

## **Governing Body Minutes – June 20, 2023**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 20, 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, Kell, Naeger, Dobler, Duncan and Hoferer - 6. Councilmembers Ortiz, Valdivia-Alcala and Emerson 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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on June 20, 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](mailto:cclerk@topeka.org) on or before June 20, 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.

Mayor Padilla recognized Amanda Stanley, City Attorney, for being highlighted by KSNT News as a “Remarkable Women” whose achievements and contributions go above and beyond in the community she serves.

BOARD APPOINTMENT recommending the reappointment of Travis Gooden to the City of Topeka Board of Electrical Appeals for a term ending July 6, 2025, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of Jennifer Sourk to the Washburn University Board of Regents for a term ending June 30, 2027, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Nic Irick to the Topeka Landmarks Commission for a term ending December 31, 2025, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Greg Debacker to the Board of Mechanical Examiners for a term ending June 20, 2025, was presented. (*Council District No. 2*)

BOARD APPOINTMENT recommending the appointment of Brandon Fentress to the Board of Mechanical Examiners for a term ending June 20, 2025, was presented. (*Council District No. 4*)

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

AN UPDATE on the 2023 Legislative Session and expectations for the 2024 Legislative Session was provided by Whitney Damron, City Lobbyist. He acknowledged Amanda Stanley, City Attorney, for her assistance in accomplishing the City's legislative priorities.

Councilmember Hiller asked what the next step would be for the City to establish common consumption areas.

Amanda Stanley, City Attorney, reported the next step in the process would be to adopt an ordinance allowing for common consumption areas. She stated Staff was in the

process of conducting stakeholder meetings in order to gather public input followed by submission to the Policy and Finance Committee for review.

Councilmember Dobler thanked Whitney Damron for his update and work to help the City accomplish their priorities. He also thanked Councilmember Duncan and City Attorney Stanley for their assistance in the City legislative successes.

AN UPDATE on the Shawnee County property appraisal process was provided by Steve Bauman, Shawnee County Appraiser.

Councilmember Dobler thanked Steve Bauman for providing the information and having it available on the Shawnee County website.

Councilmember Kell expressed concern with housing valuations increasing in the lowest income neighborhoods that are deteriorating. He also inquired if the valuation of the Heartland Motorsports Park has been appealed.

Councilmember Duncan questioned if appraisals are required on an annual basis; how comparable housing valuation was determined; and how the appeal process works.

Councilmember Emerson inquired on distressed housing sales as it relates to comparable sales. He asked why tax exempt properties are appraised and requested detailed property valuation data on tax exempt properties.

Councilmember Hiller stated District 1 has challenges related to vacant structures and questioned why some vacate properties have a zero amount property appraisal. She requested to have a more detailed conversation because many houses need an investment, not demolished.

In response, Steve Bauman provided the following information:

- Data drives the valuation numbers in all neighborhoods.
- There were no open appeals regarding the valuation of Heartland Motorsports Park.
- Annual appraisals are required by state law.

- In reference to comparable properties, the State regulates the process and some homes are located in areas that do not have enough comparable homes; therefore, they will pull from neighborhoods with similar homes.
- A property owner should appeal the appraisal if they believe they could not sale property for the amount appraised.
- In reference to tax exempt properties, the State requires all properties be appraised.
- If it will cost more to improve a property than to sale it, the appraisal amount would result in a zero amount.

A PRESENTATION on the City of Topeka 2022 Annual Comprehensive Financial Report (ACFR) was provided by Rachelle Mathews, Administrative and Financial Services Deputy Director, and Stacey Hammond, BT & Company, CPA.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9427 introduced by Councilmember Sylvia Ortiz, granting Fellowship Hi-Crest an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 3*)

RESOLUTION NO. 9428 introduced by Councilmember Karen Hiller, approving a special event known as the Fiesta Topeka-Mini Jamaica, was presented. (*Council District No. 1*)

RESOLUTION NO. 9429 introduced by Councilmember Valdivia-Alcala, approving a special event known as the Our Lady of Guadalupe 90th Annual Fiesta Mexicana, was presented. (*Council District No. 2*)

RESOLUTION NO. 9430 introduced by Councilmember Valdivia-Alcala granting a waiver to the provisions of City of Topeka Code Section 10.60.120 relating to parking on unimproved surfaces for the Our Lady of Guadalupe 90th Annual Fiesta Mexicana, was presented. (*Council District No. 2*)

