

## **Governing Body Minutes – August 15, 2023**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 15, 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, Emerson, Kell, Dobler, Duncan, and Hoferer -7. Councilmembers Ortiz and Naeger participated remotely -2. 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 August 15, 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 August 15, 2023, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Mark Braun to the Civil Service Commission to fill an unexpired term ending August 15, 2027, was presented. (*Council District No. 1*)

Councilmember Naeger moved to approve the appointment. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. Mayor does not vote.

(9-0-0)

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20445 introduced by Interim City Manager Richard U. Nienstedt 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*)

RESOLUTION NO. 9458 introduced by Councilmember Hannah Naeger, granting First Congregational 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. 6*)

RESOLUTION NO. 9459 introduced by Councilmember Karen Hiller, granting Topeka United 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*)

APPROVAL of the Core and Auxiliary Team Members to work with Brianna Sylver on Innovative Solutions to address the Growing Unsheltered Crisis in our Community, was presented.

MINUTES of the regular meeting of August 8, 2023 was presented.

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

ORDINANCE NO. 20446 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 on property located east of NW Rochester Road approximately 300 feet south of Walnut Lane from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development with "M-2" Multiple Family Dwelling District uses to allow for multifamily residential duplexes and four-plexes on approximately 7.2 acres, was presented. (*PUD 23/02*) (*Council District No. 2*)

Richard U. Nienstedt, Interim City Manager, reported approval will allow for the development of duplexes and four-plexes not to exceed 30 dwellings. He stated because a valid protest petition has been filed it will require eight (8) affirmative votes to approve and six (6) affirmative votes to reject the proposal.

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 all Governing Body members.

Dan Warner, Planning Division Director, provided an overview of the proposal process timeline and stated on May 2, 2023, the Governing Body remanded the request to the Planning Commission to consider the character of the neighborhood, connection to NW Sproaton Lane, the need for a traffic study and review of stormwater drainage issues. The Planning Commission considered the item again on June 26, 2023, and recommended approval of their original recommendation. He reported the development would be located on a privately owned cul-de-sac at a length greater than 500 feet and would have to meet the conditions set by the Planning Department. He noted Shawnee County plans to make improvements to NW Rochester Road beginning in 2029.

Councilmember Valdivia-Alcala referenced the May 2, 2023, Governing Body meeting and the concerns raised during that discussion about the traffic and drainage issues. She stated she does not understand the disregard of potential flooding as displayed in the pictures distributed by area residents from 1995 and 2005. She expressed concern with the disregard of the need for a traffic impact study, review of flooding issues, character of the neighborhood, as well as allowing dual parking on the street as it relates to emergency access for this senior housing area and new development.

Councilmember Hoferer spoke in opposition of the development because she believes the proposed development does not fit the character of R-1 Residential Zoning.

Councilmember Hiller spoke in support of the proposal. She stated it was a residential development that was compatible with the design of the neighborhood and similar to what was taking place in other areas of the city.

Councilmember Kell stated he concurs with Councilmember Hiller and will support the recommendation being made by the Planning Commission.

Councilmember Emerson asked Staff to confirm if limiting the development to 30 units eliminates the need to connect to NW Sproaton Lane and if the number of units was tied to the R-1 zoning designation.

Director Warner confirmed there were no design standards required under the R-1 zoning designation and it could potentially allow for more than 30 units.

Councilmember Valdivia-Alcala moved to reject the recommendation of the Planning Commission. The motion seconded by Councilmember Hoferer failed. Councilmembers Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Mayor Padilla voted “no.” (2-8-0)

Councilmember Hiller moved to approve the recommendation of the Planning Commission. The motion seconded by Councilmember Kell carried. Councilmembers Valdivia-Alcala and Hoferer voted “no.” (8-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Mayor Padilla - 8. Noes: Valdivia-Alcala and Hoferer -2.

