

Governing Body Minutes – July 18, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, July 18, 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, Ortiz, Emerson, Kell, Duncan and Hoferer -6. Councilmembers Valdivia-Alcala and Naeger participated remotely -2. Deputy Mayor Dobler presided -1. Mayor Padilla was absent -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 July 18, 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 July 18, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Pastor Jeff Clinger, Topeka First United Methodist Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Deputy Mayor Dobler asked Interim City Manager Nienstedt to provide an update on recent storm efforts and responses made by City employees over the past several days.

Richard U. Nienstedt, Interim City Manager, reported every City employee has responded to the emergency situation as expected, and the City's Communication team has done an excellent job distributing information.

Braxton Copley, Public Works Director, reported recent storm efforts by employees was a great example of success occurring when opportunity meets preparation. He stated the City has employed contractors to assist with storm debris clean up with the first round of clean up to be completed July 19, 2023, and the second round to be completed July 24, 2023.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9441 introduced by Councilmember Karen Hiller approving a special event known as Brew Bank Birthday Bash, was presented. (*Council District No. 1*)

RESOLUTION NO. 9442 introduced by Councilmember Karen Hiller, granting Brew Bank 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. 9443 introduced by Councilmember Karen Hiller approving a special event known as India Mela, was presented. (*Council District No. 1*)

ORDINANCE NO. 20441 introduced by Councilmember Karen Hiller designating a portion of the Crosby Place Parking Garage as temporarily exempt from the provisions of K.S.A. 41-719(d) and TMC 9.15.020(e), was presented. (*Council District No. 1*)

MINUTES of the regular meetings of July 11, 2023 was presented.

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

RESOLUTION NO. 9444 introduced by Interim City Manager Richard U. Nienstedt providing notice that the City is considering establishing a Reinvestment Housing Incentive District (“RHID”) for the Eastgate Subdivision No. 4 and adopting a plan for the development of housing and public facilities in the proposed RHID; and establishing the date and time of a public hearing, was presented.

Rhiannon Friedman, Planning and Development Services Director, reported in April 2023, the Kansas Secretary of Commerce determined the findings articulated in Resolution No. 9398 met the requirements of K.S.A. 12-5244(c), and the Governing Body may proceed with establishing the RHID. She stated approval would set a public hearing date of August 22, 2023, to entertain public comment and providing notice of the Governing Body considering establishment of the RHID and the next step in the process.

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

RESOLUTION NO. 9445 introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code, approving a Conditional Use Permit to allow the use of a “Surface Parking Lot in Association with a Principal Use” on property presently zoned “R-2” Single Family Dwelling District lying south of SW 7th Street and between SW Clay and SW Buchanan in the City of Topeka, Shawnee County, Kansas, was presented. *(CU23/01) (Council District No. 1)*

Dan Warner, Planning Division Director, reported the request was a phased plan for a surface parking lot in association with Cair Paravel Latin School located at 635 SW Clay Avenue. He stated the conditional use permit was required because the parking lot was not located on the same parcel as the school, and the Old Town Neighborhood Plan recognizes the importance of the parking to allow the school to prosper while reducing congestion on Clay, Buchanan, and 7th Streets. He reported two neighborhood information meetings were conducted and a viable solution has not been found in regards to the relocation request of homes slated for demolition. The Topeka Planning Commission and Staff recommended approval.

Deputy Mayor Dobler 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 Hiller moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9446 introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code, approving a Conditional Use Permit to allow operation of a Daycare Facility Type II, providing childcare as needed for up to 28 children currently zoned "R-2" Single-Family Dwelling District, and located at the southwest corner of SE Lott St & SE Wisconsin Ave in the City of Topeka, Shawnee County, Kansas, was presented. (CU23/02) (Council District No. 4)

Dan Warner, Planning Division Director, reported the request was to build and operate a daycare facility in the Central Highland Park neighborhood, and the proposed use was consistent with the Central Highland Park Neighborhood Plan and meets City of Topeka policies and standards for parking, driveways, and landscaping. He stated the building design was appropriate for its residential context, and a neighborhood information meeting was conducted resulting in no issues. The Topeka Planning Commission and Staff recommended approval.

Deputy Mayor Dobler 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 Emerson moved to approve the resolution. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20442 introduced by Interim 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 at the northeast corner of the intersection of SE Horseshoe Bend Drive and SE 45th Street from “R-1” Single Family Dwelling District TO “C-2” Commercial District, was presented.

