and approval. He stated Staff presented options of what

would be acceptable that meets the standards of the Secretary of Interior.

Amanda Stanley, City Attorney, summarized the following three options that are available to the Governing Body. She stated the Governing Body could determine (1) There are feasible and prudent alternatives to the fence and these alternatives are sufficient to minimize harm to the property; (2) There are no feasible and prudent alternatives to the fence and all possible planning has been done to minimize harm to the property; or (3) defer the item and request more information.

Councilmember Valdivia-Alcala asked if this could be considered a reasonable accommodation request for her husband who was a former military veteran.

Bill Fiander stated a reasonable accommodation has been granted in that the fence has been approved for their backyard.

DISCUSSION related to amending Topeka Municipal Code (TMC) Title 18 (Comprehensive Plan-Signs-Subdivisions-Zoning) regarding Downtown zoning related text amendments, was presented.

DISCUSSION related to the rezoning of certain properties located in the boundaries of downtown, was presented. *(Z21/08) (Council District Nos. 1 and 3)*

Bill Fiander, Planning and Development Director, provided an overview of the rezoning request of downtown and text amendments. He stated the goal of mixing residential with nonresidential zoning uses is to grow downtown with an urban form and higher density.

Councilmember Dobler inquired on grandfathering rights.

Councilmember Naeger thanked Staff for their work on creating a hub downtown that is walkable; something Topeka has needed for many years.

Councilmember Hiller asked Staff to address the feedback they received from businesses

and if there is any intent to push any businesses out of the area.

Bill Fiander stated grandfathering rights run with the land ownership. He stated all areas have unique issues; Phase 1 (D1) accommodated a few requests of property owners; Phase 2 no comments were received from property owners; and Phase 3 (D3) many comments were received because it is the riverfront area which is going through many changes as it relates to the Polk-Quincy Viaduct project . He stated he believes this opens the area for more available uses of the properties with more options for people. He stated there are still two more public meetings remaining as it relates to D3 properties. He reported they will bring back what is conforming and/or nonconforming; and stated there is no intent to push businesses out; however, they still have to make a final analysis.

Mayor Padilla thanked Staff for their presentation and the work they are doing because it encourages growth in the downtown area and across the city.

PUBLIC COMMENT was submitted via email by Marilyn Waugh, Marie Hall, Sally Paige Kahle, Gabriella Adorino, Steve Waugh, Louis Weishaar, Ann Palmer, Chris Reynolds and Joseph Ledbetter; and the following individual provided public comment in-person:

Jacob D. Farr stated he is a lobbyist and advocate for small businesses. He spoke to the importance of employee retention as it relates to COVID-19 mandates and how it affects small businesses. He encouraged the Governing Body to make solid positive decisions for the Capital City of Kansas and set a good example for the entire state.

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

Councilmember Duncan thanked his colleagues for allowing him to serve as Deputy Mayor. He asked Staff to present on the redistricting requirement for the city. He stated Topeka

Metro Bus services are being changed and reduced and requested an update be provided to the Governing Body on the situation in February or March.

Councilmember Lesser stated he believes the City has done a great job in assisting small businesses and noted the City does not have the authority to mandate face coverings; however, he strongly encourages continued use of face coverings due to the high number of infections and deaths caused by the COVID-19 virus and to protect public health and safety employees.

Councilmember Hiller referenced Martin Luther King Day and commented on the struggles that continue as it relates to inequities in local communities as well as nationwide. She requested the Topeka Human Relations Commission (HRC), Americans with Disabilities Act (ADA) Board and Sustainability Advisory Board (SAB) present annual reports to the Governing Body at a future meeting.

Councilmember Valdivia-Alcala expressed the need to teach the importance of social justice, equity and history in schools to help everyone understand how the nation was built. She commented on the continued spread of the COVID-19 virus and encouraged everyone to wear face coverings.