RESOLUTION NO. 9460 introduced by Interim City Manager Richard U. Nienstedt, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for the enclosed parking of passenger vehicles and light duty trucks on property zoned “D-1” Downtown District and located at 1000 SE Quincy Street all being within the City of Topeka, Shawnee County, Kansas, was presented. (*CU23/03*) (*Council District No.1*)

Richard U. Nienstedt, Interim City Manager, stated the applicant was requesting individual parking garages for passenger vehicles and light duty trucks in the Downtown District and Staff was recommending approval.

Dan Warner, Planning Division Director, reported a conditional use permit was required due to the change in Downtown zoning to the D-1 designation. He stated the request was for 10 garages to park cars or light duty trucks with 24-hour access by key pad. He noted this proposal replaces exiting surface parking with garages and general self-storage would not be permitted.

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 Councilmembers Emerson, Dobler, Hiller and Mayor Padilla.

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

ORDINANCE NO. 20447 introduced by Interim City Manager Richard U. Nienstedt, prescribing the form and details of and authorizing and directing the sale and delivery of aggregate principal amount of \$89,385,000 combined Utility Revenue Bonds, Series 2023-A, of the City of Topeka, Kansas, previously authorized by ordinance of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Richard U. Nienstedt, Interim City Manager, stated the bonds would permanently finance 12 water, wastewater and stormwater projects including the Polk-Quincy Viaduct Utility Relocation Project. He noted all projects have been authorized through the Capital Improvement Plan process utilizing \$6.9 million of Utility cash reserve funds along with approximately \$89 million in bonds.

Rachelle Mathews, Administrative and Financial Services Deputy Director, reported the City received nine competitive bids with the winning bid received from Robert Baird offering a true interest cost of 4.23%. She stated Keven Cowan, Gilmore & Bell, P.C. and Kahlen Dwyer, Columbia Capital Management, LLC were available for questions.

Councilmember Duncan referenced Schedule 1, the list of projects being authorized. He questioned the \$20 million amount being bonded for the Polk Quincy Viaduct Utilities Project and noted over \$25 million has been authorized for the project.

Sylvia Davis, Utilities Director, stated \$20 million was the amount needed at this time; however, the City would have an opportunity to bond more funds next year if needed.

Councilmember Hiller referenced the amortization schedule and reported it will cost the City \$160 million when the \$89 million in bonds was paid in full. She commended Staff for using cash when possible.

Councilmember Hoferer asked if funds are available could the City pay the bonds off early.

Deputy Director Mathews confirmed that the bonds could be paid in full ahead of schedule; however, the City follows a five-year auto-call structure on bonds.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. (10-0-0)

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

RESOLUTION NO. 9461 introduced by Interim City Manager Richard U. Nienstedt, prescribing the form and details of and authorizing and directing the sale and delivery of aggregate principal amount of \$89,385,000 combined Utility Revenue Bonds, Series 2023-A, of the City of Topeka, Kansas, previously authorized by ordinance of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Rachelle Mathews, Administrative and Financial Services Deputy Director, stated the resolution serves as a companion document to the ordinance and describes the form and details of the bond sale.

Councilmember Kell moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

APPROVAL for the 2024 Social Service Grants Committee recommendations, was presented.

Councilmember Ortiz commended Brett Martin and the United Way Team for assisting in the streamlined process.

Brett Martin, United Way of Kaw Valley, reported there were no changes made to the process, and there was marked improvement with the submitted applications. He requested approval of the recommendations as presented.

Councilmember Ortiz moved to approve the 2024 Social Service Grants Committee Recommendations. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. (10-0-0).

The Committee recommendations were as follows:

- (1) Amending the 2024 Social Service Grants allocation recommendations to include additional funding from unused 2023 General Funds in the amount of \$45,000;
- (2) Adopt a funding scenario increasing the number of social service program applications that receive funding through the 2024 SSG process utilizing the enhanced allocation amount from \$434,904 to \$479,904; and
- (3) Increase the 2024 SSG funding allocation by \$57,000 from the proposed 2024 General Fund Budget to be used for the 2025 Social Service Grants process.