(Z23/10) (Council District No. 5)

Dan Warner, Planning Division Director, reported the request to change the zoning was consistent with the land use policies and principles of the Land Use and Growth Management Plan 2040. He stated the applicant conducted a neighborhood information meeting with no issues resulting. The Topeka Planning Commission and Staff recommended approval.

Deputy Mayor Dobler 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 declared by Governing Body members.

Councilmember Kell 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, Emerson, Naeger, Duncan, and Hoferer -9.

RESOLUTION NO. 9447 introduced by Interim City Manager Richard U. Nienstedt notifying the County Clerk of: (1) a proposed intent to exceed the revenue neutral rate for the City of Topeka's 2024 budget; (2) the proposed tax rate; and (3) the date, time and location of the public hearing to consider adopting a budget that exceeds the revenue neutral rate, was presented.

Freddy Mawyin, Chief Financial Officer, reported approval would constitute notice to the County Clerk of the Governing Body's intent to consider adopting a budget for 2024 that exceeds the revenue neutral rate (RNR); adopting a proposed tax rate of 38.963 mills; and set a public hearing date of September 5, 2023, for the purpose of entertaining public comment regarding possible adoption of a 2024 budget that exceeds the RNR of 35.741 mills. He noted approval does not obligate the Governing Body to approve a budget that exceeds the revenue neutral rate.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Emerson carried on roll call vote. Councilmember Duncan voted “no”. (8-1-0)

RESOLUTION NO. 9448 introduced by Interim City Manager Richard U. Nienstedt notifying the County Clerk of: (1) a proposed intent to exceed the revenue neutral rate for the Topeka Metro Transit Authority (TMTA); (2) the proposed tax rate; and (3) the date, time and location of the public hearing to consider adopting a budget that exceeds the revenue neutral rate, was presented.

Richard U. Nienstedt, Interim City Manager, stated the TMTA mill levy was included in the City’s budget and mandated by State statute and the Topeka Municipal Code.

Freddy Mawyin, Chief Financial Officer, reported approval would constitute notice to the County Clerk of the Governing Body's proposed intent to adopt a resolution exceeding the TMTA’s Revenue Neutral Rate (RNR); adopting a proposed tax rate of 4.2 mills; and set a public hearing date of September 5, 2023, for the purpose of entertaining public comment regarding possible adoption of a 2024 budget that exceeds the RNR of 3.853 mills.

Councilmember Emerson moved to approve the resolution. The motion seconded by Councilmember Hoferer carried unanimously on roll call vote. (9-0-0)

DISCUSSION on recent homelessness efforts including camp cleanups and ordinance enforcement, was presented.

Robert U. Nienstedt, Interim City Manager, spoke to the importance of addressing the homelessness issues in the city of Topeka and insuring neighborhood associations and residents are involved in the solution.

Amanda Stanley, City Attorney, provided an overview of the legal framework of City ordinances and administrative policies related to camping including how “camping” was defined,

and where it was prohibited. She stated a Question and Answer (Q&A) document will be posted on the City's website to provide a comprehensive tool on how to access resources needed for residents dealing with homelessness issues.

John Schardine, Property Code Inspector, provided an update on the scope of the City's abatement process as it relates to encampments.

Major Jana Harden, Topeka Police Department, provided an overview of the assistance provided by the Topeka Police Department Behavioral Health Unit (BHU) in dealing with encampments.

Corrie Higgins, Housing Division Director, provided an overview of the resources utilized, community partnerships, and current City of Topeka housing programs including Equity. Access. Shelter (EAS), Impact Avenues and Shelter Plus Care.

Kristen Morehead, Assistant to the City Manager, provided an overview of the timeline of events facilitated by Sylver Consulting, Inc., hired by the City to help facilitate dialogue regarding homelessness. She stated a virtual presentation by Sylver Consulting, Inc., will be provided at the July 25, 2023 Special Meeting of the Governing Body.

Councilmember Valdivia-Alcala thanked Staff for their hard work in dealing with encampments. She requested a copy of the plan that was used to raise encampments by former City Manager Stephen Wade. She stated they have been informed there are not enough beds to accommodate the unsheltered population so she questions where those that are displaced from encampments relocate.

Topeka Police Major Harden reported there was not a specific plan in place to raise the encampments. She stated the first encampment was located in a prohibited area of the Kansas River Levee and the second encampment has returned to the same location.

Property Maintenance Inspector Schardine stated there was approximately three weeks of planning regarding the removal of encampments in order to coordinate several resources and programs that were offered to displaced encampment residents. He reported approximately 70 tons of rubbish was removed from encampment sites.