RESOLUTION NO. 9431 introduced by Councilmember Valdivia-Alcala, granting Our Lady of Guadalupe Church an exception to the provisions of City of Topeka Code Section

9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 2)*

RESOLUTION NO. 9432 introduced by Councilmember Hannah Naeger, approving a special event known as Circle Coffee Birthday Party, was presented. *(Council District No. 6)*

RESOLUTION NO. 9433 introduced by Councilmember Hannah Naeger, granting David Vincent an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. *(Council District No. 6)*

ORDANCE NO. 20432 introduced by Acting City Manager Richard U. Nienstedt, allowing and approving City expenditures for the period April 29, 2023 to May 26, 2023 and enumerating said expenditures therein, was presented.

MINUTES of the regular meetings of June 6, 2023 and June 13, 2023 was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll call vote.

(10-0-0)

#### PUBLIC HEARING

For the purpose of considering amendments to the City's flood plain regulations, was presented.

ORDINANCE NO. 20425 introduced by Acting City Manager Richard U. Nienstedt concerning floodplain management, amending Sections 17.30.010 through 17.30.040, 17.30.070, 17.30.090, 17.30.150, 17.30.170 through 17.30.220, 17.30.250 and 17.30.260 of the Topeka Municipal Code and repealing original sections, was presented. *(Ordinance No. 20425 was approved on May 9, 2023. This ordinance was again considered on June 20, 2023, for the purpose of fulfilling the public hearing requirement.)*

Richard Faulkner, Development Services Division Director, reported after the Governing

Body adopted amendments to the City's floodplain regulations on May 9, 2023, Staff was notified by the State of Kansas that a public hearing was required prior to adoption of amendments.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the subject matter.

Upon no one appearing, the public hearing was closed.

Councilmember Dobler moved to adopt the ordinance. The motion was seconded by Councilmember Emerson carried unanimously.

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

#### PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer Improvement Project No. 401103.00 for Horseshoe Bend Subdivision No. 6 and No. 7 authorized by Resolution of Advisability and Authorization No 9268, adopted and approved October 12, 2021, was presented.

ORDINANCE NO 20433 introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Horseshoe Bend Subdivision Nos. 6 and 7 for Sanitary Improvement Project No. 401103.00, as defined and described in Resolution No. 9268, adopted and approved on October 12, 2021, was presented.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported approval would levy special assessments for sanitary sewer improvements in the subdivision to be paid 100% by the Improvement District. She noted the City would issue bonds to pay the final project costs.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the subject matter.

Upon no one appearing, the public hearing was closed.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried.

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

#### PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 601130.00 for Horseshoe Bend Subdivision No. 6 and No. 7 authorized by Resolution of Advisability and Authorization No 9269, adopted and approved October 12, 2021, was presented.

ORDINANCE NO. 20434 introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Horseshoe Bend, Subdivision No. 6 and No. 7, for Street Improvement Project No. 601130.00, as defined and described in Resolution No. 9269, adopted and approved on October 12, 2021, was presented.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported approval would levy special assessments for street improvements in the subdivision to be paid 100% by the Improvement District. She noted the City would issue bonds to pay for final project costs.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the subject matter.

Upon no one appearing, the public hearing was closed.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Dobler carried unanimously.

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

#### PUBLIC HEARING

For the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 601124.00 for Aquarian Acres Subdivision No. 9, authorized by Resolution of Advisability and Authorization No 9211, adopted and approved February 16, 2021, was presented.

ORDINANCE NO. 20435 introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Aquarian Acres No. 9 for Street Improvement Project No. 601124.00, as defined and described in Resolution No. 9211, adopted and approved on February 16, 2021, as amended by Resolution No. 9263, adopted and approved on September 21, 2021, was presented.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported approval would levy special assessments for street improvements in the subdivision to be paid 100% by the Improvement District. She noted the City would issue bonds to pay for final project costs.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the subject matter.

Upon no one appearing, the public hearing was closed.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by



Councilmember Emerson carried unanimously.

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

ORDINANCE NO. 20436 introduced by Acting City Manager Richard U. Nienstedt, concerning the Washburn University Board of Regents, amending Section 2.205.050 of the Topeka Municipal Code and repealing original section, was presented.