APPROVAL of Contract No. 51532 an Amendment to Contract No. 49772 between the City of Topeka and Teamsters Union Local No. 696, was presented.



Richard U. Nienstedt, Interim City Manager, stated the Union and City agreed to reopen the contract for the purpose of discussing wages and work schedules for the remainder of 2023 and 2024. He thanked Staff and Union representatives for their professionalism.

Braxton Copley, Public Works Director, reported the contract reopener will help address critical staffing needs through fair wage and work schedule adjustments. He noted at this time, due to the amount of vacancies there were no third shift street crews available to fix pot holes. He thanked Union representatives for their assistance in drafting a fair and competitive wage base resulting in a unanimous ratification of the agreement.

Governing Body Members thanked Director Copley and Street employees for their hard work.

Councilmember Valdivia-Alcala spoke in support of the agreement. She expressed the importance of implementing a fair “living wage” for all City employees.

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

APPROVAL of a Real Estate Purchase Agreement Contract No. 51534 between the City of Topeka and Craig A and Sarah E. Crook in an amount not to exceed \$55,500 for property located at 400 SW Fillmore, Topeka, Kansas, was presented.

Sylvia Davis, Utilities Director, reported the City has been working with the owners since 2021 to resolve the issue of a sewer connection. She stated the Utilities Department explored options to extend sanitary sewer service via a new sanitary main to the property, however, it would cost less to purchase and demolish the property than it would to repair the problem.

Councilmember Hiller expressed her appreciation to Staff for working with the owner to resolve the unfortunate situation.

Councilmember Hiller moved to approve the land purchase agreement in an amount not to exceed \$55,500. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

ESTABLISHING a public hearing date of September 5, 2023, for the purpose of hearing and answering objections of taxpayers relating to the proposed City of Topeka 2024 Operating Budget; setting the maximum expenditure limits; and authorize the publication of the public hearing notice, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval sets a public hearing and the maximum amount of taxes levied for the 2024 City Operating Budget.

Freddy Mawyin, Chief Financial Officer, reported approval provides residents formal notification regarding the opportunity to provide input on the budget.

Adam Vaughn, City Budget Manager, reassured the Governing Body that the same financial information presented by Staff will be published in the Topeka Metro Newspaper on August 21, 2023.

Councilmember Duncan clarified separate hearings would be held on September 5, 2023, to provide input on the City's Revenue Neutral Rate (RNR) as well as for the City's 2024 Operating Budget.

Councilmember Emerson moved to set a public hearing date of September 5, 2023; authorize publication of the public hearing notice in the Topeka Metro Newspaper on August 21, 2023; and set the maximum amount of taxes levied. The motion seconded by Councilmember Hoferer carried on roll call vote. Councilmembers Ortiz and Naeger did not vote due to technical difficulties. (8-0-0)

APPROVAL of Contract No. 51533 Amendment No. 1 to City of Topeka Contract No. 49773, with the International Association of firefighters Local 83 concerning wages for the remainder of 2023 and 2024, was presented.

Richard U. Nienstedt, Interim City Manager, stated the Union and City agreed to reopen the contract for the purpose of discussing wages and work schedules for the remainder of 2023 and 2024. He thanked Staff and Union representatives for their professionalism.

Councilmember Naeger left the meeting.

Randy Phillips, Topeka Fire Chief, thanked Union representatives for their patience during the process and for ratifying the agreement. He stated this type of action reflects positively on the City as an organization and employer.

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

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

Richard U. Nienstedt, Interim City Manager, stated Staff would continue discussion on the 2024 budget. He provided an overview of the Executive Department Budget totaling \$907,280.

Adam Vaughn, Budget Manager, reported two positions in the Executive Department were being converted into one Deputy City Manager position; the Communications Division added a new language coordinator position; and the Director of Projects and Innovation was eliminated.

Councilmember Hiller asked if it was the intent to keep the Deputy City Manager position vacant.

Interim City Manager Nienstedt confirmed the Deputy City Manager position would remain in the budget as it was vital to the City; however, in his opinion there are a number of positions that could be eliminated.