Councilmember Kell expressed the importance of the City making a plan as soon as possible to address encampment issues because it has quickly become out of control. He stated the City of Topeka needs to work with private property owners to address the problem as well as Burlington Northern Santa Fe Railroad.

Councilmember Ortiz thanked Staff for their hard work in trying to address the homeless issues. She stated she was not aware of a plan for raising encampments by former City Manager Stephen Wade. She expressed her disappointment with not receiving a report from Sylver Consulting, Inc., and not being provided the opportunity to provide input to the Consultant. She reported people are tired of the homeless population being aggressive and the absorbent amount of trash being spread across the city due to the homeless situation. She requested a report from all levels of City government be provide to the Governing Body and suggested they vote on different options such as implementing low barrier shelters.

Deputy Mayor Dobler asked for clarification on the current City camping ordinance.

City Attorney Stanley provided an overview of the history of the camping ordinance and why a conservative approach was taken by the Governing Body at that time. She stated the City's law has always prohibited camping; however, it now needs to be researched further.

Councilmember Duncan stated the homeless issue remains a problem across the nation. He stated as they move forward with a long-term resolution they can address the issue in the

interim by approving a more comprehensive ordinance that will provide clear direction on what was prohibited and what was allowed as it relates to camping.

Councilmember Hiller stated the City has 13 ordinances that address undesirable behavior such as trash, human waste, public decency, etc. She expressed the importance of making adjustments to the ordinances already in place as opposed to trying to create new laws. She referenced Ordinance No. 20383 concerning liability of legal entities related to property code violations and its success in forcing entities to take responsibility.

Councilmember Valdivia-Alcala thanked the Governing Body for having this important discussion as a Body. She expressed her disappointment with former City Manager Stephen Wade as it relates to his unprofessional relationship with the Topeka Rescue Mission and referenced an article printed by the Kansas Reflector (Attachment A). She stated she believes the “Not in my back yard.” (NIMBY) concept does not apply to Oakland residents because District 2 residents oppose the problem in all parts of the city, and the implementation of a low barrier shelter would only escalate the crisis. She spoke to the distrust created by former City Manager Wade and the importance of collecting crucial data and keeping it housed with the City. She suggested the City of Topeka and Shawnee County partner to find a resolution.

Councilmember Kell suggested the City require registration of each encampment member to help manage criminal activity. He stated he believes the money used to pay Sylver Consultant, Inc., should have been used to help solve the problem through the investment in local resources. He suggested they consider using vacant hotels as shelters for the homeless. He expressed the importance of allowing the Governing Body to provide input to the Consultant.

Councilmember Hoferer thanked Staff for placing condemnation notices on the vacant Ramada Inn building in District 9 as it has helped tremendously with homeless issues. She spoke

in support of clarifying the camping ordinance and allocating funds in the 2024 Operating Budget to help address homelessness issues.

Deputy Mayor Dobler stated every community was dealing with the same type of homelessness issues across the nation and there was no easy answer to the problem. He expressed the importance of having a clear community plan as well as a better definition of what was legal as it relates to camping. He thanked City Staff members for providing a comprehensive presentation.

Councilmember Ortiz suggested they use a mediator to help the City handle the issues.

Interim City Manager Nienstedt recognized that the discussion is full of emotion and frustration. He stated he concurs with Councilmember Ortiz and believes there are a number of adequate local resources that can help the City with the issue. He spoke to his uncertainty of the need for the Consultant and the importance of getting back to the basics in addressing the unsheltered population. He confirmed there were no plans to implement a low barrier shelter unless it was the will of the Governing Body, and he concurs with Councilmember Ortiz on the benefits of utilizing a third party mediator.

DISCUSSION concerning the establishment of a City Property Tax Rebate for 2024, was presented.

Councilmember Duncan, Policy and Finance Committee Chair, reported the proposed resolution approved by the Committee would authorize the City Manager to develop a program providing a rebate of City property taxes for 2024 based on the State of Kansas Homestead Refund program. He stated depending upon budgetary restraints, the City Manager will determine the total amount of funds available, the application process, the rebate amount and any other conditions or restrictions; and the program will terminate after the budgeted funds have been

exhausted. He noted the cities of Shawnee, Roeland Park, Merriam and Prairie Village, Kansas, administer similar programs.

Councilmember Hiller inquired on the cost of administering the program.

Councilmember Duncan stated he will research the administrative costs associated with this type of program and will report back to the Governing Body.

Councilmember Emerson spoke in support of property tax relief to all citizens without requiring applications or regulations.

DISCUSSION regarding the proposed redevelopment incentive grant program for the NOTO Business Improvement District in the amount of \$50,000 for 2024, was presented.