Councilmember Ortiz announced the Topeka Fire Department is distributing smoke alarms free of charge and encouraged everyone to install smoke alarms in their home and make sure existing alarms are working. She commended Governing Body members for helping Change the City's Culture of Property Maintenance.

Councilmember Emerson commended City street maintenance crews for the removal of snow during the recent snow storm. He thanked Councilmember Ortiz for her contributions to the community.

Councilmember Kell encouraged citizens to support youth sports teams across the city

by viewing events virtually if they cannot attend in-person.

Councilmember Naeger expressed her appreciation for the Topeka Human Relations Commission (THRC) recognizing people that make great contributions to the community. She expressed her appreciation to the Topeka Fire Department for staying current with technology.

Councilmember Dobler thanked Councilmember Duncan for serving as Deputy Mayor. He stated he looks forward to an update on the redistricting process.

Mayor Padilla commented on the many events and celebrations across the city that took place on January 17, 2022, for Martin Luther King Day. He expressed his admiration to Martin Luther King Jr. for having the ability to gather people for the greater of the good. He thanked Staff for working with the Harvard Kennedy School's (HKS) Taubman Center for State and Local Government who visited the City of Topeka January 6-17, 2022.

Councilmember Dobler moved to recess into executive session for a period of 20 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 and Interim City Manager William Cochran. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Ortiz.

Mayor Padilla 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 Padilla announced the motion carried unanimously on voice vote. (10-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 9:15 p.m.

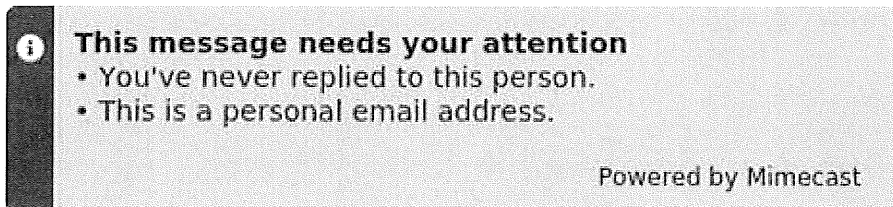
(SEAL)

Brenda Younger
City Clerk

Attachment A

Kelly L. Bogner

From: waugh5 waugh5 <waugh5@cox.net>
Sent: Saturday, January 8, 2022 1:15 PM
To: City Clerk
Cc: Karen A. Hiller
Subject: January 18 - please uphold Landmarks Commission decision
Attachments: IMG_0692.jpg



January 8, 2021

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.

Thank 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

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: Friday, January 14, 2022 11:54 AM
To: City Clerk
Cc: Helen Crow; Chris Reynolds; Christine Steinkuehler; Tim Paris; Karen A. Hiller
Subject: Matter of the fence at 333 SW Greenwood



This message needs your attention

- You've never replied to this person.
- This is a personal email address.

Powered by Mimecast

To Whom It May Concern:

I am sending this email in addition to my previous one when this matter was formerly on the Council agenda, and then postponed. Please reference and consider that November 4, 2021, email in addition to this one.

I am a long-time resident of the Potwin Place Historic District. In 1989 I purchased one of its houses, completely ignorant of Historic Preservation Standards. My house was very run down, having turned over by owners repeatedly, and lost on repossessions several times. It was vacant throughout the 1980s. It was neglected and a slum inside. I just knew it was big enough for a large family.

After purchasing my house I learned about the Potwin Place Historic District, and the responsibilities of owning an historic home. The Kansas State Historic Preservation Office has been (and continues to be) an enormous help. In bringing my house up to middle class standards I have worked to make sure the changes and improvements meet the Standards. This includes my fence.

Similar to 333 Greenwood, my house is on a corner lot. So there's a lot of fence! The Historic Preservation Office approved the style and location of my fence. They have been wonderful for advice and willingness to negotiate how to rehabilitate historic properties.