Freddy Mawyin, Chief Financial Officer, provided an overview of Payroll services, goals and performance measures with a total budget of \$707,801. He stated one new payroll clerk position was being requested to help with workload. He also reported on Budget services, goals and performance measures with a total budget of \$619,326.

Councilmember Dobler asked how the 2024 budget addresses excess General funds.

Budget Manager Vaughn reported Staff would present a plan to spend down excess General funds at the end of the year.

Karan Thadani, Municipal Court Judge, provided an overview of Probation services, goals and performance measures with a total budget of \$419,573. He expressed his appreciation to the Prosecution Division, Legal Department and Police Department for their assistance in the prosecution of domestic violence cases.

Councilmember Valdivia-Alcala expressed her appreciation for the compassion and work provided by Municipal Court Staff members in addressing domestic violence cases.

Councilmember Hiller requested Staff provide a summary of positions added or removed to help the Governing Body better understand how funds are being shifted and allocated.

Councilmember Dobler asked if the proposed budget adequately supports the Legal Department in addressing the domestic violence case load.

Amanda Stanley, City Attorney, reported there was a need for an additional paralegal to assist with the case load.

Judge Thadani confirmed the additional position would accommodate the current case load; however, he plans to reevaluate their needs next year.

Interim City Manager Nienstedt commended the City of Topeka for aggressively funding the prosecution of domestic violence cases.

Councilmember Ortiz commended the City for continuing with the Alternative Sentencing Court Program and questioned if the City has enough Staff to provide both services.

Councilmember Duncan expressed the importance of asking Municipal Court Staff members to help the City identify the gap where resources are needed.

Councilmember Valdivia-Alcala expressed the importance of honest dialog about the needs to address the mental health crisis and the unsheltered population. She spoke to the importance of gathering data to support resources moving forward.

Amanda Stanley, City Attorney, continued the presentation on the General Government services, goals and performance measures with a total budget of \$912,803. She commented on the services provided by the Prosecution Division and the important role it has in domestic violence cases.

Councilmember Duncan spoke to the specialty law as it relates to dealing with blighted property, and suggested the City request assistance from Shawnee County to address the issue.

Randy Stahl, Chief Information Officer, continued the presentation on the IT Business Systems services, goals and performance measures with a total budget of \$1,202,992.

Budget Director Vaughn announced the presentation was complete and discussion would continue at the August 22, 2023 Special Meeting on the City's Recruitment and Retention efforts and the General Fund balance. He asked Governing Body members to email him any questions or suggested topics for discussion.

Councilmember Ortiz requested the Governing Body consider approving a new zoning inspector position as there is only one covering the entire city at this time causing a serious backlog of cases.

Planning Director Friedman reported there were two Zoning inspectors prior to the COVID-19 pandemic, and she will work with Staff to allocate funds for an additional position.

Councilmember Valdivia-Alcala stated she concurs with Councilmember Ortiz. She stated the additional position would support the Community Appearance Priority as well as support the many initiatives of the Changing Our Culture of Property Maintenance. She asked if the housing navigator position could assist with zoning compliance issues.

Councilmember Duncan asked for assurance that the grants writer position would not be eliminated from the budget. He requested a budget proposal that includes a mill levy decrease and that one-time expenses be eliminated with reserve balance funds.

Councilmember Hiller asked Staff to provide the Governing Body information on new and retaining positions and consider restructuring “like” services to provide a better use of resources and capture efficiencies.

Budget Manager Vaughn announced a City of Topeka 2024 Budget Public Engagement Session will take place on August 17, 2023 from 5:30 p.m. to 7:00 p.m. at the Topeka and Shawnee County Public Library located at 1515 SW 10<sup>th</sup> Avenue, Topeka.

Interim City Manager Nienstedt spoke in support of adding a zoning inspector position to the 2024 Operating Budget.

Mayor Padilla, Councilmember Valdivia-Alcala and Councilmember Ortiz spoke in support of funding an additional zoning inspector.