Councilmember Duncan, Policy and Finance Committee Chair, reported the Policy and Finance Committee recommended approval of the grant funding in the amount of \$50,000 for 2024, and an amount not to exceed \$50,000 in 2023 if funds are available.

Councilmember Valdivia-Alcala spoke in support of the proposal and commended Thomas Underwood, North Topeka Arts District (NOTO) Executive Director, for his persistence in moving forward with the program.

Councilmember Hiller spoke in support of the program and questioned the need for making sure the small changes being suggested by Mr. Underwood were included in the approved agreement.

Councilmember Duncan stated the Policy & Finance Committee would be willing to review the revised document in committee or the revisions could be considered by the Governing Body.

Interim City Manager Nienstedt reported Staff would provide an amended document to the Policy and Finance Committee for consideration.

DISCUSSION regarding Hotel Topeka at City Center, was presented.

Freddy Mawyin, Chief Financial Officer, provided a brief overview of the background of the City's acquisition at the foreclosure auction, the status of the project as well as the next steps in the process. He reported the case was scheduled to be heard in Shawnee County District Court in September instead of July.

Jeff White, Columbia Capital Management, LLC provided an overview of the key findings of the Hotel Market Analysis Project Feasibility provided by Grey Hospitality Consulting, including market performance, facility recommendations, income and expense projections, and the five-year operating performance.

Richard U. Nienstedt, Interim City Manager, asked the Governing to consider if they truly want to operate the hotel and if not, he believes they should engage in conversations with outside entities.

Chief Financial Officer Mawyin stated the RFP for an asset manager would provide much needed information to assist the Governing Body in making a decision.

Amanda Stanley, City Attorney, confirmed there were lots of options to consider and because the District Court deadline has been moved to September 2023, there would be plenty of time for continued discussion.

Deputy Mayor Dobler expressed the importance of the Governing Body receiving consistent information from Staff as they move through the process and assist the Governing Body in making critical decisions.

Councilmember Hiller questioned the need of securing the type of asset manager based on the future plan, and if the City has had conversations with the County to provide them an opportunity to partner with the City on the issue.

Councilmember Emerson spoke in opposition of the City renovating or owning the hotel. He stated he only agreed to buy the hotel because there was a developer interested in purchasing the hotel. He also stated that he believes there was no need to make immediate drastic changes because the hotel was successful before the COVID-19 pandemic, and closing the hotel would have a drastic negative impact on the reputation of the Hotel and employees.

Jeff White, Columbia Capital Management, LLC stated an asset manager would provide the knowledge needed for the Governing Body to make a decision based on the growth concept. He stated he believes it may be difficult to attract a developer unless some investment has been made in the property.

Deputy Mayor Dobler spoke to the importance of the City figuring out the best way to bring the hotel back into service with the least amount of disturbance to operations. He stated he believes the convention business is critical to local economic development dollars.

Councilmember Kell requested the City collaborate with Shawnee County and develop a short-term and long-term plan. He suggested communication be established with current hotel staff to determine what works for the hotel. He spoke in support of an additional restaurant on the property and working with the County to attract large events that will fill hotel rooms.

Interim City Manager Nienstedt reported Staff has met with Shawnee County and they have recognized the need to address the situation.

Councilmember Duncan stated he believes this discussion was premature. He expressed his frustration that the purchase of the hotel by the City was based on a clear concept that the City would not be the long-term owner. He stated he believes there are private entities who are interested in purchasing and operating the hotel and he wants to make it clear that the City remains open to those options.

Deputy Mayor Dobler reported it was the consensus of the Governing Body that they do not support closing the Hotel. He spoke to the importance of Mayor Padilla being included in all conversations when possible and serving as a representative for the Governing Body. He reminded Staff to provide consistent communication to the Governing Body as the process moves forward.

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

Carol Babcock, JUMP Member, implored the Governing Body to activate the Housing Trust Fund Review Committee to move forward with the process of implementing affordable housing for those that need it the most.

Councilmember Ortiz moved to suspend the Governing Body Rules and Procedures to allow public comment. The motion was seconded by Councilmember Duncan.

Deputy Mayor Dobler asked all those in favor of suspending the Rules to allow public comment to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” The motion carried unanimously on voice vote. (9-0-0)

Paul Lassey expressed concern with the condition of his residence located at 106 NW Highway 24, Lot 13, in the Caravan Community Mobile Home Park. He reported his residence was surrounded by dead trees that need to be removed and broken limbs from the recent storm making it dangerous. He also commented on the deteriorating streets in the Park due to the rising water table. He asked the City for help.