The recently constructed, short board fence at 333 Greenwood does NOT meet the Standards for Rehabilitation. It detracts from the outside appearance of the residential structure which is unique in the Potwin Place Historic District. Because of the corner location, the detraction is even more noticeable than if the house were in the middle of a block.

It's my understanding that the homeowner did not secure required permissions to put up the fence, and is now appealing before the Council. As a fellow resident of Potwin, not seeking to alienate neighbors, I respectfully ask you to take the steps to require the removal of this fence. If a fence on 333 Greenwood is still sought, the homeowner can work with the Historic Preservation Office and City of Topeka so that a replacement

fence meets Standards. Myself and other Potwin residents "followed the rules," and this should be the case here.

Any degradation of the Standards for Historic Rehabilitation for Potwin Place Historic District should never be approved. And further *dragging out* this matter with appeals and postponements should not be allowed.

Please let me know if any more input and information would be helpful.

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

Brenda Younger

From: Gabriella Adorino <gmadorino@gmail.com>
Sent: Sunday, January 16, 2022 11:14 AM
To: City Clerk
Subject: January 18 City Council Meeting

Please add this to the discussion concerning the Landmark Commission's decision in regards to the fence at 333 SW Greenwood Ave.

To City Council Members,

My name is Gabriella Adorino and I've been a resident of Potwin Place for the past 38 years. We were drawn to the neighborhood because of our interest in preserving history as well as the charm and sense of community within the neighborhood. When we purchased our home it had been "remuddled" with 50's and 60's additions, casement windows, poured concrete porch and red steel siding covering the whole house. We learned that our home was the first house in Potwin Place. From the beginning we were and continue to be committed to maintaining the historical integrity of the Potwin Place neighborhood. As we corrected the remuddling, we consulted with the Historic Preservation Office for recommendations, approvals and permits. Just recently we needed to replace our brick sidewalk. While we were not forced to replace brick with brick, it was the right thing to do since brick sidewalks are considered to be contributing to the National Historic District. With the help of the city's 50/50 Sidewalk Program we were able to stay within those standards.

We are very proud of our Potwin Place neighborhood and its history. The city of Topeka benefits from all who are attracted to its charm and beauty. Each deviation from the standard poses a significant threat to maintaining the National Historic Standards that protect our neighborhood. Therefore, I am asking that you support the Landmark Commission's decision in regards to the fence in question.

Thank you,

Gabriella Adorino
423 SW Greenwood Ave
Topeka

Sent from my iPhone

Brenda Younger

From: Jane M. Murray
Sent: Monday, January 10, 2022 8:54 AM
To: Brenda Younger
Subject: FW: Appeal by owners of 333 SW Greenwood Ave, Landmarks Commission recommendation

Good Morning Brenda –

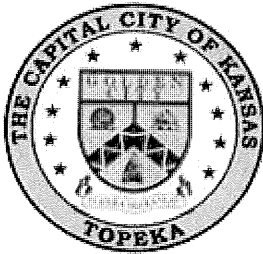
Just an FYI – Governing Body received but did not see you included on the email below.

Warm Regards,

Jane Murray

Executive Assistant to the Mayor
Office of Topeka Mayor Michael A. Padilla
215 SE 7th St., #350, Topeka, KS 66603
785-368-3895 | Mayor@topeka.org
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From: Steve Waugh <steve.waugh50@gmail.com>
Sent: Sunday, January 9, 2022 4:11 PM
To: Governing Body <governingbody@topeka.org>
Cc: Chris Reynolds <cdreyn@sbcglobal.net>; Helen Crow <mrscrew@gmail.com>; Marilyn Waugh <waugh5@cox.net>
Subject: Appeal by owners of 333 SW Greenwood Ave, Landmarks Commission recommendation



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To: Mayor and Council Members of Topeka

This is Steve Waugh. My wife, Marilyn, and I live at 411 SW Greenwood Ave in the historic Potwin Place neighborhood.

