

Governing Body Minutes – August 16, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 16, 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 Hiller, Valdivia-Alcala, Kell, Dobler, Duncan and Lesser -6; and Councilmembers Ortiz and Naeger participated remotely -2. Mayor Padilla presided -1. Absent: Councilmembers Emerson -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 August 16, 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 August 16, 2022, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

PRESENTATION on the Administrative and Financial Services Quarterly Report was presented by Joshua McAnarney, City of Topeka Senior Financial Analyst.

Councilmember Valdivia-Alcala asked how many vendor events have been conducted for the purpose of attracting small business owners.

Financial Analyst McAnarney stated he would confirm the number of events conducted by Contracts and Procurement and report back to the Governing Body.

PRESENTATION on the Planning and Development Quarterly Report was presented by

Bill Fiander, Planning and Development Director.

Councilmember Valdivia-Alcala referenced the positive impact the Equity. Access. Shelter. Program will have on the homeless population due to its single point of entry program model. She stated she believes Staff has a real sense of what is needed to help reduce the chronic problem of homelessness in the community. She asked what type of on-going customer service training Staff receives.

Councilmember Emerson joined the meeting remotely.

Councilmember Hiller commended Staff for providing customer satisfaction survey numbers. She asked how permits for active projects are counted.

Planning Director Fiander stated customer service training is individualized to the needs of the department and individual; and permits are counted at the initial time the permit is approved and issued for developments.

PRESENTATION on the Topeka Police Department Behavior Health Unit was presented by Topeka Police Major Russell Klumpp.

Councilmember Valdivia-Alcala asked a variety of questions related to Crisis Intervention Team (CIT) training; the composition of the Behavioral Health Unit; the use of Volunteers in Police Service (VIPS) as it relates to CIT and if that data is being tracked to support a consistent approach of services. She inquired on Valeo staffing issues; the building of an additional facility that would specifically serve involuntary entry or a Crisis Intervention Center; and if there has been an increase in the need for mental health services in the past five years. She asked how the 988 Suicide and Crisis Lifeline is being rolled out in the community as it compares to the 911 Emergency Response Line.

Bill Persinger, Valeo Behavioral Health Care Chief Executive Officer, reported Valeo has an approximately 18% position vacancy rate and of those vacant positions, about half are related

to crisis intervention services. He referenced the Crisis Intervention Act (CIA) and reported there are no plans to build a Crisis Intervention Center (CIC) due to the success of diversion efforts as well as they plan to convert one to five beds of their 72-Hour Residential Crisis Center located at 400 SW Oakley to be used for this purpose. He spoke in support of increased data tracking as it is vital in helping with the demand of mental health care services and noted he would have to confirm the data, however, he believes mental health numbers have remained fairly steady over the past five years.

Bill Cochran, Interim City Manager, stated treatment and care of mental health patients changed for local community based services due to the State Institutional Alternative (SIA) moratorium on voluntary admissions being lifted; and the Crisis Intervention Act allowed local services to keep people in the community for up to 72 hours which allows most individuals to stabilize. He reported 988 Suicide and Crisis Lifeline is a State monitored number similar to the Veterans Crisis Line that would be triaged and if is an emergency, they will contact local law enforcement or the local 911 dispatch center will stay in communication with the person while local resources are dispatched. He stated the City of Topeka has not yet created a roll out plan for the relatively new 988 system; however, they can do so in the near future.

Councilmember Kell reported the new 988 Suicide and Crisis Lifeline is tied with the Veterans Crisis Line and the Veterans Administration (VA) is actively working to promote the 988 number at a national level. He asked how closely the BHU is working with Veterans in crisis and referenced the HBO documentary Crisis Hotline: Veterans Press 1, a great resource for the community to better understand what goes on behind the scenes.

Councilmember Valdivia-Alcala stated she believes there will be a significant number of mental health crisis situations within the next five years due to the COVID-19 pandemic. She requested an item be placed on a future agenda that would allow for discussion to implement

possible pilot programs that will help address the current mental health crisis facing our community before the 2023 budget is finalized.

Mayor Padilla stated he would try to place the request on an agenda prior to adopting the budget; however, he would prefer to meet with Councilmember Valdivia-Alcala, Interim City Manager Cochran and identified community partners to make certain they have sufficient information on the subject matter to move forward.

Councilmember Ortiz requested a flyer be created for the different crisis intervention numbers.

Councilmember Naeger thanked Major Klumpp for the presentation and asked Staff to provide a status update on the Behavior Health Unit in six months.

Police Major Klumpp reported BHU officers receive specialized training to deal with veterans in crisis and the Topeka Police Department has a close working relationship as a community partner with the local VA.

Interim City Manager Cochran reported not only does the VA work closely with the BHU it also provides instructors for the Police Department's CIT training courses as well as the Topeka Police Department created a CIT Veterans training course that is being used throughout the state of Kansas.

Councilmember Duncan spoke in support of finding ways to having more mental health professionals available to work with police officers. He asked what is the primary reason the Topeka Police Department does not have a third shift Crisis Intervention Team. He inquired on the effectiveness of having mental health professionals responding exclusively to calls without police officer support.

Topeka Police Chief Bryan Wheelles reported there are trained CIT officers that respond to calls 24 hours a day, 365 days of the year, however, in order fully staff an assigned 24-hour CIT

unit they need to be fully funded and all vacancies filled.

Councilmember Hiller asked Mr. Persinger to comment on the Certified Behavior Health Clinic and what it could be mean in terms of providing services “at cost” resulting in huge savings for Valeo.