Deputy Mayor Dobler informed Mr. Lassey, Interim City Manager Nienstedt would speak to him after the Governing Body meeting.

ANNOUNCEMENT BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE

COUNCIL;

Brenda Younger, City Clerk, provided an overview of the July 25, 2023, Special Meeting agenda.

Richard U. Nienstedt, Interim City Manager, expressed his pride with how City employees dealt with the aftermath of the recent storm. He reported it was the City's intent to continue with storm debris cleanup until July 24, 2023. The City will only pick up vegetative debris, such as limbs, leaves and trunks of trees, caused by the storm. Residents will be responsible for taking the debris to the curb. He announced the City of Topeka would host a Citizens' Academy for Public Works, Utilities, Topeka Police and Topeka Fire Departments. He noted more information about the application process could be found at www.topeka.org. He reported the Country Stampede held on July 13-14, 2023 was a great success, and the 90th annual Fiesta Mexican events would take place during the week of July 17-23, 2023; more information about event schedules could be found at www.fiestatopeka.com. He also reported he attended the July 17, 2023 community meeting at Serendipity located at 820 N Kansas Avenue in Topeka where the increasing unsheltered population was discussed. He stated he believes in contracting and working with qualified area social service agencies to help address the homeless issue.

Councilmember Hoferer thanked Evergy Electric Company crews for their hard work in restoring service as well as City crews for storm debris cleanup.

Councilmember Hiller thanked residents for helping each other with storm debris cleanup. She announced Fiesta Mexicana Topeka events have begun; and the For The Culture KS Fest would be held July 28-30, 2023 in downtown Topeka.

Councilmember Valdivia-Alcala thanked City Staff members for making the storm debris cleanup a priority in the Oakland area in anticipation of the start of the Fiesta Mexicana.

Councilmember Emerson moved to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Hoferer carried unanimously on roll call vote. (9-0-0)

Councilmember Ortiz encouraged citizens to participate in the many Fiesta Mexicana events. She announced July 21, 2023 will conclude the City of Topeka Way to Work program, a program she believes is important to area youth and noted, she plans to request additional funding in 2024 for the program. She announced the Gibbs Elite Basketball Academy was held July 10-13, free of charge for area students and youth athletes. She thanked the Topeka Police Department for being available to connect with camp students and athletes.

Councilmember Kell thanked City of Topeka Staff and commended neighbors for pulling together and helping with the storm debris cleanup. He spoke in support of the Mid-Plains League Wardogs Baseball Team. He encouraged citizens to donate to local teacher wish lists and local students that need school supplies.

Councilmember Naeger thanked City Staff for all the assistance and dedication in making the city a great place to live.

Councilmember Duncan referenced how difficult the past couple months have been for employees due to the changes in City leadership. He expressed the importance of the Governing Body making sure City of Topeka employees have the tools to do their jobs and that employees understand they value their work. He announced Bartlett & West, Inc., has been recognized as one of America's Best Small Employers in 2023 by Forbes, a global media company.

Following a 10-minute recess, Councilmember Ortiz moved to recess into executive session not to exceed 30 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding contracts and other privileged matters as justified by K.S.A. 75-4319(b)(2). The open meeting resumed in the City Council Chambers. The following staff was

requested to assist the Governing Body in its deliberations: City Attorney Stanley and Interim City Manager Nienstedt. The motion was seconded by Councilmember Kell.

Deputy Mayor Dobler 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 unanimously on voice vote. (9-0-0)

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

NO FURTHER BUSINESS appearing the meeting adjourned at 10:32 p.m.

(SEAL)

Brenda Younger City Clerk

Topeka city manager was ‘in a pretty bad place’ in final days on the job

Secrecy surrounds the firing of Stephen Wade following investigation into employee concerns

By: [Sherman Smith](#) - July 19, 2023 10:31 am



A Topeka police officer guards the closed doors of the city chamber during the July 11, 2023, city council meeting. When the doors opened, the council and mayor voted 10-0 to fire city manager Stephen Wade. (Sherman Smith/Kansas Reflector)

TOPEKA — As Stephen Wade struggled to navigate the turbulence of his final days as Topeka city manager, he frequently turned to a city hall colleague for solace.

He met with her at a bar on the evening of May 31, then exchanged a series of Teams messages with her later that night.

“Am in a pretty bad place,” Wade wrote.

The sentiment underscored the end of Wade’s nine-month reign as the city’s top administrator. He requested a leave of absence one week later, and the city council fired him for undisclosed reasons after a closed-door meeting July 11.