I understand that the Appeal from the neighbors at 333 Greenwood is back on the council discussion schedule for the upcoming January 18 meeting, followed by a decision at the January 25th meeting. I'm just writing to reemphasize my position that I sent to Council Member Hiller on November 18, attached below. To my knowledge, the facts have not changed, and the Council's decision to deny the appeal and force the necessary action seems to be straightforward. I want to be sure that all members of the governing body have a good awareness and understanding of this situation going into the meeting on the 18th.

Many thanks for your attention. This is an unfortunate situation, but one that is necessary to address in view of supporting the Landmark Commission's recommendations and to maintain the formal historic designation of our Potwin Place neighborhood.

Warmest regards,

Steve Waugh
785-230-0006

Begin forwarded message:

----- Original message -----

From: Steve Waugh
<steve.waugh50@gmail.com>
Date: 11/8/21 12:06 PM (GMT-06:00)
To: "Karen A. Hiller"
<khiller@Topeka.org>
Subject: Appeal, 333 SW
Greenwood Ave., Historic
Preservation

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.

Hi, Karen....

I know others have weighed-in with the entire council, city manager and mayor regarding the appeal from the Adams, the homeowners of 333 SW Greenwood Ave, in Potwin. The appeal regards their placement of a non-conforming wooden fence on their property. I have read all of

the summaries prepared by the Landmarks Commission and others who strongly recommend denying their appeal to allow their unpermitted and non-confirming fence to remain on their property, as-is.

I want you to know that I support the denial of the appeal. If there ever was a classic case of hurting the historic nature of a protected historic area and property, this is it. To top it off, it was installed without a permit and likely without ever really intending to permit the project until the original complaint was filed. Please don't allow this to move forward and denigrate the great progress that the Landmarks Commission, and others, have made to protect the integrity of important properties and areas in our community. They are vital to our economic growth and our local culture.

Thanks very much,

Steve Waugh
411 SW Greenwood Ave
Topeka, KS. 66606
785-230-0006

January 16, 2022

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

VIA EMAIL

Mayor Michael Padilla

Council Members:

Karen Hiller

Christina Valdivia-Alcalá

Sylvia Ortiz

Tony Emerson

Brett Kell

Hannah Naeger

Neil Dobler

Spencer Duncan

Michael Lesser

214 SE 8th Ave
Topeka, KS 66603

RE: Potwin Place Fence Appeal

Dear Mayor Padilla and City Council Members,

I am writing as a concerned neighbor, Architect, and proud lifelong Topekan to express concern over what I believe could be a small step towards the erasure of a part of Topeka that makes it so 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.

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 revaluation 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 and to follow the recommendation of the Landmarks Commission.

Respectfully,



Louis Weishaar

Ann Palmer
305 SW Greenwood Avenue
Topeka, Kansas 66606

To The City Council:
Re: Landmark Commission Appeal

We purchased our home on the SW corner of Second and Greenwood in 1978. We understood that corner houses are especially important because of the neighborhood's designation as a National Historic District. Viewers need to have a view of the corner houses, not only from the front but the side also. When we build our garage and back porch we worked closely with the Kansas Historical Society to be sure our architectural plans fit the rules of the neighborhood. When we built a fence 9 years ago for our dog, we made sure it would not change the views. It is an honor to have the designation and neighbors want to do what ever we can to maintain the standards of the designation for those who come to see the neighborhood.

Sometimes that takes more time and may require extra money but it is worth it to maintain the integrity of the Victorian designation.

Permits are required anywhere in the city for projects but particularly it is important in Potwin because there is a review to be sure the plans follow the guidelines of the Historic District. The owners of the house at Third and Greenwood failed to get a permit for their fence. There are no "workarounds" for this and I hope you will help maintain the standards of the National Historic Neighborhood designation by not granting them an exception.