Amanda Stanley, City Attorney, reported approval would change the selection method for members of the Washburn Board of Regents as required by 2023 HB 2092 which takes effect on July 1, 2023. Currently, state law requires that three members of the Washburn Board of Regents be appointed by the Mayor with the approval of the City Council from the three districts from which state senators are elected. In 2023, the state legislature changed this requirement from state senatorial districts to three districts comprised of City Council districts. Effective July 1, 2023, the three Regent Districts will be as follows:

- Regent District 1: Comprised of Council Districts 2, 3 and 4
- Regent District 2: Comprised of Council Districts 1, 5 and 6
- Regent District 3: Comprised of Council Districts 7, 8 and 9

Councilmember Kell moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. The Mayor does not vote.

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

RESOLUTION NO. 9434 introduced by Acting City Manager Richard U. Nienstedt amending Resolution No. 9392 to revise the mill & overlay project list for 2023 Citywide Half-Cent Sales Tax projects, was presented.

Braxton Copley, Public Works Director, reported on July 12, 2022, the Governing Body adopted Resolution No. 9338 approving certain public infrastructure projects in 2023 utilizing Citywide Half-Cent Sales Tax funds, this project list was amended on March 14, 2023 with the approval of Resolution No. 9392 to add additional mill and overlay projects. However, in light of physical inspection of SE Eveningtide Way (33rd to 30th Streets) and SE 33rd Street (Eveningtide Way to West Edge Road) there was a need to revise the project list for mill and overlay projects identified in Resolution No. 9392 by removing those streets and adding SE Swygart Street from SE Travis Circle to SE Mareta Circle.

Councilmember Hoferer questioned if all street conditions are assessed in the same area as it relates to the best use of resources and order of street improvement projects.

Braxton Copley, Public Works Director, reported Staff continually works to make logical decisions in regards to reviewing the condition of streets in the same geographical area as well as street improvement program schedules.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Ortiz carried on roll call vote. Councilmember Ortiz voted “no.” (9-1-0)

DISSCUSSION on the City of Topeka 2023 - 2027 Strategic Plan.

Richard U. Nienstedt, Acting City Manager, spoke to the importance of having a City of Topeka Strategic Plan in place that highlights the importance of establishing City priorities. He commended the Governing Body for focusing on Community Appearance, Housing and Growth as top priorities.

Adam Vaughn, Budget Manager, stated the Strategic Plan would move the City of Topeka forward in a productive way. He noted Staff was seeking input from the Governing Body on the action plans that have been developed for the strategies.

Councilmember Duncan asked how often Staff will provide updates on the Plan.

Councilmember Hiller spoke in support of the priorities and guiding principles as outlined in the Strategic Plan. She expressed concern with the need to clarify the language concerning the role of the City of Topeka being the lead, partner or serving as support. She stated she also believes the language related to addressing the housing study provides misdirection as this initiative needs to be phased in. She noted economic development was usually provided by GO Topeka as well as workforce issues generally are not handled by the City. She referenced a memo she sent to Staff concerning the need to fine-tune the Plan. She requested the Governing Body be given sufficient time to review the plan and provide input that could be incorporated into a final document to be voted on by the Governing Body.

Councilmember Dobler commended Staff for creating a carefully designed plan. He asked who would track the items, conduct the work, and how often the Governing Body would receive updates.

Budget Manager Vaughn reported he would distribute a document that identifies who would be the responsible party for action and quarterly updates would be provided to the Governing Body.

Councilmember Duncan commended Staff for having specific items that can be measured with timelines. He stated this Plan was a vast improvement from past Strategic Plans and he remains optimistic about its success.

Councilmember Valdivia-Alcala stated due to the scope of the work she would prefer monthly updates. She concurred with Councilmember Hiller and supports approval of a final Strategic Plan by vote of the Governing Body.

Mayor Padilla stated he concurs with Councilmember Duncan and looks forward to regular updates from Staff. He encouraged Governing Body members to meet directly with Staff members for additional discussion.

Councilmember Dobler stated due to the current volume of work required by City Staff, he would suggest selecting and prioritizing three items to complete annually over the next four years.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Dobler and suggested Staff seek final approval by the Governing Body.

Mayor Padilla expressed the importance of the Governing Body having confidence in the Plan while keeping an eye towards constant improvement. He spoke in support of accomplishing 3-5 priorities annually.