PUBLIC COMMENT was submitted via email by Gail and Don Sloyer, Mae Brown, William Brandlin, Douglas M. Brier and Betty Phillips (*Attachment A*) and provided by the following individuals:

Ralph Anderson commended the many community organizations that are assisting with homeless efforts and encouraged the Governing Body to take proactive measures to address the increased homeless population. He spoke in opposition of increased rental rates as he believes it causes more homelessness and mental health issues.

Deborah Vance, Topeka JUMP, implored the Governing Body to convene the Housing Trust Fund Review Committee to move forward with the process of addressing affordable housing needs.

Matt Pivarnik, Greater Topeka Partnership (GTP) Chief Executive Officer, stated on behalf of the GTP Team members he would like to express their appreciation and support of City Staff members and Governing Body members for their work. He asked the community to unify and help navigate the tough issues such homelessness, mental health and the closing of Heartland Motorsports Park so they can solve problems together.

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

Brenda Younger, City Clerk, provided an overview of the August 22, 2023, Governing Body special meeting agenda.

Councilmember Hiller announced the Topeka United 4<sup>th</sup> Annual Get Down in T-town Event on August 28, 2023.

Councilmember Valdivia-Alcala extended prayers of healing for the wild fires in the state of Hawaii. She announced the Oakland Community Garden was able to raise peanuts in the 2023

and they hope to do so again in 2024.

Councilmember Ortiz offered her condolences to the Louis Brown Family. She urged the community to help find resolutions to the growing mental health issues.

Councilmember Dobler referenced the comments made by the Kaw Valley Bike Club at the August 8, 2023 Governing Body meeting regarding the dangers associated with the homeless living near the trail system and sidewalks. He also referenced Ordinance No. 20234 approved in 2020 concerning Pedestrian and Traffic Safety adopted to address panhandling issues. He stated in an attempt to start the conversation and address the homeless issue in a similar manner, he requested the City Attorney draft an ordinance stating “Due to safety on public trails and sidewalks, no camping on public property allowed within 500 feet (or reasonable measurement) of the center line of any public trail or sidewalk. He encouraged GTP and all the organizations it encompasses to help address the homeless crisis in the community.

Councilmember Duncan announced the recent expansion of SLI, formerly Sheltered Living, Inc.

Councilmember Kell moved to recess into executive session not to exceed 1.5 hours to discuss matters related to one or more individual companies regarding a possible business dealing with the city which will involve the discussion of financial affairs or trade secrets as justified by KSA 75-4319(b)(4). The open meeting will resume in the City Council Chambers. The following staff assisted the Governing Body in its deliberations: Interim City Manager Nienstedt and any other staff he deemed necessary. 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 unanimously on voice vote. (9-0-0)



Following a 1.5 hour time period the meeting reconvened into open session, and Mayor Padilla announced no action was taken during the executive session.

Councilmember Dobler moved to recess into executive session not to exceed 40 minutes to discuss employer-employee negotiations relating to one or more unions as justified by KSA 75-4319(b)(3). The meeting open will resume in the City Council Chambers. The following staff assisted the Governing Body in its deliberations: Interim City Manager Nienstedt and any other staff he deemed necessary. The motion was seconded by Councilmember Hoferer.

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 vote “no.” (8-1-0)

Councilmember Emerson moved to suspend the Governing Body Rules & Procedures to extend the meeting past 10:00 p.m. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (9-0-0)

Mayor Padilla asked all those in favor of extending the meeting past 10:00 p.m. 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 Mayor Padilla announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 10:07 p.m.

(SEAL)

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Brenda Younger City Clerk

## ATTACHMENT A

**Tonya L. Bailey**

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**From:** gsloyer2 gsloyer2 <gsloyer2@cox.net>  
**Sent:** Thursday, August 10, 2023 9:44 AM  
**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  
**Subject:** Re: PUD 23/02

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Hopefully, this is our last correspondence to the City of Topeka Governing Body re: PUD 23/02. We know you are glad! We thank you for this opportunity to share our thoughts. Once again, we are asking you to VOTE DOWN the proposed development. We question the phrase "substantial conformance." Rather a vague term - we're guessing it implies blend or fit into the existing surroundings. We believe this retirement complex would NOT FIT and have a negative impact on our neighborhood, namely, the south side of Walnut Lane.