Kelly L. Bogner

From: Karen A. Hiller
Sent: Monday, January 17, 2022 3:26 PM
To: City Clerk
Cc: Bill Cochran; Bill Fiander
Subject: FW: Appeal of Landmarks Commission ruling ref. 333 SW Greenwood Ave

City Clerk – Please forward to the entire Governing Body. I am sending this forward on behalf of Chris Reynolds, Mayor of Potwin, who would have attended in person on Tuesday evening, but is unable to because of a conflict. Thank you! Karen/CW Hiller

From: Chris Reynolds [mailto:cdreyn@sbcglobal.net]
Sent: Saturday, January 15, 2022 1:27 PM
To: Karen A. Hiller <khiller@Topeka.org>
Subject: Appeal of Landmarks Commission ruling ref. 333 SW Greenwood Ave

Karen, attached is a draft of what I intended to tell the council. [personal reason] I can't [] attend the council meeting [].

Please pass my statement on to the remainder of the city council, and the request that they uphold the Landmark Commission ruling. The fence was erected illegally, it fails to meet standards and needs to be removed. Thank You, Chris Reynolds

Good Evening, and thank you for the opportunity to speak to you about the fence at 333 SW Greenwood, in the Potwin Place Neighborhood.

My name is Chris Reynolds and I am the head of the Potwin Place Association. I am speaking tonight both in my role as president of that association, as well as a resident of The Potwin Place neighborhood.

The Potwin Place neighborhood has been listed as a National Historic District since 1979, and has maintained its unique, one of a kind character since, thanks in large part to the efforts of the Landmark Commission and State Historical Society in regulating structural and aesthetic changes within the neighborhood.

Potwin is unique in the City of Topeka and quite possibly in the state, for few places can boast the number of well maintained, unaltered, historic Victorian and Craftsman homes that Potwin can.

Architecture aside, the sense of being transported back to a quite Victorian neighborhood is what makes living in Potwin special. This is largely due to the harmonious flow between the properties that make up our neighborhood. The houses complement each other, your eyes flow easily from one to the next.

It is this feature that makes Potwin a destination within the city of Topeka, attracting walking tours, artists, photographers and bus tours during the holidays.

It is this sense of balance and history that the National Historic Standards are designed to protect and maintain. It is only through following those standards that the history of Topeka, and of Potwin can be protected.

The fence at 333 Greenwood was constructed before any permit was granted, and no review of the plans was possible. The fence as it currently stands is visually disruptive and appears completely out of place in the overall view of the property and the surrounding properties, it simply doesn't belong in the picture.

This effects homes in the entire area, as well as the immediate neighbors, but more importantly it effects the historical integrity of the Potwin Place neighborhood in a negative manner.

There are viable alternatives that the property owners can pursue to accomplish their goals, that would meet with the National Standards and likely be easily approved by the Landmarks Commission.

I have personally offered to assist the properties owners in pursuing alternatives should they request it.

I ask that you consider the negative impact allowing a variance to the National Standards would have to all the homeowners of Potwin Place. There are readily available alternatives available to the property owners.

I am asking on behalf of the Potwin Place Association and as a resident myself, that you support the Landmark Commissions decision in regards to the fence at 333 SW Greenwood.

Thank you
Chris Reynolds
224 SW Woodlawn Ave
Topeka KS 66606

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, January 18, 2022 6:15 PM
To: City Clerk; City Council; Neil Dobler; Michael Lesser; Spencer Duncan; Michael Padilla; Karen A. Hiller; Sylvia Ortiz; Tony Emerson; Bill Cochran
Subject: Public Comments 1-18-2022. For the record. Revised from earlier comments on council setting the meeting agenda.

Hi: I would like to revise my earlier commentary about setting the Council agenda. It would be great to have Council input into all council meeting agendas. Therefore, I would propose that the deputy mayor and one other council person should work with the manager to set each council meeting at least two weeks in advance of every city council meeting. Further, I would ask that the rules allow any council member to add an item two weeks in advance to any city council meeting. This will encourage good governance and transparency in our public city council meetings. Thank you.
Joseph Ledbetter JD, MPA.
Sent from my iPhone