Acting City Manager Nienstedt spoke in support of identifying 3-5 top priorities and asked Governing Body members to send him any suggested changes.

Councilmember Ortiz referenced section 3.2 Resource Alignment and stated she looks forward to working with Staff to eliminate duplications. She expressed the importance of educating citizens and utilizing resources the City already has in place.

Freddy Mawyin, Chief Financial Officer, spoke to the potential he sees in the document and was confident that several items could be accomplished over the next 3-4 years.

DISCUSSION related to the City of Topeka 2024 Operating Budget, was presented.

Adam Vaughn, Budget Manager, stated budget discussions would continue through the months of July and August. He reported on the City's assessed value history, inflation and property tax, and provided mill rate scenarios. He noted property value increased 9% from last year.

Councilmember Valdivia-Alcala expressed concern with the \$1 million amount that was being proposed to fund a low barrier shelter. She asked if the City of Topeka was applying for Federal Grant dollars to address the homeless issues and the importance of the collection of data by Sylver Consultants, LLC remaining with the City.

Councilmember Dobler questioned the anticipated sales tax portion of the General fund and if it could be used to fund other programs.

Budget Manager Vaughn reported amounts include anticipated sales tax revenue and noted, keeping the mill levy flat would significantly increase the City's ability to use cash funds.

Councilmember Dobler stated he intends to drive the reserve fund balance down to a reasonable amount from 28% to approximately 20%.

Councilmember Duncan stated he supports reducing the reserve fund balance to 20%. He suggested the City change their overall policy if needed and noted, they could lower the mill levy and still bring in additional dollars it help with the 9% increase to property values. He expressed his concern with allocating funds for a low barrier shelter without having detailed discussions with the Governing Body. He stated it was possibly that reserve funds could be used if needed; however, the overall homeless issues must be discussed by the Governing Body in great detail before a decision can be made.

Councilmember Emerson spoke in support of lowering the mill levy and using the \$500,000 for property tax relief or to fund other programs.

Councilmember Hiller spoke in support of keeping the mill levy rate steady providing an opportunity to reduce debt and provide tax relief. She encouraged Staff to present a budget that was as lean as possible, specifically as it relates to requesting funding for new full-time positions.

She inquired on the costs related to the City of Topeka taking the “lead” on Strategic Plan initiatives.

Councilmember Valdivia-Alcala stressed the importance of the Governing Body being mindful of the entire scope of the homeless issues in the city. She spoke in support of reducing the reserve fund balance.

Mayor Padilla stated he concurs with Councilmember Duncan as it relates to consideration of a low barrier shelter. He expressed the importance of receiving a final report from Sylver Consulting, LLC before any action was taken.

Acting City Manager Nienstedt stated he has no information on how the \$1 million amount for a low barrier shelter was determined. He noted the City has a moral obligation to address the homeless problem; however, the Governing Body needs to have more discussion on the issues to determine how to address the need.

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

William Brandlin distributed handouts relating to Eugene and Paramore rezoning case PUD 23/02 and/or PUD 23/03. He referenced the email he sent to Governing Body and spoke to the re-characterization of the Neighborhood and how it will impact area property owners.

Katie T. expressed concern with a homeless encampment located across the street from her residence located in the Valley Park Neighborhood. She requested a peaceful and swift resolution to the problem and for the City of Topeka to ban public camping in residential areas.

Todd Fargo expressed concern with the homeless encampment located across the street from his residence in the Valley Park Neighborhood. He stated he worries about increased

trash, sanitary issues and the safety of residences. He referenced an email he sent to Governing Body displaying the flood zone located near the neighborhood.

Cory Chandler expressed concern with the homeless encampment located across the street from her residence located in the Valley Park Neighborhood. She stated she has reported illegal activity taking place at the encampment to the Topeka Police Department and has had her life threatened. She requested the Governing Body take action and help the neighborhood.

Breanna Johnson expressed concern with the homeless encampment located across the street from her residence in the Valley Park Neighborhood. She asked Governing Body members to ban public camping in residential neighborhoods and expressed concern with the trash, sanitary and safety issues related to the encampment.

Lise Hund, Topeka JUMP member, requested the Governing Body move forward with the Review Committee process to allow the Topeka Housing Trust Fund to be utilized and support affordable housing initiatives. She referenced the success of the City of Lawrence Housing Trust Fund.

