

Governing Body Minutes – June 13, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 13, 2023. 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, Naeger, Duncan, and Hoferer -6. Councilmembers Ortiz, Emerson and Dobler participated remotely -3. 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 June 13, 2023, 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 June 13, 2023, 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 Jade Ramsdell to the Topeka Housing Authority Advisory Board to fill unexpired term expiring on June 13, 2027, was presented. (*Outside City Limits*)

BOARD APPOINTMENT recommending the appointment of Denise Selbee-Koch to the NOTO Business Improvement District Advisory Board to fill a term ending June 13, 2025, was

presented. *(Council District No. 2)*

Councilmember Naeger moved to approve the appointments. The motion seconded by Councilmember Kell carried unanimously. The Mayor does not vote. (9-0-0)

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20427 introduced by Acting City Manager Richard U. Nienstedt, allowing and approving City expenditures for the period April 1, 2023 to April 28, 2023 and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9423 introduced by Councilmember Karen Hiller granting The Pennant an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 1)*

RESOLUTION NO. 9424 introduced by Councilmember Karen Hiller, approving a special event known as The Pennant's 5 Year Anniversary Celebration, was presented. *(Council District No. 1)*

APPROVAL of a Utilities Contract between the City of Topeka and Bartlett and West, Inc. in an amount not to exceed \$146,100 for engineering services, was presented.

MINUTES of the regular meeting of May 30, 2023, was presented.

Councilmember Kell moved to approve the consent agenda. The motion seconded by Councilmember Naeger carried. Councilmember Dobler abstained. (9-0-1)

ORDINANCE NO 20428 introduced by Acting City Manager Richard U. Nienstedt, amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located on the southeast corner of SW 29th Street and SW Villa West Drive FROM "O&I-2"

Office and Institutional District to "M-2" Multiple-Family Dwelling District, was presented. (Z23/09) (Council District 8)

Dan Warner, Planning Division Director, reported the request to rezone to Multiple-Family Dwelling District provides an appropriate transition from the more intensive uses along Wanamaker Road to the single-family residential land use further west. He stated the property has been vacate since 1996; and the decision regarding the need for a traffic study and the review of off street parking would occur when the project site plan was reviewed. He noted City of Topeka Municipal Code requires two parking spaces on the property per unit.

Councilmember Duncan expressed concern with the narrow street where parking would be allowed if the rezoning was approved and referenced statements in the Staff Report that did not fully endorse the proposal to rezone as residential. He noted the area was surrounded by an assisted living facility and office uses with no other apartment complexes or residential uses. He encouraged developers to communicate with Council District representatives and Staff prior to submitting zoning applications to help them better understand the area. He stated he believes this proposal will not be feasible once approved and will only add to the traffic safety issues at the intersection of SW 29th Street and Villa West.

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.

Ex parte communication was declared by Councilmember Duncan.

Councilmember Duncan asked if the request could be delayed to a date certain, possibly July 11, 2023.

Councilmember Hiller stated she believes the role of the Governing Body was to respect the work and recommendation of the Planning Commission as well as parking requirements are addressed in the Topeka Municipal Code.

Councilmember Emerson stated he concurs with Councilmember Hiller. He spoke in support of moving forward with the proposal due to the lengthy process of rezoning property as well as the property has been vacant for years.

Councilmember Kell referenced future developments and requested easy connect streets options and exclude dead-in streets if possible.

Councilmember Valdivia-Alcala stated she respects the work of the Planning Commission; however, it was also important to listen to valid concerns raised by Council District representatives.

Councilmember Hiller moved to approve the ordinance. The motion was seconded by Councilmember Emerson carried. Councilmembers Duncan and Hoferer voted “no.”

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Kell, Dobler, Ortiz, Emerson, Naeger and Mayor Padilla - 6. Nays: Duncan and Hoferer -2.