Documents obtained by Kansas Reflector, along with interviews conducted for this story, indicate that Wade struggled to cope with complaints about a worsening crisis with unsheltered residents and the police killings of mentally disabled Black men. Additionally, city employees raised concerns about his conduct, which eventually became the subject of a law firm’s investigation and part of the discussion leading to his dismissal.

The secrecy surrounding Wade’s departure shields city officials, the mayor and council members from explaining their own role in hiring and working alongside him until the bitter end.

Council members were warned not to hire Wade in an anonymous letter sent to them in April 2022. The letter referred to Wade, previously the city’s finance director, as “a tyrant with poor people skills.”

“Wade has mastery of numbers and finance but his moral compass is broken and his decision-making ability is questionable,” the letter warned.

Personnel issues

Councilman Spencer Duncan said city employees reached out to him with “concerns” about Wade, and that he was working to confirm those concerns when Wade requested his leave of absence during a closed-door meeting June 6.

The concerns raised by city employees were “part of the discussion” that resulted in the 10-0 vote to terminate Wade’s contract, Duncan said.

The other eight council members and mayor declined to respond to Kansas Reflector questions about why they hired Wade, if they had any reservations at the time, and whether they were aware of any concerns with him before June 1.

“None of the reasons for Mr. Wade’s termination involve concerns of criminal actions,” Duncan said. “They are personnel issues. As they fall under that category, there are federal and state laws that limit what information can be disclosed.”

When the mayor and city council hired Wade in September in a unanimous vote, he was hailed as a candidate with strong local ties rather than another in a series of outsiders.

Wade previously worked at the Topeka Capital-Journal, where he was publisher from 2018 to 2020. (Kansas Reflector’s Sherman Smith, Tim Carpenter and Clay Wires tone worked for Wade at the Capital-Journal.) He joined the city staff in the summer of 2020 and wrangled a budget strained by the COVID-19 pandemic.

Carrying water

Councilwoman Christina Valdivia-Alcala complained about Wade’s “unprofessional” relationship with the Topeka Rescue Mission as she addressed the crowd at a July 17 meeting in North Topeka.

Valdivia-Alcala represents a district that includes the area known as NOTO, a collection of art galleries, shops, restaurants and other small businesses just north of the Kansas River. The area is also known for its close proximity to the rescue mission, a homeless shelter situated between the pocket of commerce and tent encampments along the river.

Wade had been working with leaders of the rescue mission as he looked for ways to funnel taxpayer cash to the shelter.

“I’m going to be real blunt when I say this,” Valdivia-Alcala said. “I’m sad he’s gone. But his relationship with the mission was unprofessional. It was unprofessional. He carried their water.”

Kansas Reflector obtained Wade’s calendar items, emails and the text messages through an open records request with the city. The records show he frequently met and corresponded with rescue mission officials, including executive director LaManda Broyles, in the weeks before he went on leave.

He expressed excitement in a video produced by the city shortly after he became city manager.

“Any time you have an internal promotion, it’s a win for the team,” Wade said. “And so I guess what I would say to the staff is this is a win for us.”

Wade made sweeping changes to the structure of city government. The Topeka Capital-Journal reported that he created 34 new positions, including seven with six-figure salaries. They included the promotion in December of Hannah Uhlrig, previously the city’s deputy public works director, to a job that pays \$125,000. Her new title was director of special projects and innovation.

Teams messages, which the city provided in response to an open records request, show that Wade frequently turned to Uhlrig for support as he faced increasing pressure. They met for meals and drinks and engaged in late-night chats. He thanked her for the company.

They laughed off a reporter’s questions about the amount of money the city would pay for a hotel — \$7.6 million, more than twice the appraised value, in an effort to ensure redevelopment of the property. And they bashed Councilwoman Karen Hiller before and after a meeting between Wade and Hiller on June 2.

“That woman drives my blood pressure sky high,” Wade wrote.

In a series of messages after 8:40 p.m. June 5, the night before he requested a leave of absence, Uhlrig repeatedly encouraged him to think of “a positive interaction” he had that day.

The brightest moment for Wade: “The drive thru chic got my order right.”

LaRonna Lassiter Saunders sensed that Wade was growing frustrated as she tried to make him understand the need for better relations between the community and law enforcement.

Their conversation stemmed from the police killings last year of two Black men who struggled with mental wellness. The city refused to make public the video captured by police body cameras.

Lassiter Saunders, an attorney and justice advocate, was grateful that Wade was willing to meet with her and other advocates. But she said Wade, the son of a retired

Kansas Highway Patrol officer, couldn't understand the unresolved trauma that Black and Latino residents have from negative experiences with police.