Henry McClure expressed concern with the high percentage of reserve fund balance (28%). He requested economic development assistance from Governing Body members i.e. JEDO Board members to be used for the Hotel located at SW 37<sup>th</sup> and Topeka Boulevard. He suggested the Elevation Parkway Project lead to Wannamaker Road as it would provide for more economic development opportunities.

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

Richard U. Nienstedt, Acting City Manager, announced a Special Meeting of the Governing Body would be held July 25, 2023 at 6:00 p.m. in the City Council Chambers to

discuss the 2024 Budget and other items as deemed necessary. The agenda will be finalized by July 13, 2023. He congratulated the “Emerging Leaders” City employee graduates and commended City Staff for receiving a top rate audit. He expressed his appreciation to the Police and Fire Department for their service and asked the Topeka Police Chief Wheelles to provide an update on the Valley Park Neighborhood homeless encampment.

Bryan Wheelles, Topeka Police Department, reported the Police Department continues to provide outreach in regards to the Valley Park Neighborhood encampment along with other encampments located in North Topeka. He stated they remain actively engaged and dedicated to developing a more comprehensive solution to the homeless problem and will continue to consider the enforcement of the laws currently in place.

Councilmember Kell stated he believes the number of police officers needs to be increased to address the homelessness issues and increased crimes in the city of Topeka.

Councilmember Duncan stated he believes it is time to start discussing the City’s public camping ordinance. He expressed his appreciation to the City of Topeka Police Department for their work in enforcing current ordinances. He reported the Housing Trust Fund Review Committee process has begun and he will be proposing some minor technical revisions on an upcoming agenda. He announced District 8 Open Office Hours on June 28, 2023 from 5:00 p.m. to 7:00 p.m. at the Fairlawn Plaza Mall.

Councilmember Hiller expressed the importance of Sylver Consultants, LLC considering all homeless issues including the possibility of a low barrier shelter as well as long term housing opportunities. She thanked Staff for being innovative in an effort to help solve the homelessness issue. She announced the 3<sup>rd</sup> Annual Mosaic Kansas River Adventure on June 25, 2023 from 10:30 a.m. to 5:30 p.m. located at 800 N Kansas Avenue, Topeka.



Councilmember Valdivia-Alcala referenced an article related to the homeless encampment in the Valley Park Neighborhood published by KSNT News. She stated North Topeka business owners and residents are requesting a meeting with the Topeka Rescue Mission because District 2 residents are tired of dealing with homeless issues and it is time for transparency in the process.

Councilmember Ortiz thanked Richard U. Nienstedt, Acting City Manager, for his service; and congratulated Amanda Stanley, City Attorney, for receiving the “Remarkable Women” award from KSNT News. She commended Valley Park Neighborhood residents for providing public input on the homeless encampment, and asked if the encampment was located on City property and if camping was allowed in a flood zone. She announced on July 10, 2023, Amanda Stanley, City Attorney, would be at Grace United Methodist Church located at 2627 SW Western, to answer legal questions at the Quinton Heights Steele NIA meeting. She questioned when the Governing Body will receive a report from Sylver Consultants, LLC and when would they receive the 2024 budget information.

Amanda Stanley, City Attorney, reported the encampment was located on City property and there is no prohibition against camping in a flood zone.

Councilmember Emerson thanked Richard U. Nienstedt, Acting City Manager, for his service and working to make a difference in the City of Topeka.

Councilmember Kell asked residents to help City of Topeka Police and Fire Departments during the July 4<sup>th</sup> Holiday by reminding folks to obey dates and times of fireworks discharge and take safety measures. He referenced the increased number of homicides in the city of Topeka and stressed the importance of “If You See Something, Say Something” campaign, as it relates to domestic violence, mental health as well as drug and alcohol use.

Councilmember Naeger recognized the Juneteenth Holiday and stressed the importance of all individuals being treated with dignity and fairness. She announced June 20, 2023, was World Refugee Day and Top City Promise, a local organization provides help to refugees. She noted more information could be found at [www.topcitypromise.org](http://www.topcitypromise.org).

Councilmember Dobler commended Staff for their great work on the CIP and CIB, Strategic Plan and the upcoming 2024 City of Topeka Operating Budget. He expressed his appreciation to Richard U. Nienstedt, Acting City Manager, for his service.