ORDINANCE NO.20429 introduced by Acting City Manager Richard U. Nienstedt, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by granting the “HL” Historic Landmark Overlay

District to property currently zoned “PUD” Planned Unit Development with X-1 Mixed Use and M-2 Multiple Family Dwelling District use and located at 400 SW Washburn Ave in the City of Topeka, Kansas, was presented. *(HL23/01) (Council District 1)*

Dan Warner, Planning Division Director, reported the request would add the Historic Landmark Overlay District classification for the Potwin Presbyterian Church, located next to a small apartment complex that was recently rezoned. He stated the Topeka Landmarks Commission, the Planning Commission and Staff recommended approval.

Councilmember Hoferer asked if the Historic District designation of the Potwin Neighborhood would have an impact on the request.

Director Warner stated it would not impact the request and noted the review of surrounding environs and/or surrounding properties was no longer required by the State and not part of the process.

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.

No ex parte communication was declared by Governing Body members.

Councilmember Hoferer moved to approve the ordinance. The motion was seconded by Councilmember Kell carried unanimously.

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

ORDINANCE NO. 20430 introduced by Acting City Manager Richard U. Nienstedt, establishing the South Topeka Community Improvement District (911 Walnut, Inc.) (CID) at the corner of SW 32nd Terrace and SW Topeka Boulevard and levying a CID sales tax of two percent (2%) within the CID pursuant to K.S.A. 12-6a26 et seq., was presented. (*City of Topeka Contract No. 51404 – Development Agreement*)

Rhiannon Friedman, Interim Planning and Development Director, reported the public hearing was conducted at the June 6, 2023, Governing Body meeting.

Curt Peterson, Polsinelli PC, commended the Governing Body as well as other community leaders for taking the initiative of already establishing the area as a Tax Increment Financing (TIF) District in 2022 in anticipation of economic development. He spoke to the general nature of the proposed CID Project starting with the construction of two new pad restaurants and a strip retail center. He noted Sterling Scott, 911 Walnut, Inc., the applicant was present.

Councilmember Duncan referenced the discussion at the June 13, 2023, Governing Body meeting regarding disclosure of additional sales tax to customers patronizing the district. He suggested the following language amendment beginning on line 46 of the ordinance:

- (b) 911 Walnut, Inc. shall ensure that signage is placed at all check-out registers or at each public entrance to businesses within the CID for the duration of the CID as set forth in K.S.A. 12-6a31 and amendments thereto. Each sign shall meet the following conditions:
 - (i) Each sign shall state: “This business is within a community improvement district that charges an additional 2% on all purchases.”
 - (ii) The signage font shall be at least 18 points in size.
 - (iii) The sign shall be at least 24 square inches in size.

Curt Petersen stated he understands the disclosure concept exists and was accepted as a common policy in other cities; however, procedurally he would ask the Governing Body to table the request for the next CID application as it could be an issue with the applicant's current circumstances.

Councilmember Kell questioned the need for disclosure and expressed the importance of all sales tax districts having the same requirements. He noted customers make their own decision to spend extra dollars on sales tax.

Councilmember Dobler stated he concurs with Councilmember Kell and would question the fairness of the request as there are already CIDs in existence in other parts of the city. He stated he would oppose the amendment.

Councilmember Valdivia-Alcala stated she understands the concept; however, residents are struggling financially in all aspects and it would be helpful to disclose the extra cost in sales tax.

Councilmember Hiller stated she agrees if a change is made it should happen at the overall City policy level not on a case by case basis. She expressed concern with jeopardizing the tenants that may have already been secured.

Councilmember Emerson stated he was sympathetic to Councilmember Duncan's amendment as well as comments made by Curt Petersen. He stated customers will make their own decision in regards to spending extra money on sales tax.

Mayor Padilla stated he was excited the development was coming to east Topeka. He urged the Governing Body to continue to work to make Topeka more developer friendly and he would be hesitate to support any unnecessary stipulations or restrictions.

Councilmember Duncan stated he still receives complaints from constituents because they do not know the reason why they are paying an extra percentage of sales tax.

Councilmember Duncan moved to amend the ordinance as previously stated beginning on line 46. The motion seconded by Councilmember Valdivia-Alcala failed. Councilmembers Hiller, Emerson, Kell, Naeger, Dobler, Hoferer and Mayor Padilla voted “no.” (3-7-0)

Councilmember Kell moved to adopt the ordinance. The motion was seconded by Councilmember Naeger carried.