Let's look at these comparisons:

- - - Our street is comprised of single family residences on 1/4 to 1/3 acre lots, constructed in the 1960's. Far from expensive, far from modern by today's standards, but our houses and landscapes have been maintained and updated over the last sixty years. Most are raised ranch, but each house is unique. PUD 23/02 DOESN'T FIT.

- - - We have very low owner turnover. Why? People love living here. We move at a slower pace out north. Open spaces, nice yards, a beautiful street lined with huge shade trees. Our quiet street has a certain charm, just like Potwin, the Oakland Hispanic area or Collins Park, only on a much smaller scale. Would anyone seriously consider building duplexes in the middle of Collins Park if seven acres were available? Our block has stood the test of time and until recently, it was totally residential with no businesses. Three residential nursing homes were slammed into our block. I guess one was not enough. They come with guest parking issues the owner cannot control. Our property values dropped after this was approved. THEY ARE BUSINESSES! That was a mistake and this complex will be the next one. These so-called "improvements" DO NOT FIT.

- - - The proposed units will be rentals. It's common knowledge that regardless of housing classification, rental people come and go much quicker. Monitarily, they DO NOT have the incentive to take care of their surroundings and no life time investment on their part leads to a totally different mind set. WE HAVE MADE THESE INVESTMENTS. THIS COMPLEX DOESN'T FIT.

- - - The development will appear crammed into a long, narrow parcel of land, next to a levee. True, the plan may be under the recommended maximum number of units per acre ON PAPER, but it will still give the appearance of SQUEEZED in. Identically framed multiplexes on a narrow street with a cul-de-sac at the end - not a lot of aesthetic value there, and it does NOT reflect the individuality of our neighborhood. It's a fact, homes adjacent to parks and open spaces generally hold an 8% to 20% higher value than those that do not. Our property values will drop once again. PUD 23/02 DOES NOT FIT.

In summary, we are not against retirement complexes (or whatever classification the developer finds convenient), but please consider a better location for this ... a location where there is ample guest parking and additional open space to exercise such as a walking trail. Please do not put it on top of our established single family residences that we have worked hard to maintain. We will be left with the associated problems of construction noise, dirt and ugliness for who knows how long if this passes. It's the right thing to do - VOTE 23/02 DOWN!

Thank you for reading this and as always, thank you for your service to the City of Topeka.

Respectfully,  
Gail and Don Sloyer  
633 NW Walnut Lane

## Tonya L. Bailey


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**From:** Tonya L. Bailey  
**Sent:** Thursday, August 10, 2023 4:16 PM  
**To:** 'Mae Brown'  
**Cc:** City Clerk  
**Subject:** RE: PUD23/02 Concerns

Received. Thank you.

**From:** Mae Brown <maelynnne.brown@gmail.com>  
**Sent:** Thursday, August 10, 2023 3:08 PM  
**Cc:** City Clerk <cclerk@Topeka.org>  
**Subject:** PUD23/02 Concerns

This message originated from outside your organization

**This message needs your attention**

- This is their first email to you.
- This is a personal email address.

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Good Afternoon Mayor and City Council Members,

My name is Mae Brown, and I live at 3019 NW Sproaton Ln. I am writing to you in opposition of PUD 23/02 which will come before the city council yet again on 8/15/2023. I have corresponded with my council member, as well as members of the planning commission, and still feel like the voices from my neighborhood are not being heard.