Mr. Persinger stated Valeo supports a co-responder model, and in general, would not support dispatching mental health professionals to an incident without having a law enforcement officer present. He reported Valeo is working actively with Kansas Department for Aging and Disability Services (KDADS) on budget timelines in pursuit of the status to become a Certified Behavior Health Clinic in approximately 9-12 months. He noted mental health facilities across the country are being federally recognized by the Center for Medicaid and Medicare Services and being paid at cost based on audited and negotiated cost reports as well as they are hopeful grant funding will remain steady.

Councilmember Kell asked if Topeka Police Officers are required to enter a mental health crisis situation before emergency medical responders; and how often do Topeka Police Officers have to force entry during a mental health crisis situation.

Mayor Padilla inquired on the frequency of other law enforcement agencies in the area calling upon the Topeka Police Department for assistance and the impact those calls have on manpower. He asked if behavior health training is being offered to other law enforcement agencies.

Major Klumpp reported based on the type of situation each responder will apply their own mandated protocols; it is common practice with violent mental health situations to call Topeka Police to stabilize the situation; and forced entry is not uncommon as well as calls for assistance by other law enforcement agencies. In regards to training, the Topeka Police Department is always willing to work with other agencies to enhance training opportunities for emergency

responders and other law enforcement agencies.

Councilmember Lesser stated they must be mindful of the insurance requirements in terms of the liability Valeo would carry by allowing their professionals to respond to incidents without being accompanied by a law enforcement officer. He spoke to his personal experiences with mental health situations and the importance of have the proper response and diversion services in place to reduce the number of mental health episodes. He expressed the importance of allocating as much ARPA funding as possible to address the current mental health crisis and thanked Valeo for their services to the community. He stated he concurs with Councilmember Valdivia-Alcala and believes they will see an increased number of mental health crisis situations within the next five years due to the COVID-19 pandemic.

RESOLUTION NO. 9346 introduced by Interim City Manager William E. Cochran, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow operation of a Home Care Type II facility, providing nursing and daily care, as needed for up to 12 full time residents on property currently zoned "R-1" Single-Family Dwelling District, and located at 1920 SW 32nd Street in the City of Topeka, Shawnee County, Kansas, was presented. *(CU22/02) (Council District No. 4)*

Bill Cochran, Interim City Manager, stated approval would increase the number of residents of the home from 8 to 12. He reported the Governing Body has the option to approve, amend, reject or remand the Planning Commission's recommendation to grant the conditional use permit.

Mayor Padilla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and

impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Exparte Communication was distributed in the form of emails by the City Clerk to all Governing Body members. Additional exparte communication was declared by Councilmembers Ortiz, Hiller, Lesser, Emerson and Kell.

Councilmember Hiller asked if the concerns expressed by neighbors relating to facility residents smoking, use of cell phones, an excessive number of vehicles being parked in the street, and compliance with local building codes are being required with the garage conversion.

Bill Fiander, Planning and Development Division, reported the garage conversion must comply with building codes as well as State licensing requires a certain amount of square footage; the provisions of one additional parking space and that employees must park in the driveway was required; visitor parking will be in the street; and the owners have committed to addressing the operational concerns expressed by neighbors.

Councilmember Kell spoke in support of the conditional use permit. He stated overall the facility is peaceful and does not disturb the character of the neighborhood as there are already several businesses in the area that utilize on-street parking.

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

APPROVAL of a Joint Memorandum of Agreement Contract No. 50568 concerning group healthcare cost-sharing with the labor unions for 2023-2025 was presented.

Bill Cochran, Interim City Manager, stated approval of the three-year agreement would set forth the cost sharing formula for the City and individual employee

contributions.

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

APPROVAL of Amendment No. 3 to City of Topeka Contract No. 48038, a Joint Memorandum of Agreement Contract No. 50569 concerning group healthcare cost-sharing with the labor unions for 2020-2022, was presented.

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

ESTABLISHING a public hearing date of September 6, 2022, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2023 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice was presented.

Bill Cochran, Interim City Manager, stated approval sets a public hearing date of September 6, 2022, for the City's 2023 Operating Budget.

Councilmember Ortiz moved to establish a public hearing date of September 6, 2022, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2023 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (10-0-0)

DISCUSSION relating to the request for the Shawnee County Board of Commissioners to annex land not adjoining the City located on the east side of SE Croco Road, south of SE 37th Street, Topeka, Kansas, was presented.

Bill Cochran, Interim City Manager, stated the discussion relates to the possible

annexation of the proposed area with consideration of the corresponding resolution on September 6, 2022 by the Governing Body.

Bill Fiander, Planning and Development Director, reported the applicant is requesting annexation of approximately 80 acres that does not adjoin the City and is considered an island annexation located on the east side of SE Croco Road and south of SE 37th Street, to construct 188 single family homes and 78 duplex units. He stated the proposed development lies within Tier 3 of the Urban Growth Area and is considered part of the future boundaries of the city, and while the subject property is not contiguous to the City and does not have existing infrastructure or services available, City staff has determined installation of services to the site fit the constraints of existing budgets, or the revenue generated will offset future maintenance, repair and replacement costs. He reported City Water service will incur a one-time cost of approximately \$54,000 for transfer of water rights from Rural Water District No. 8. He noted infrastructure is adjacent and ready to serve the area and the developer is present for questions.

Mary Feighny, Deputy City Attorney, stated before the City can consider annexing the property, K.S.A. 12-520c requires that the City, by resolution, request that the Shawnee County Commission review the proposed annexation and determine that the annexation will not hinder or prevent the proper growth and development of the area or that of any incorporated city within Shawnee County. He noted the Commission will have 30 days from the date of receipt of the resolution to make their finding and notify the City and if approved, the City may begin the process to annex the land.