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Kell, Dobler, Ortiz, Hoferer, Emerson, Naeger and Mayor Padilla - 9. Nays: Duncan -1.

ORDINANCE NO. 20431 introduced by Acting City Manager Richard U. Nienstedt, adopting a Redevelopment Project Plan for the South Topeka Tax Increment Financing (TIF) District pursuant to K.S.A. 12-1770 et. seq. as amended., was presented. (*City of Topeka Contract No. 51404 – Development Agreement*)

Rhiannon Friedman, Interim Planning and Development Director, reported the ordinance was the Tax Increment Finance (TIF) portion of the project.

Councilmember Kell moved to approve the ordinance. The motion was seconded by Councilmember Naeger carried unanimously.

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

RESOLUTION NO. 9425 introduced by Acting City Manager Richard U. Nienstedt, authorizing and adopting the 2024-2033 Capital Improvement Program (CIP) and 2024-2026 Capital Improvement Budget (CIB) and approving project budgets, was presented.

Freddy Mawyin, Chief Financial Officer, thanked Staff members and City Leadership for their work on the CIP and CIB.

Adam Vaughn, Budget Manager, reported all changes have been discussed by the Governing Body with the main changes relating to sidewalk projects and the Polk Quincy Viaduct East Project.

Councilmember Kell expressed the importance of responsible project planning as it relates to the use of resources.

Councilmember Valdivia-Alcala expressed her appreciation to Staff for providing guidance as she worked to understand the CIP. She stated Council District 2 constituents are very grateful for reinstating the \$800,000 for improvements to the NE Lyman Road Project from NE Vale to NE Tyler Streets.

Councilmember Duncan referenced the SW Huntoon Street and Elevation Parkway projects. He stated he agrees with moving forward with the design piece of both projects; however, he would like to include a proviso that the Governing Body must approve each project design before moving forward with the projects.

Chief Financial Officer Mawyin reported according to the new CIP project approval procedure both items would require approval by the Governing Body before moving forward with the projects.

Councilmember Dobler stated each major project costing over \$250,000 will require approval by the Governing Body.

Amanda Stanley, City Attorney, stated the following language was included in the resolution starting on line 52:

Projects over \$250,000. With regard to a project that is ready for construction and whose total project budget exceeds \$250,000, the Governing Body, after considering a recommendation from the Public Infrastructure Committee, shall consider whether to authorize the project. If the project budget exceeds the amount approved by more than 15%, the project shall not continue unless the Governing Body approves an amended project budget.

Councilmember Valdivia-Alcala stated she supports the CIP/CIB as proposed with the exception of the Elevation Parkway and would prefer to vote on the project separately.

Braxton Copley, Public Works Director, reported a draft scope and fees for Phase 1 of the Elevation Parkway Project has been received and will cost in excess of \$50,000 requiring approval by the Governing Body.

Mayor Padilla thanked Staff for putting a safe guard in place to accomplish what has been proposed by the Governing Body for final approval of projects costing over \$250,000.

Councilmember Kell stated he continues to receive input in opposition of the Elevation Parkway and would prefer that no money be expended for the project.

Councilmember Hiller distributed a handout (Attachment A) summarizing her proposed amendment to the CIP/CIB document, personal challenges as the 2024 Operating Budget was discussed, questions related to the Elevation Parkway Project for consideration by the Governing Body as well as other Staff comments. She thanked Staff for their assistance during CIP discussions and helping her draft amendments. She proposed the following underlined amendments:

- (1) Amend the proposed CIP/CIB document to “Retain the FIRM program and fund it with cash instead of bonding.” Eliminating the need for the proposed increase to the City’s bonding limit and returning to the \$9 million annual City policy bond cap.
- (2) Amend the resolution by inserting stock language that has been included in the past concerning G.O. Bonded Projects. Beginning on line 34, insert the language “In accordance with the City’s debt management policy codified in Resolution No. 8818, staff may use other legally allowable funding sources in lieu of issuing debt.” She

clarified the intent was to use cash, grant funding, partnerships or otherwise, to offset the cost of bonds.