We have pointed out many concerns within the development plan and the planning commission's recommendation which they have failed to address. These include:

- Safety
  - Rochester Road and Topeka Blvd are already overwhelmed with traffic. Both are in need of infrastructure upgrades. Allowing development of multi-family housing to continue north of 24 highway is putting the residents, drivers and pedestrians at risk. The area for this proposed development is already the most congested spot on Rochester Road. Adding 30 more families turning onto Rochester 50 yards from Dillons, Walmart and Harold's Tire is going to cause traffic problems. The planning commission refusing a traffic study after one was recommended by City Council is negligible.
  - There are no sidewalks or shoulders on Rochester Road or Topeka Blvd. so foot traffic to a bus route, Walmart or Dillons is hazardous. When I brought this up to the planning commission, they suggested the developer install a sidewalk North to Sproaton Ln, the opposite direction. When I advised this would have no advantage to anyone, and that Sproaton is a narrow road that many cars are parked on, no sidewalks, and not safe for pedestrian traffic, they said it was important to connect the new "subdivision" to an existing subdivision.
  - I emailed Mike and asked that the planning commission physically visit the property where they proposed the sidewalk run through an easement to connect to Sproaton. I thought if they looked at it, they would understand that their recommendation was ill advised. He told me they did visit

and sent me a picture from their visit. I thought this was funny because in the picture I could see a garden bed that I knew my neighbor had redone the year before, let alone it was clearly a season we weren't in. I went to Google Street view and low and behold there is the picture they sent me. How can anyone have faith in a planning commission that not only did not do their due diligence, but lied about it

- Characterization of the neighborhood
  - I've heard this term defined in various ways that seem to suit the person speaking. Not sure there really is a clear definition from a Planning Commission perspective. The bottom line is that our neighborhood consists of homeowners. The average lot is 0.5 acres. We spend weekends with our families maintaining our homes and working on our yards. Putting in rental housing for 30 families on 5.5 acres comes out to less than .2 acres/family. You will have over double the population density in this development compared to our neighborhood.
  - Since the developer bought this property, it has become overgrown with weeds and small trees. He hired someone to half-ass mow the first 30 feet from the road, and the rest is still unmaintained. He has insisted that he will maintain the property and be the owner operator, to ensure it is kept up. I don't know about you, but I tend to believe what I see more than what I hear. If he can't maintain the undeveloped property, how is he going to keep up with it going forward? Developers should be held accountable and vetted financially and by their capacity to handle the responsibility, because it is a huge responsibility to provide shelter for other Topeka families.

Overall, this development plan needs revision before it should be approved. Development of approx. 10 units would have been more appropriate based on the "characterization", and development should be delayed until the infrastructure is at a standard where sidewalks and roads can handle the additional traffic.

Sincerely,  
Mae Brown


## Tonya L. Bailey

---

**From:** WILLIAM BRANDLIN <graybeard18@yahoo.com>  
**Sent:** Sunday, August 13, 2023 8:46 AM  
**To:** 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:** Final Written Communication Concerning PUD 23/02  
**Attachments:** TONY-FINALFACTSSTATEMENT.docx

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Good Morning -

First of all, please accept our sincere thanks for the 13 weeks of patience you have exhibited in listening to and understanding the facts we have presented supporting the reasons why the Governing Body should vote down PUD 23/02 on August 15, 2023.

Please read and understand the attached 2 page Word document.

Please be aware of the developer when he speaks. His content and context will deal only with his perceived developer entitlements and offer nothing but empty promises of what he will do in which to make PUD 23/02 good for ALL TOPEKANS.

This is a scheme to benefit the developer solely and exclusively.

**WILLIAM BRANDLIN**  
**641 NW Walnut Lane**  
**Topeka, KS 66617-1254**  
**(785) 670-0677**

## THE FACTS WHY PUD 23/02 SHOULD BE VOTED BY THE GOVERNING BODY

The detailed discussion points for each of the following comments can be found in the three and six page documents e-mailed to each of you on August 7, 2023 and handed out at the August 8, 2023 Governing Body Meeting.