Councilmember Dobler reported for several years the utilities have been extended to the area by the City for anticipated growth.

Jeremiah Johnson, Alcove Development, thanked the Governing Body for considering

the request and stated it would provide needed housing for the community.

Councilmember Dobler expressed his appreciate to the developer and thanked him for choosing to build in Topeka.

Mayor Padilla inquired on the price range of the homes being developed.

Mr. Johnson stated it was difficult to project prices at this time due to the current fiscal climate; however, he would anticipate a price range of \$300,000 to \$325,000 per housing unit.

DISCUSSION regarding employee residency requirements was presented.

Bill Cochran, Interim City manager, stated the ordinance was referred from the Policy and Finance Committee with no recommendation by a vote of 2-0-0 on July 25, 2022.

Councilmember Duncan, Policy and Finance Committee Chair, reported in February 2021, the Committee began having conversations with Staff and others about City of Topeka jobs in general. The Committee took a broad view of how the City could hire and retain more people by looking at a variety of issues ranging from compensation with the understanding a wage study was underway, recruitment efforts and partnerships, benefits and bonuses and what other communities were doing to recruit people. He reported the proposed ordinance was based on what other cities have drafted and the following apply to all levels of City employment:

- In terms of cities. There are 11 cities in the state of Kansas with a population of 40,000 or more. The City of Topeka and Unified Government of Wyandotte County and Kansas City, Kansas, are the only two cities in the state of Kansas that have a residency requirement in place. The cities of Lawrence, Lenexa, Manhattan, Olathe, Overland Park, Salina, Shawnee and Wichita have all eliminated the residency requirement.
- Approximately 30% of the applications submitted to the City for employment are abandoned due to the residency requirement.
- The City has lost employees and many good candidates because they do not want to relocate their families.
- In term of counties. There are 10 counties in the state of Kansas with a population of 50,000 or more. Shawnee County eliminated the residency requirement. The only County that has a residency requirement is Unified Government of Wyandotte County and Kansas City, Kansas.

- In term of competing with the private sector which is a constant battle as it relates to wages, benefits and recruiting, they are also competing with pier cities in the state of Kansas. He stated he has been informed by representatives from each pier city that the elimination of residency requirements have had a positive impact on organizations.
- He expressed the importance of the City recognizing and adapting to change if they want to remain competitive and recruit employees by expanding the pool of candidates for City employment by removing the requirement that employees reside within Shawnee County. He stated the ordinance also retains the requirement that department directors reside within Shawnee County and require the city manager to be a resident of Topeka.
- In terms of critical response positions, employees will have to meet the requirement of response times as required by the position and dictated by the Department Director.
- The Committee discussed setting forth regulations for the use of City vehicles and noted, those that live outside Shawnee County will not be allowed to take the vehicle home.

Councilmember Kell asked if any consideration was given to a set mile radius instead of the boundaries of Shawnee County for executive level employees.

Councilmember Duncan reported it was the consensus of the Committee that all department directors reside in Shawnee County because they serve as a figure head of the community.

Councilmember Dobler stated he understands the controversy of paying employees with tax dollars that reside outside the city or county; however, at this time, the low housing stock makes it difficult to support a residency requirement. He announced when the ordinance is considered for action, he plans to propose a 5-year moratorium, with a grandfather clause, on the residency requirement for employees. He stated a trial period would allow them to determine the overall impact it has on the organization.

Councilmember Hiller spoke in support of removing the residency requirement. She stated she would prefer that people choose to live in the community; however, she also understands that Topeka is considered a metro area for many surrounding small towns within a 50-mile radius. She also stated she did not see the need to limit residency to the state of Kansas specifically due to the

fact Topeka is in close proximity of the Kansas City metro area as well as virtual lifestyles. She distributed proposed amendments and stated she concurs with Councilmember Naeger and believes the City should offer employment incentives.

Councilmember Naeger stated she concurs with statements made by Councilmember Dobler. She expressed the importance of the City being flexible and seizing an opportunity for growth.

Councilmember Lesser expressed the importance of the City evolving as an organization and adapting to the changing environment of a remote workforce. He stated he remains open to considering different plans and/or ideas and supports the requirement of the city manager and department directors living in the county. He noted the City will miss the opportunity to hire good employees if they do not make a change in the residency requirements.

Councilmember Emerson expressed his appreciation to the Committee for their work and the extensive research in the subject matter. He stated he supports the proposal by Councilmember Dobler to incorporate a moratorium and reported that he has only heard from a few constituents on the issue. He questioned the increased response time of critical response positions and the removal of public safety positions.

Jacque Russell, Human Resources Director, reported the change to 45 minutes was based on applicable union agreements.

Councilmember Duncan reported there are a small number of positions effected by response times and referenced line 33 of the ordinance that provides the city manager the ability to change response times if necessary.

Councilmember Emerson questioned what the Unions are offering the City in return for removing residency requirements.

Councilmember Kell asked if they need to incorporate a grandfather clause in the ordinance

to protect employees against unnecessary changes mandated by department directors.

Bill Cochran, Interim City Manager, reported all employees currently met response times.

Councilmember Hiller noted response time requirements should be included in each applicable job description and could be removed from ordinance language. She encouraged Governing Body members to think about the top priorities of the organization as they consider the residency issue.

Councilmember Lesser stated as a Governing Body they have the right to set certain policies; however, as an organization the City must enforce personal accountability as it relates to promotions and/or positions.

Councilmember Duncan suggested an expiration date of December 31, 2027 be incorporated in the ordinance language. He expressed the importance of hiring the best people to fill positions while understanding the variables and the impact it has on people.