Councilmember Valdivia-Alcala stated she would not support the \$18 million Elevation Parkway Project when the majority of the project footprint would be located outside city limits. She spoke to the basic needs (curbs, gutters and sidewalks) that are not being met in District 2 as well as other Districts. She reported the majority of the emails received by constituents support using the project funds for other needs in the city not the Elevation Parkway.

Councilmember Hiller moved to retain the FIRM program in the Capital Improvement Program and Capital Improvement Budget, funding it with cash for all years. The motion was seconded by Councilmember Duncan.

Councilmember Dobler spoke in support of funding the FIRM Program with cash as it makes sense due to anticipated surplus funds in 2024 along with many other reasons. He noted, if certain FIRM Program projects meet the CIP criteria they will be voted on as such, and if the financial status of the City changes in out-years the funding source can be reconsidered at that time.

The motion to retain the FIRM program in the Capital Improvement Program and Capital Improvement Budget, funding it with cash for all years carried unanimously on roll call vote. (10-0-0)

Councilmember Hiller moved to amend line 34 of the resolution by inserting the language, “In accordance with the City’s debt management policy codified in Resolution No. 8818, staff may use other legally allowable funding sources in lieu of issuing debt.” and approve the resolution as amended. The motion seconded by Councilmember Duncan carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9426 introduced by Acting City Manager Richard U. Nienstedt, declaring the necessity to repair, alter, reconstruct, enlarge or improve the City's water, water pollution, and/or stormwater utility system through improvement projects authorized by Resolution and providing Notice of Intention authorizing the issuance of revenue bonds in the manner required by K.S.A. 10-1201, et seq., was presented.

Freddy Mawyin, Chief Financial Officer, stated approval provides notice of intent that the City will issuance revenue bonds to pay for the water, water pollution and stormwater projects identified in the CIB. He noted approval would not preclude the City from using cash to pay for the projects in the future.

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

PUBLIC COMMENT was submitted via email by William Brandlin (Attachment B) and provided by the following individuals:

Dr. Chris Deister spoke to the importance of Governing Body members making tough decisions based on fact not feelings. He offered his ideas and plans to address the homeless population including outlawing extended stays on certain areas, emergency assistance for the transport of homeless to one area of the city, professional designation of mental health homeless population, and the issuance of citations when necessary.

William Brandlin asked the Governing Body to reject the Neighborhood Re-characterization requested in PUD 23/02 if the Planning Commission fails to act on any of the requests made by the City Council. He spoke to the floodplain issue of the particular parcel of land and the disrepair of the Soldier Creek Levey.

Vancile White referenced services of a local mechanic shop and listed all of the agencies he has filed complaints with in regards to this service. He questioned why nothing has happened to resolve the issue.

Leo Hafner thanked Councilmember Duncan for proposing disclosure of the 2% CID as it supports good government. He referenced the recent purchase of Hotel Topeka, by the City of Topeka, and suggested the City adopt a resolution to assemble an annual report to Governing Body and posted on the City's website within 10 days to support transparency of the purchase and development of the Hotel to taxpayers.

Carol Babcock, Topeka JUMP member, referenced the \$1 million milestone for the Topeka Housing Trust Fund allowing its activation and creation of much need affordable housing. She asked the Governing Body to convene the Review Committee so it can move forward. She spoke to the success of affordable housing initiatives in the city of Lawrence, Kansas.

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

Brenda Younger, City Clerk, provided an overview of the June 20, 2023, Governing Body agenda.

Acting City Manager Richard U. Nienstedt thanked Governing Body members and Staff for the hard work in approving the CIP and CIB. He stated he looks forward to serving the City of Topeka.

Councilmember Duncan recognized Rick Collins, City of Topeka Utilities Department, for 50 years of service, and Jerad Rowley for receiving the regional Exceptional Service Award from The National Association of School Resource Officers. He announced the Grand Opening of the Wheatfield Apartment Complex on June 13, 2023, located at 2833 SW Fairlawn Road. He

06-13-23

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stated looks forward to further discussion on the homelessness issue and suggested they look at some form of a camping ordinance for the City of Topeka. He reported the intent was not to criminalize or ban camping on public land but to avoid the semi-permanent encampments that have been established throughout the city.