"That's what I kept trying to explain to Steve, and he was frustrated," Lassiter Saunders said. "I could tell he was frustrated because at one point I said, 'Do you understand what I'm saying?' He said, 'No.' And I'm like OK, I can appreciate at least you're being honest. But I think his frustration was he couldn't understand that it was really a problem."

Lassiter Saunders works with Bridging the Gap, a campaign focused on mental health awareness, training young people to know their rights during police interactions, and building relationships. The meeting took place a few days before Wade took a leave of absence.

Wade listened as Lassiter Saunders tried to explain the distrust that marginalized people have with police. To her, he appeared overwhelmed.

She wanted to know who the community could talk to when they have a concern or want to ask a question. Wade's solution: People could call him personally.

Maybe his heart was in the right place, she thought, but that wasn't a viable answer. How would people know the city manager's number?

She wondered how the conversation was supposed to go: "My son just got pulled over, which we feel was racially motivated. Let me call the city manager see what he can do about it."

"That doesn't happen," she said.

Lassiter Saunders said she was "in his face," pointing out things that didn't make sense. That probably added to his frustration, she said. The conversation helped her realize the challenge was bigger than she thought.

"Not only are we trying to heal hurt and damage, but we're also dealing with two different realities," she said.

Wade worked with Broyles to draft a resolution that would use \$316,966 from the city's general fund to replace a grant the rescue mission had failed to win from the U.S. Department of Housing and Urban Development. It would have been an unprecedented allocation of local taxpayer funding to the faith-based nonprofit.

"I cannot promise I am going to be successful," Wade told Broyles in a May 19 text message, the same day she helped him revise the proposed resolution.

Broyles provided various estimates of the number of families the rescue mission assists through federal funding. She suggested that hundreds of families could be displaced without the transfer of city dollars.

Wade planned to ask the council to support the resolution at the June 6 meeting.

Separately, he told Broyles in a June 1 text that he was adding \$1 million into the city's operating budget for the homeless shelter. The city now says a task force will determine how that money will be spent.

"I know the weight on your mind and shoulders is heavy regarding this," Broyles said. "Thank you for caring the way you do. Caring for the unsheltered while also caring for a thriving Topeka. I, and TRM, are in this with you. Through successes and setbacks. God guides it all."

Utter BS

The city council and mayor fired Wade on July 11 following a two-hour meeting behind closed doors.

None of the council members who were present for the meeting or the mayor would answer reporters' questions. Wade didn't respond to a text message seeking comment. City attorney Amanda Stanley said Chris McHugh, a civil litigation attorney from a Kansas City law firm, delivered an investigative report to the council during the closed meeting. The city hired the law firm to "investigate a complaint," Stanley said.

"Other than that, we don't comment on personnel matters," Stanley said.

Stanley said the investigative report wouldn't be made public.

She declined to say whether Wade had retained legal counsel or if the city anticipated Wade to file a lawsuit.

City residents responded to the [city council meeting video on Facebook](#). Genie Allgood referred to the secrecy as "complete and utter bs."

"I would like to know why the reason the city manager was on paid leave and what he did (or didn't do) to get fired! Transparency???"

Allgood wrote.

From: [WILLIAM BRANDLIN](#)
To: [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: PUD 23/02 and the relationship to Golden v. City of Overland Park
Date: Monday, July 17, 2023 8:01:58 AM

This message originated from outside your organization

Good Morning -

For this discussion, let us establish who is who. The Plaintiff/Petitioner/Developer is Golden and the Defendant/Respondent/City Entity is the City of Overland Park Governing Body. Transferring these identities to PUD 23/02 translates to the Plaintiff/Petitioner/Developer being Eugene and Paramore, LLC and Defendant/Respondent/City Entity being the Topeka Governing Body (since the Topeka Governing Body is the ultimate rezoning arbiter as was the City of Overland Park Governing Body in Golden).

Golden enumerated six factors to be considered in determining whether a zoning ordinance is invalid because it precludes all **reasonable** use of the subject property. Once again, in Golden, we are forced to deal with **with subjective terms which defy exact legal definition**.

The Topeka Planning Commission touts itself as basing its rezoning decisions on the Golden case.

What follows should dispel those false claim as they relate to PUD 23/02.