DISCUSSION related to the City of Topeka 2023 Operating Budget, was presented.

Bill Cochran, Interim City Manager, stated discussions would continue from the meeting of August 16, 2022.

Adam Vaughn, Senior Financial Analyst, provided a financial overview of Municipal Court with a total budget of \$1.9 million supported by 20 full-time employees.

Karan Thadani, Municipal Court Judge, reported there were no material changes for the 2023 operating budget. He highlighted programs and community partnerships; COVID-19 pandemic response; the status of clean slate day efforts and noted Municipal Court is the body of law that has the most impact on the most people. He reported the Supervised Probation fee that was implemented to recoup some of the costs associated with the service and has generated \$16,400 from November 2021 through August 2022.

Mayor Padilla questioned if staffing needs are being addressed.

Judge Thadani reported the majority of the internal staffing issues relate to competitive pay and he is hopeful the wage study will help address those issues.

Councilmember Ortiz expressed the importance of highlighting the alternative sentencing court and the great impact it has on the community.

Councilmember Hiller commended Judge Thadani for the positive impact Municipal Court programs have on the community.

Adam Vaughn, Senior Financial Analyst, provided a financial overview of the Information Technology Department with a total budget of \$4.4 million supported by 16 full-time employees.

Mark Biswell, Information Technology Department Director, provided an overview of program highlights, goals and system upgrades.

Councilmember Kell asked if the City plans to eliminate personal computers and migrate to more cloud based devices.

Director Biswell reported there is no plan to migrate at this time.

Adam Vaughn, Senior Financial Analyst, provided a financial overview of Planning and Development Department with a total budget of \$12.2 million supported by 43 full-time employees.

Bill Fiander, Planning and Development Director, provided an overview of the Development Services, Housing Services and Planning Division budgets and programs.

Adam Vaughn, Senior Financial Analyst, stated the public hearings on the City and TMTA Revenue Neutral Rate as well as the City of Topeka 2023 Operating Budget would take place on September 6, 2022, with a plan to adopt the budget on September 13, 2022.

Councilmember Hiller inquired on the City Council Office and Mayor's Office 2023 Operating Budgets.

Adam Vaughn reported Staff would not be reporting on the budgets because they are generally same year over year.

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

Bill Cochran, Interim City Manager, announced the 2022 Redistricting Commission Public Hearing would be held on August 18, 2022, and encouraged citizens to provide their input. He also announced city manager candidate interviews would take place on August 30, 2022.

Councilmember Dobler encouraged citizens to utilize the new Topeka Shawnee County Public Library Level-2 Tech Center and noted it was a wonderful addition to the community free of charge.

Councilmember Duncan asked citizens to be patient with the construction taking place around the city. He announced a Policy and Finance Committee meeting on August 19, 2022, at the Cyrus K. Holliday Building, First Floor Conference Room, 620 SE Madison Street, from 3:00 p.m. to 5:00 p.m. He stated the Committee would be evaluating ARPA funding applications with a plan to make final recommendations to the Governing Body by the end of October. He requested Governing Body members submit their questions for the city manager interviews to him by August 19, 2022.

Councilmember Hiller commented on the great things happening downtown. She announced residents could call the Changing Our Culture of Property Maintenance mowing initiative hotline at 785-368-9530 for resources.

Councilmember Kell thanked City employees and fellow elected officials for their guidance. He referenced the importance of safe schools and asked residents of all ages if they know something to say something.

Mayor Padilla asked citizens to be mindful of school zones. He announced the deadline for the League of Kansas Municipalities “My City My Home” Essay Contest for 7th grade students is November 23, 2022 and noted more information about the contest can found at www.lkm.org/sacontest.

Councilmember Duncan moved to extend the Governing Body meeting past 10:00 p.m. The motion was seconded by Councilmember Ortiz.

Mayor Padilla asked all those in favor of extending the Governing Body meeting past 10:00 p.m. 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 on voice vote. Councilmember Dobler voted “no.” (9-1-0)

Councilmember Hiller moved to recess into executive session not to exceed 15 minutes to discuss employer/employee negotiations relating to WPC as authorized by KSA 75-4319(b)(3). The following staff assisted the Governing Body in its deliberations: Interim City Manager William Cochran and any other staff he deems necessary. The motion was seconded by Councilmember Valdivia-Alcala.

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 on voice vote. Councilmembers Ortiz and Dobler voted “no.” (8-2-0)

Following a 15-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 9:36 p.m.

(SEAL)

Brenda Younger City Clerk

Attachment A

Brenda Younger

From: Brenda Younger
Sent: Tuesday, August 9, 2022 9:18 AM
To: Maureen Brady; City Clerk
Subject: RE: Support repealing residency ordinance

Received – thank you.

From: Maureen Brady <mbrady0501@gmail.com>
Sent: Tuesday, August 9, 2022 8:38 AM
To: City Clerk <cclerk@Topeka.org>
Subject: Support repealing residency ordinance

Hello, I am emailing to provide written comments on the agenda item for Topeka City Council to consider changing the residency requirement for City staff. I am in favor of removing the requirement because I believe it does restrict the people who choose to take a job with the City of Topeka.

Thank you for considering this issue.

Best,
Maureen

Response to Resolution - Providence Homes Plus

(Cap 22-02)

Topeka City of Council Members
214 SE 6th Street
Topeka, Kansas 66603

REC'D TOPEKA CITY CLERK
'22 AUG 16 AM 11:57

To the Commissioners:

We are writing to you about our concerns with the expansion of the Providence Homes Plus that was scheduled last Tuesday and we are not able to attend this Tuesday. We feel there are many reasons to share our concerns.