Councilmember Hiller commended Mark Burenheide for his creative mind on the Potwin Presbyterian Church redevelopment. She reported by working with the congregation and neighbors he was able to resolve membership and parking issues. She requested a presentation from the Complete Streets Design traffic engineers as it relates to best practices and safety for residential areas.

Councilmember Valdivia-Alcala thanked Oakland Community Police Officers and Bryan Wheelles, Chief of Police, for their display of sensitivity of the issues and for listening to Oakland residents. She commended the Oakland NIA and Board for having over 30 participating members at their meeting on June 12, 2023. She requested regular updates be provided by Sylver Consulting regarding homelessness issues. She stated she understands the complexity of the issue; however, the Equity Access Shelter Program (EAS) was created with the housing first approach and still needs to be fully staffed as well as she believes the City needs to be the HUB for data collection. She reported District 2 residents are done dealing with homeless issues and support improving current ordinances.

Councilmember Ortiz congratulated Topeka Police Chief Bryan Wheelles for 29 years of Service. She recognized Ernestor De La Rosa, Chief Diversity, Equity and Inclusion Officer for doing a great job. She welcomed Acting City Manager Richard Nienstedt to the City of Topeka and acknowledged City employees for doing a phenomenal job and stated their work does not go unnoticed.

Councilmember Kell thanked all retired educators for their service and hard work. He announced the Mid-Plains Baseball League has two collegiate teams from Topeka including the Topeka Jacks and the Topeka Warhawks.

Councilmember Naeger asked citizens to donate to the www.braidedhaven.org an important organization that helps Lesbian, Gay, Bisexual, and Transgender (LGBQ) youth.

Mayor Padilla announced the 10th Anniversary of Juneteenth at the Hillcrest Community Center located at 1800 SE 21st Street from 12:00 p.m. - 10:00 p.m. on June 17, 2023.

Councilmember Naeger moved to recess into executive session not to exceed 30 minutes to discuss matters related to an individual employee, pursuant to KSA 75-4319(b)(1). The open meeting resumed in the City Council Chambers. The following Staff was needed to assist the Governing Body in its deliberations: Acting City Manager Nienstedt and any other staff he deems necessary. The motion was seconded by Councilmember Kell.

Mayor Padilla asked all those in favor of recessing into to an executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” The motion carried on voice vote. Councilmember Ortiz voted “no.” (9-1-0)

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

Councilmember Ortiz moved to suspend the Governing Body Rules & Procedures to extend the meeting past 10:00 p.m. and recess into executive session not to exceed one-hour for consultation with the city attorney to discuss attorney-client privileged matters regarding a specific employment matter as justified by K.S.A. 75-4319(b)(2). The open meeting will resume in the City Council Chambers. The following Staff assisted the Governing Body in its deliberations: City Attorney Stanley. The motion was seconded by Councilmember Emerson.

Mayor Padilla asked all those in favor of recessing into to an executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” The motion carried on voice vote. Councilmember Ortiz voted “no.” (9-1-0)

Following a one-hour 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 10:18 p.m.

(SEAL)

Brenda Younger City Clerk

2024 CIP and CIB

Councilwoman Hiller 6-13-23

Motions

Amendment to the CIP/CIB Retain the FIRM program in the CIP/CIB, funding it with cash for all years.

CIP Adoption Resolution (see separate document)

Challenges

Get another \$3M that is currently proposed for GO bonding and the \$2M that is budgeted for Prevention and Sealing in the into the Operating Budget starting in 2024.

Roll back bonding terms to a routine cap of 15 years, less than that for items whose lifespan is described at 10 or less.