Mayor Padilla thanked Richard U. Nienstedt, Acting City Manager, for serving the City of Topeka; and Councilmembers Ortiz and Duncan for attending the 10<sup>th</sup> Anniversary of Juneteenth at the Hillcrest Community Center on June 17, 2023.

Councilmember Dobler moved to suspend the Governing Body Rules & Procedures to extend the meeting past 10:00 p.m. and to recess into executive session for a time period not to exceed 45 minutes for consultation with the City Attorney to discuss attorney-client privileged matters related to a specific employment matter as justified by KSA 75-4319(b)(2). The open meeting resumed in the City Council Chambers. The following Staff was needed to assist the Governing Body in its deliberations: City Attorney Amanda Stanley. 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 45-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 10:31 p.m.

(SEAL)

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Brenda Younger City Clerk

**Brenda Younger**


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**From:** Tonya L. Bailey  
**Sent:** Tuesday, June 20, 2023 8:40 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; City Clerk; Amanda L. Stanley  
**Subject:** RE: PUD 23/02 Neighborhood Re-characterization

Received. Thank you.

**From:** WILLIAM BRANDLIN <graybeard18@yahoo.com>  
**Sent:** Monday, June 19, 2023 7:29 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>; City Clerk <cclerk@Topeka.org>; Amanda L. Stanley <alstanley@topeka.org>  
**Subject:** PUD 23/02 Neighborhood Re-characterization

This message originated from outside your organization

 **This message needs your attention**

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

Powered by Mimecast

Good Morning:

This will deal with the Neighborhood Re-characterization issues inherent to PUD 23/02. However, I will, once again, begin with the following request.

(1) If the Planning Commission ignores **any** of the City Council requests made to it when PUD 23/02 was remanded back to the Planning Commission, the City Council should veto PUD 23/02 in its entirety.

(a) Failure on the part of the Planning Commission would indicate their total disregard for the legitimately raised concerns not only of the City Council, but of the neighborhood residents as well.

(b) The job of the Planning Commission is to do what is best for **all** residents of Topeka, not solely the wants of developers looking to graze at the public trough.

(d) The approval/rejection rate of rezoning requests would suggest that developers are heavily favored by the alarming approval rate of rezoning requests by the Planning Commission.

On to the re-characterization issues and why PUD 23/02 fails the basic test of legitimacy. There is an EXCEL document attached that summarizes the following in graphic form.

Please make reference to it.

The underlying assumptions used in deriving the numeric quantities are included in the EXCEL document.

- (1) The lot size per residential unit of PUD 23/02 is approximately one half (1/2) the lot size of the existing neighborhood.
- (2) The residents of the existing neighborhood are all non-transient property owners. The residents of PUD 23/02 will all be transient renters.
- (3) The architectural style of the existing neighborhood is all single story ranch style homes. None of the PUD 23/02 structures exhibit a single story ranch architectural style.
- (4) The living unit density of PUD 23/02 is three times (3X) that of the existing neighborhood living unit density.
- (5) The population density per acre of PUD 23/02 is twice (2X) that of the existing neighborhood.
- (6) PUD 23/02 adds three times (3X) the automobile trips out and back in onto Rochester Road than the existing neighborhood currently does. This is an additional 43,200 out and in trips annually directly attributed to PUD 23/02...3,600 monthly...120 daily.
- (7) All of the property north of Soldier Creek, west and east of Rochester Road and north as far as Menninger Road is zoned R-1. There is no multi-unit, multi resident zoning to be found in the surrounding area.
- (8) Any change in zoning from R-1 to M-2 (resulting in dissimilar structures, ownership status of the residents, population density (unit and acre), lot size per unit and traffic load represents a non-compatible change which results in a detrimental effect to the property values and property rights of the existing neighborhood.
- (9) A closely similar rezoning request (single family to multi resident) on the PUD 23/02 property was rejected by the City Council in 2006.

Thank you.

WILLIAM AND CELESTE BRANDLIN  
641 NW Walnut Lane  
Topeka, KS 66617-1254  
785-670-677

Tonya L. Bailey

From: Todd Fargo <t\_fargo@yahoo.com>  
Sent: Tuesday, June 20, 2023 5:58 PM  
To: City Clerk  
Subject: Flood zone

This message originated from outside your organization