1. The owners were not up-front with us from the beginning. The Peavlers introduced themselves as new neighbors. They indicated that they had retired and Mrs. Peavler indicated she was starting a new career in the medical field which was to include her sons. It was not clear to us that the property was being turned into a nursing home until the open house sign for the nursing facility was posted in the front yard.
2. Parking has been an issue since the day they opened their business. There have been up to nine cars parked on the two streets (32nd and Jewell) plus cars on their driveway. Large trucks have also blocked the streets making deliveries on 32nd Street. Staff is not necessarily the cause of the parking congestion. It is clear that a lot of the congestion is caused by visitors as the congestion problem is high on the weekend as well
3. The street has become very unsafe. 32nd Street has a curve in it as it intersects Jewell Avenue. The intersection is very dangerous because the cars parked in front of Providence curtail visibility; drivers of cars coming down the street don't realize the street ends (turns or Tees). The large trees in front of the house also block the view of the street. When the cars are on the driveway it deceives drivers of how the street is situated even more. The only indication that the street does not continue in a straight line is the double-ended arrow sign which is not visible from a long distance. There are a number of walkers in our neighborhood and it is dangerous, especially when people apparently not familiar with the area are driving. Has a street study for this intersection ever been completed by the city?
4. There is no STOP sign at the end of 32nd and also the sidewalks on some of the adjacent blocks are not all handicapped accessible. Shouldn't the entire community with this type of facility in its midst be brought up to the standards of the Americans with Disabilities Act?
5. We have seen residents wander off from the house and staff has had to run to retrieve them. If they can't manage eight, how will they do with twelve?
6. They have trash bins that are always over full-on Thursday. We have had to pick up trash in our yard. If trash is a problem now, what will it be when they expand to twelve? At a minimum Providence should be required to have enough garbage bins so that the lids can be closed and the sanitary products used in the operation of this type of facility are not exposed or

fall out on the ground. The neighbors and those gathering the trash should not be exposed to this "medical" waste.

7. They are proposing putting the four people in the garage. By putting a parking lot in front of the house it will look less and less like a residential area. We don't feel this house is large enough for twelve residents. Would you really want your loved ones stuffed in a garage?

And shouldn't the garage residences be afforded the safety benefit of barriers to protect their safety? The driveway that was the perfect route into the garage would be the perfect route into the rooms. Accidents used to happen all the time and still occur when someone's foot slips off the brake and onto the gas pedal and barriers are not present at older businesses.

8. The employees stand on the Jewell side of the home using their phones and smoking cigarettes. They watch us come and go. Is it a coincidence that our house was entered when we left to attend the Farmer's Market for 45 minutes on a Saturday morning this spring? We have not been robbed before in the ten years we have resided in the house before Providence entered our neighborhood.

9. When I approached one of the owners and asked questions about parking, employee numbers, and concerns he replied in a harsh voice that it was none of our business. Other neighbors have not felt they have not been treated politely, also.

We are not against the current eight residents but we don't believe they have been responsible neighbors and should not be allowed to expand. In an interview, last year on KSNT Mr. Preavler indicated that the staff ratio for nursing personnel to residents was four to one. If that is still the case, (four to one ratio) the parking congestion will increase due to staff increases and visitors. Peavler also used the staffing ratio, in general terms, to indicate that the facility would remain at an occupancy of eight. We have had three neighbors move, partly because of the changes in the neighborhood.

Sincerely,

John and Julie Ford
3121 SW Jewell
Topeka, Kansas 66611
620.272.4954

Brenda Younger

From: Ronda Hubbard <rondahubbard80@gmail.com>
Sent: Tuesday, August 16, 2022 4:53 PM
To: City Clerk
Subject: TPD and it's Behavioral Unit



This message needs your attention

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

Powered by Mimecast

August 17, 2022

Good Evening City Council:

I'm sending this email as a concerned citizen that lives here in Topeka, Kansas.

My wish is that as a City in the state of Kansas we should start trying to build relationships with each other in our communities.

Justice brings "Peace" and we should all want peace with learning how to get along and live with each other and our differences.

We know that we're in different classes in society as well as different nationalities with different cultures, but we all deal with stress.

Because we all are different and made different, we all handle stress differently. And some can not manage it well with different outcries for help, but it should have never come to a death because of a difference.

An mental illness shouldn't be something that should scare or frighten the TPD especially with the training for a situation as what happened to Christopher Kelley. Christopher Kelley was someone's son, husband, and father, but first a human being crying out for help. The TPD in these situations shouldn't going into a high stressful and critical circumstance if you just had come from one before, and I believe all of the TPD should be trained in such an behavioral situation and not just some. Was the CIT Unit notified in this call?

Was everything done that was supposed to for the situation to de-escalate? Was everyone's adrenaline already high? This is I believe the second death in Topeka, Kansas with the TPD with an individual with an mental illness. Others have been put in jail with giving no attention to them getting the proper health care needed as if their not human beings.

Will the TPD get better training or start to collaborate with many of the other community resources such: as Valeo Behavioral Health Care, KDADS, and Family Service and Guidance Center to see what is available to individuals with mental illness to close the gap where it's lacking in understanding another person's difference? And I know we all have differences because we were made that way.

1. How can we embrace differences and not be scared of them?

2. Do we just ignore or put to death what we don't understand?

3. How can we grow in strengthening our communities to build each other up instead of tearing down?

4. Do we have in place to start building real relationships with real people that have many differences and we respect them?

5. Can we respect them because we handle stress in a different manner?

6. How can we give our communities that have children hope if situations continue to be swept under the rug without justice to take place?