Challenge Questions

Is there enough support for Elevation Parkway to proceed? (80% of the developable property outside the City limits, debate about even where the footprint should be, no strong developer/partners declared) (\$3M planning money not yet contracted; \$15.7 construction additional)

Word is that staff could probably handle the East Topeka Plan in-house if Elevation Parkway was not going on at the same time. (100% residential prospects, would support existing E/SE businesses; \$306K)

Staff Commitments Made

We can work DREAMS 3 into the Operating Budget and pay for it with cash.

We will continue to seek out any grants that we can. (Subjects had been particularly PQV and Lyman sidewalks.)

We can work on adding in capitalized interest to next year's project sheets.


Brenda Younger

From: Brenda Younger
Sent: Monday, June 12, 2023 9:53 AM
To: 'WILLIAM BRANDLIN'; Michael Padilla; Karen A. Hiller; Christina Valdivia-Alcala; Sylvia Ortiz; Tony Emerson; Brett Kell; Hannah Naeger; Neil Dobler; Spencer Duncan; Michelle A. Hoferer; Amanda L. Stanley; City Clerk
Subject: RE: PUD 23/02 Flood Plain Study Suggested by Topeka Governing Body

Received – thank you.

From: WILLIAM BRANDLIN <graybeard18@yahoo.com>
Sent: Monday, June 12, 2023 7:44 AM
To: Michael Padilla <mpadilla@topeka.org>; Karen A. Hiller <khiller@Topeka.org>; Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>; Sylvia Ortiz <sortiz@Topeka.org>; Tony Emerson <temerson@topeka.org>; Brett Kell <bkell@topeka.org>; Hannah Naeger <hnaeger@topeka.org>; Neil Dobler <ndobler@topeka.org>; Spencer Duncan <sduncan@topeka.org>; Michelle A. Hoferer <mahoferer@topeka.org>; Amanda L. Stanley <alstanley@topeka.org>; City Clerk <cclerk@Topeka.org>
Subject: PUD 23/02 Flood Plain Study Suggested by Topeka Governing Body

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Good Morning -

Before discussing the flood plain issues, **I, once again, would ask the Governing Body to reject PUD 23/02 in its entirety if the Planning Commission does not follow through on all of the Governing Body's remand suggestions given to the Planning Commission at the May 2, 2023 Governing Body meeting.** By not following through on the remand suggestions (traffic study, Sproaton Lane extension, flood plain and neighborhood re-characterization), the Planning Commission will be ignoring issues considered important not only to the Governing Body but to the neighborhood homeowners affected by PUD 23/02.

As to the flood plain, several items should be considered.

1. The parcels of land to the west, east and south of PUD 23/02 are all part of the flood plain.
2. The PUD 23/02 land parcel is at a visibly lower elevation than the land parcels to the west, east and south. Why would the lowest elevation parcel of land (the PUD 23/02 land parcel) not be part of the flood plain when the adjacent parcels of land to the west, east and south are all part of the flood plain???

3. The Soldier Creek Levee, the same levee that, according to the Planning Commission, is the reason that the PUD 23/02 proposal did not warrant a flood plain study is also the same levee that did not contain the floodwaters as recently as during the heavy rains of 2005/2006.

4. No residents of the adjoining PUD 23/02 proposal can remember any repairs or improvements to the Soldier Creek Levee being done since the 2005/2006 flood. There is no reason to assume that the integrity of the Soldier Creek Levee is any better today than it was during its' 2005/2006 failure.

5. Neighborhood residents (seven households and 10 individual residents) who (a) owned their property in 2005/2006 and (b) were at home during the heavy rains of 2005/2006 recall the following {1} the floodwaters leaving at least one foot of water on the PUD 23/02 proposal land parcel (recalled by 8 residents with 2 not remembering) and {2} emergency services personnel canvassing the neighborhood and advising all residents to pack their valuables and be prepared to evacuate due to an imminent flood danger (recalled by 10 residents with none not remembering). To be fair, this evacuation never occurred. What is accurate is that (1) the levee was overrun and (2) enough of a flood danger existed that emergency services felt it was necessary to prepare for a possible evacuation.

WILLIAM AND CELESTE BRANDLIN
641 NW Walnut Lane
Topeka, KS 66617-1254
785-670-0677