The **six factors**, for which the zoning body (for PUD 23/02, the zoning body is the Topeka Governing Body and not the Topeka Planning Commission), are advised to be well aware of, are **(1)** the character of the neighborhood, **(2)** the zoning and uses of properties nearby, **(3)** the suitability of the subject property for the uses to which it has been restricted, **(4)** the extent to which the removal of the restrictions will detrimentally affect the nearby property, **(5)** the length of time the subject property has remained vacant as zoned and **(6)** the relative gain to the public health, safety and welfare by the destruction of the value of the plaintiff's (developer's) property as compared to the hardship imposed on the individual landowner (the existing residents in the adjacent neighborhood).

Previously we have established that **(1)** the existing neighborhood would undergo a drastic and negative re-characterization (ownership status, architectural style, population density, traffic density and land use density to name a few...please make reference to the Neighborhood Re-Characterization Chart which was provided to you on two previous occasions, **(2)** the zoning of all the nearby properties is R-1 with no nearby property being zoned as the requested change to M-2, **(3)** the PUD 23/02 property has always been suitable for the R-1 zoning to which it is now restricted (as is evidenced by the R- zoning restriction in effect for over 50 years)...(that the developer may not have the financial where-with-all to do an R-1 development is no reason to change the existing zoning...more on this further down), **(4)** the removal of

the R-1 zoning restriction will detrimentally affect the existing neighborhood by placing rental units in the back yard of an existing single family ranch style home neighborhood positioned on one-half acre plots and bring into play all of the negative re-characterization issues referenced in (1) above, **(5)** the PUD 23/02 property has been zoned R-1 and has remained vacant for at least the past 20 years, possibly longer...this is a not relevant point since there has never been any opposition to the development of the property that the R-1 zoning restriction allows as long as the six Golden factors remain intact and are not ignored by the Planning Commission and Governing Body and **(6)** the relative gain to the public health, safety and welfare by the destruction of the value of the PUD 23/02 **renters** property as compared to the hardship imposed on the individual land **owners** in the existing neighborhood is a negative relative gain since PUD 23/02 creates more traffic resulting in less safety and decreases the property values in the existing neighborhood due to the negative neighborhood re-characterization. The basic property rights and the attendant landowner investment in the homes of the existing neighborhood are completely ignored.

It should be incomprehensible to everyone, with the obvious exception of the Planning Commission, that **no consideration of the financial qualifications of the developer was ever undertaken in the application process.**

PUD 23/02 will require a construction period of 2-3 years, per the developer. This entire project can be easily be completed in 12 months or less.

The extended construction period is necessary because the developer needs to complete the first 40% of the project (and get it rented out) to get the additional financing needed to complete the second 40% of the project (and get that rented out) which will give rise to the financing needed for the final 20% of the project. Per the developer there are indeterminate halts between each phase of the construction process to allow for something to happen other than catching his breath. The only logical reason for these scheduled construction breaks is for the developer to procure the additional financing for the next phase.

If I am wrong to question the developer financing issues and the developer financial viability, let the developer prove me wrong by producing historical independently verified financial statements (review or audit opinion) with all of the required disclosures, independently verified bank letters of credit exclusive to the PUD 23/02 project and a Sources and Application of Funds exclusive to the PUD 23/02 project. These are minimum requirements that should be required by the Governing Body. If the developer cannot afford to do this, how can he afford to complete the project?

What is asked for here is only good business sense and it is incumbent on the Governing Body to acquire this data before any approvals since the **Planning Commission has ignored the most basic fiscal principle of municipal government...who pays for it and how is it getting paid for?**

Thank you for your time and consideration.

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July 18, 2023

Teresa Miller
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Topeka, Kansas 66608
785-234-0840

To Topeka's City & County Government:

After receiving feedback from the meeting held last night at Serendipity. It seems that our city and county need to work together to fix this homeless nightmare that is happening right here in Topeka. It sounds like Topeka has been selected by the homeless to come live, because of the nice treatment they are receiving. I know it is in our hearts to help people. And we should. But there are some people that will take and take, if you give it to them.

I know there is some type of program that the homeless can go through, that helps them become ready to live on their own, with the cities help. There is funding for this. I think that the group JUMP should be involved in selecting the committee to oversee this project. Topeka already has the funding to help the homeless, but there needs to be rules and regulations set for these goals. This is why I think that the group JUMP should be the ones selecting the committee and over seeing how things are being handled.

Our city needs to learn to play nicely with our county and vice versa. We are stronger when we work together.

Our first step is to change some of our city ordinances, so they will work well with what we are trying to accomplish. That falls into the City Councils and County Commissioners area. Then the Committee can get started on fixing this homeless nightmare.

You had great ideas from the meeting last night at Serendipity. Please use these ideas to accomplish what you need to do next.

I have faith in all of you to work together and accomplish great things.

Sincerely,

Teresa Miller