Can we do better and be better as One City, One Community with One Goal to build up?

Thank you,

Ronda Hubbard



RIORDAN
FINCHER
& MAYO P.A.
ATTORNEYS AT LAW

3735 SW Wanamaker Rd., Suite A
Topeka, Kansas 66610-1396
785.783.8323 (phone)
785.783.8327 (fax)

August 16, 2022

Re: CU22/02 - 1920 SW 32nd Street

Dear Governing Body:

Our office represents Tanya Wilson, who resides at 3101 SW Jewell Avenue and who has standing to contest CU22/02 because her home lies within a 200-foot radius of 1920 SW 32nd Street. There are three key issues with the CU22/02 application: (1) the property's ownership; (2) the applicant's ability to meet the Home care, type II definition; and (3) the impacts on the surrounding neighborhood.

As for the first issue, the Planning and Development Department's conditional use permit (CUP) application procedures require an applicant to apply in its own name or through an authorized agent. This is done by submitting a "property owner authorization form". This form must list the owner as it appears on the last deed of record filed with the Register of Deeds and must be signed by the owner or its representatives.

Providence Real Estate Holdings LLC is the owner on the last deed of record for 1920 SW 32nd Street. The last deed of record is attached hereto as **Exhibit A**. The property owner authorization form is attached hereto as **Exhibit B**. Providence Real Estate Holdings LLC is *not* listed or identified on CU22/02's property owner authorization form. Instead, three individuals signed as the owners in their individual capacities. The application is incorrect and insufficient on its face.

As for the second issue, the applicant is applying for a CUP to operate a "Home care, type II" facility which is defined under Topeka Municipal Code 18.55.080 as

[A] dwelling or portion thereof, and premises, operated and licensed in accordance with any and all applicable State and local requirements, where caring is provided on a 24-hour-a-day basis for up to 12 individuals unrelated to the operator/owner and who, due to functional impairment, need personal care and may need supervised nursing care to compensate for activities of daily living limitations.

Licensing for such a business would be governed by the Kansas Department for Aging and Disability Services ("KDADS"). However, the real estate owner, Providence Real Estate Holdings LLC, is not licensed with KDADS. The search results from KDADS' online Homes Plus facilities directory for Providence Real Estate Holdings LLC is attached hereto as **Exhibit C**. Consequently, Providence Real Estate Holdings LLC is not entitled to a CUP to operate a "Home care, type II."

There is a presently a business called DC Defense Systems LLC d/b/a Providence Homes Plus at 1920 SW 32nd Street that operates a "Home care, type I" under a license from KDADS. The search results from KDADS' online Homes Plus facilities directory for DC Defense Systems LLC d/b/a Providence Homes Plus is attached hereto as **Exhibit D**. The contractual relationship, i.e., any lease, license, etc., between Providence Real Estate Holdings LLC and DC Defense Systems LLC d/b/a Providence Homes Plus is unknown, but a determination of the exact relationship is not necessarily required at this time. Instead, it is clear that a business is being operated at 1920 SW 32nd Street by an entity that is not the real estate owner.



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However, there is no authority to grant a CUP for a non-owner. Allowance of a non-owner CUP would remove the personal nature of a CUP as to the owner and make something more akin to a change in zoning or a variance. Therefore, CU22/02, which appears to request a non-owner CUP should be denied.

Additionally, even if a CUP can be granted to a non-owner, the definition of "Home care, type II" only applies to 24-hour care. DC Defense Systems LLC d/b/a Providence Homes Plus's website advertises respite and adult day care services, neither of which necessarily require 24-hour care. A copy of Providence Homes Plus's webpage is attached hereto as **Exhibit E**. Thus, it is uncertain if the applicant meets the statutory definition for a home care, type II.

As for the third issue, the impact on the neighborhood is shown by the fact that 11 of the 24 homes within a 200-foot radius of 1920 SW 32nd Street filed a formal protest. Parking and congestion continue to be ongoing issues for 1920 SW 32nd Street and there have been times where up to eight cars were parked outside. Adding one additional parking spot will not solve the problem. The parking issue is compounded by emergency and hospice vehicles that regularly visit the home.

In addition to congestion concerns, the business at 1920 SW 32nd Street causes noise disruptions. The building's security doorbell is very loud and goes off any time that a door is opened. The employees at 1920 SW 32nd Street also continue to loudly conduct business calls in the yard facing SW Jewell Avenue.

Finally, neighbors are concerned that increasing the volume of individuals in the home located on 1920 SW 32nd Street could become a problem. Specifically, neighbors are concerned that adding more residents will overcrowd the home even more. Not only will there be new residents, there will be likely be new staff and each of the new residents may have visitors at any time of day, only further amplifying the congestion problem. Adding more patients will only exacerbate current issues and increase the chance for disruptions to the neighborhood.

Consequently, the CUP for 1920 SW 32nd Street should be denied.

Sincerely,

RIORDAN, FINCHER & MAYO, P.A.

A handwritten signature in black ink, appearing to read 'Kaitlyn R. Bull'.

Kaitlyn R. Bull
bull@rfm-law.com

Cynthia R. Ford

2020R02801

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
02/24/2020 08:19:03 AM

EXECUTOR'S DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on the 3rd day of December, 2018, Rachel Chavez, a resident of Shawnee County, Kansas, died testate, leaving a Will which was duly admitted to probate in the District Court of Shawnee County, Kansas, Probate Division on the 24th day of January, 2019, wherein Daniel P. Chavez was named as Executor and said Daniel P. Chavez was duly appointed by said Court as such Executor, and Letters Testamentary Under the Kansas Simplified Estates Act were issued to him on January 24, 2019, which letters are in full force and effect; and

WHEREAS, the said Will of Rachel Chavez authorizes and empowers said Executor to sell and convey any real estate in the said estate; and

WHEREAS, said Executor has sold the real estate, which is hereinafter described, to Providence Real Estate Holdings LLC, a Texas Domestic Limited Liability company, for the consideration hereinafter set out, which consideration has been paid in full.

NOW, THEREFORE, I, Daniel P. Chavez, Executor of the Will of Rachel Chavez, deceased, in consideration of the sum of Two Hundred Fifty Five Thousand Dollars (\$255,000.00), the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto Providence Real Estate Holdings LLC, a Texas Domestic Limited Liability Company, their heirs and assigns, all of the interest of Rachel Chavez in the following described real estate in the County of Shawnee, and the State of Kansas, to-wit:

Lot 13 and Lot 12 except that part described as follows: Beginning at the Northeast corner of Lot 12; thence South along the East line of said Lot to the Southeast corner of Lot 12; thence West along the South line of Lot 12, 62.05 feet; thence Northeasterly to a point on the North line of Lot 12 which is 27.33 feet West of the Northeast corner of said Lot; thence East along the North line of Lot 12 to point of beginning, all in Block E, Replat No. 1, Briarwood Subdivision, City of Topeka, Shawnee County, Kansas.

to have and to hold the same with all the appurtenances and hereditaments thereunto belonging forever.

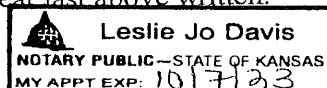
IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of February, 2020.

Daniel P. Chavez
Daniel P. Chavez, Executor

STATE OF KANSAS, SHAWNEE COUNTY, ss:

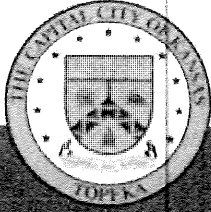
BE IT REMEMBERED that on this 18th day of February, 2020, before me, a Notary Public in and for the County and State aforesaid, came Daniel P. Chavez, Executor of the Estate of Rachel Chavez, who is personally known to me to be the same person who executed the above and foregoing instrument of writing and duly acknowledged the same to be her free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

 Leslie Jo Davis
NOTARY PUBLIC - STATE OF KANSAS
MY APPT EXP: 10/7/23

Leslie Jo Davis
NOTARY PUBLIC

EXHIBIT
A



CITY OF TOPEKA

PROPERTY OWNER AUTHORIZATION

PLANNING & DEVELOPMENT DEPARTMENT

Completed document must be uploaded with application.

APPLICATION INFORMATION

Type of Application

<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Standard Zoning	<input type="checkbox"/> Planned Unit Development (PUD) Zoning
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Short Term Rental

Subject Property: Providence Homes Plus

Approval for Submittal of Site Plan Review or Short Term Rental Application

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application. **Site Plan Review:** I authorize any agent listed in this application to represent the owner(s). I (we) hereby acknowledge that all site plan review procedures have been reviewed and understood as part of this submittal.

OWNER INFORMATION

Property Owner #1: _____ Signature: _____
 Email: _____ Daytime Phone #: _____ Date: _____

Property Owner #2: _____ Signature: _____
 Email: _____ Daytime Phone #: _____ Date: _____

Property Owner #3: _____ Signature: _____
 Email: _____ Daytime Phone #: _____ Date: _____

Approval for Submittal of Application for Subdivision/Zoning/CUP

I (we) am (are) the owner(s) of record for the subject property and hereby authorize filing of this application and any agent listed in this application to represent the owner(s). I (we) allow posting of signage on the property by the City of Topeka for the requested action. I (we) hereby acknowledge that all application procedures have been reviewed and understood as part of this submittal.

OWNER INFORMATION

Property Owner #1: Dr David Le Signature: *David Le*
 Email: davidyule@me.com Daytime Phone #: 210-850-3500 Date: 5/2/2022

Property Owner #2: Mike Peavler Signature: *Mike Peavler*
 Email: mbpeavler@gmail.com Daytime Phone #: 785-940-1195 Date: 5/2/2022

Property Owner #3: Lisa Peavler Signature: *Lisa Peavler*
 Email: steven.k.peavler@gmail.com Daytime Phone #: 785-806-9063 Date: 5/2/2022

EXHIBIT B



Instructions on how to use the On-Line Directory Search --- [Click Here](#)

<input type="text" value="Q"/>	<input type="text"/>	<input type="button" value="Go"/>	Rows <input type="text" value="15"/>	<input type="button" value="Actions"/>
--------------------------------	----------------------	-----------------------------------	--------------------------------------	--

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Row text contains 'Providence Real Estate Holdings LLC'	<input type="button" value="X"/>
--------------------------	--------------------------	--------------------------	---	----------------------------------



No data found.

[| KDADS Disclaimer](#) | [Kansas Open Records](#) | [KDADS Privacy Statement](#) |
[| Kansas.gov Home Page](#) | [Contact KDADS](#) |

**EXHIBIT
C**



[Return to Directory](#)

DC DEFENSE SYSTEMS LLC

1920 SW 32ND ST
TOPEKA, KS 66611-2063

Home Plus State Id Number Certification Number
E089101

Telephone: 785-408-1559 County: SHAWNEE
Fax: 785-408-1557 Area: Mental Health

Administrator: LISA PEAVLER
Web site:

Total Beds: 8	
Limited Beds	
Maximum number of beds in each licensed category	
Home Plus (HP)	8

Building owner: PROVIDENCE REAL ESTATE HOLDINGS LLC (Owner - Limited Liability Company (LLC))
 Management firm: DC DEFENSE SYSTEMS LLC (Lessee - Limited Liability Company (LLC))
 Lessee:
 Sub-lessee:

Deficiency Reports and Plans of Correction

Select a *Deficiency Report* and the corresponding *Plan of Correction* and 2567B.
 The *Deficiency Report* is a report of findings at the facility.
 The *Plan of Correction* is the facility's response to the observations.
 The 2567B is the final report.
 Your selections will appear in separate windows for ease of comparison.
 No data found for this facility

[Return to Directory](#)

EXHIBIT D



Home About Us Our Services Tour Our Home



OUR SERVICES

24 HR CARE

LICENSED &
CERTIFIED

FAMILY OWNED



**EXHIBIT
E**



We provide you or your loved one with the care they need, 24hrs per day.

[Learn more](#)



We have been certified by the state of Kansas.

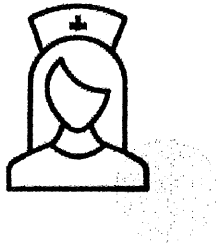
[Learn more](#)



We are a local, veteran, physician and R.N. family owned small business.

[Learn more](#)

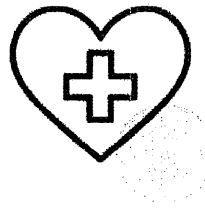
RESPIRE CARE



Caring for a loved one is extremely difficult, we understand that and sometimes you need a break

[Learn more](#)

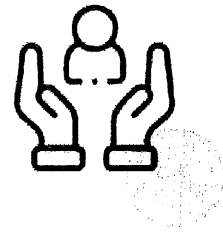
SENIOR CARE



When your loved one requires a longer term option for care they need

[Learn more](#)

ADULT DAYCARE

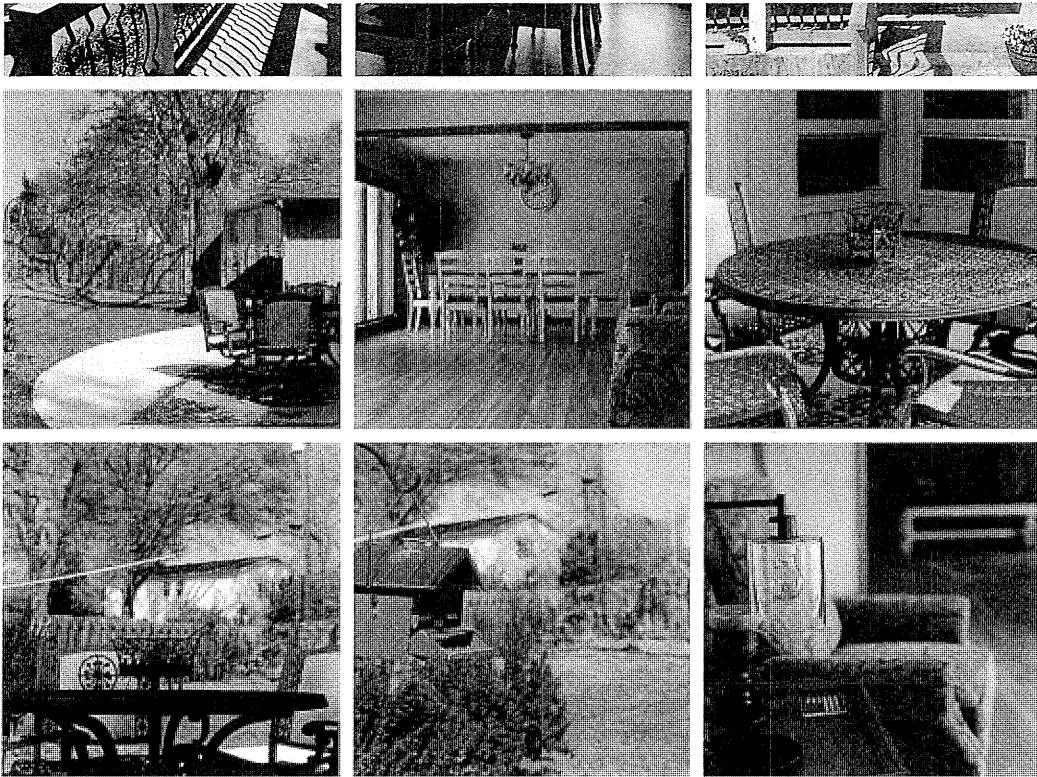


An 8 hour day filled with socialization, activities and meals to allow you to work or take care of important errands throughout the day

[Learn more](#)

Our Beautiful Providence Home





TEAM

Hi, I'm Casey.



Casey Peavler, M.D.
**Board Certified Internal
Medicine**

As a board certified internal medicine and hospitalist physician, I understand the need for a quality and supportive living environment. Not only for maximum quality of life, but also to prevent unnecessary hospital admissions and to relieve caregiver stressors to the greatest extent. As a grandson who lost a grandfather to Alzheimer's dementia, Providence Homes Plus is our way of providing the type of environment that we wished our family had in their later years. Using our experience in different areas of medicine and nursing, our team aims to provide the absolute best experience for your loved ones.

Become a part of our community.

Caring for Those Who Cared For Us!
Providence Homes Plus is veteran, physician, RN and family owned. Our licensed and certified caregivers are dedicated to preserving dignity, privacy and individualized care that ensures the highest quality of life.

Request A Free Tour

First Name

Last Name

Email *

Phone

Type your message here...

Send Feedback

Contact Us

Phone: (785) 408-1559

Email: admin@providencehomesplus.com

Location:

1920 SW 32nd Street

Topeka, KS 66611