1. Nearly all of the Golden vs. City of Overland Park admonitions for Governing Bodies to consider when rezoning issues are involved have been ignored.
  - a. negative neighborhood re-characterization is manifest in PUD 23/02
  - b. nearby property is all zoned R-1 (no M-2 anywhere)
  - c. PUD 23/02 property is fully suitable to an R-1 zoning restriction
  - d. detrimental effect on nearby property that removal of R-1 zoning will have is substantial
  - e. PUD 23/02 property has always been zoned R-1 to ensure “substantial conformance” with nearby property which was always the intention of R-1 zoning
  - f. negative relative gain to public health, safety and welfare by increasing already dangerous traffic conditions with a rezoning to M-2
2. The City Planners showed their disdain for the Governing Body by ignoring the remand suggestions of Governing Body for more objective and responsive information on PUD 23/02.
  - a. TRAFFIC DATA was manufactured from traffic patterns derived from a non-comparable area nearly one mile from the access point for the PUD 23/02 parcel onto Rochester Rd. The conclusions are purely subjective and are an effort to force the traffic study data to fit the desired pro developer results desired by the Planning Staff and Planning Commission.
    - i. The rescue attempt included in the second Staff Report referencing a mysterious Shawnee County improvement scheme for Rochester Rd. to be completed eight years in the future is a direct rescue attempt admission by the Planning Staff that their baseless and subjective traffic data does not address the PUD 23/02 parcel effectively.
    - ii. The second staff report inaccurately concluded that PUD 23/02 would increase traffic on Rochester Rd. by about 4%. The factual data indicates that the correct increase in traffic on Rochester Rd. would be about 71%.
  - b. NEIGHBORHOOD RECHARACTERIZATION was never addressed in an objective and factual way using the “substantial conformance” criteria referenced in the second Staff Report.
    - i. The data contained in the second Staff Report is filled with unsupportable and baseless subjective conclusions with no evidence of any consideration of real “substantial conformance” issues such as housing unit density, population density, ownership characteristics, architectural style and zoning in the surrounding area.

- c. The **FLOODPLAIN CONCLUSIONS** drawn in the second Staff Report completely ignores the historical fact that the PUD 23/02 parcel was underwater in the heavy rains of 1996 and 2005/2006.
    - i. If the planning Staff had attempted any sort of dialogue with the nearby residents, the historical flooding issue and the state of disrepair of the Soldier Creel levee would have been known by the Planning Staff and could have been investigated. Instead, the planning staff relied on outdated and historically incorrect floodplain maps of dubious reliability.
  - d. The **SPROATON LANE CONNECTOR** danger to the public health, safety and welfare was covered only by inaccurate, incorrect and subjective conclusions drawn without reliance on any sort of verifiable data. You were given a street dimension map weeks ago to support these facts.
    - i. Factually, if you put more autos/walkers/cyclists onto already inadequate, crowded and too narrow neighboring streets the danger to the public safety and welfare is increased by putting more walkers and cyclists in harm's way and by restricting emergency vehicle, school bus and resident access.
3. Both the first and second Planning Staff Reports failed investigate the **suitability of the developer for this project.**
- a. Why is the construction period 2-3 years with indeterminate length of time pauses between the first and second phases?
    - i. Is the developer financially unable to complete the full project all at once or must there be an indeterminate pause between construction phases one and two to allow the developer to obtain additional financing for the next phase?
    - ii. Did the developer ever present any independent and verifiable financial data to assure he was financially viable for this project?
  - b. Is the developer looking for a financial bailout because his bad investment in R-1 zoned property can only be made developer viable by a change in zoning to M-2?
  - c. If our financial viability or bad investment practices of the developer questions are unwarranted, please, someone, offer up independent and verifiable developer financial data, developer and project financing data and project cash flow data to the contrary.

There are (1) too many relevant areas that were never investigated, (2) too many relevant areas that were inadequately investigated with incorrect and unsupportable suitability conclusions drawn resulting in (3) too many conclusions drawn based on subjective feelings instead of verifiable data.

The first and second Staff Reports are inaccurate, incomplete and riddled with incorrect, inaccurate, subjective and baseless data and conclusions.

This entire PUD 23/02 wrecks of the Planning Staff and Planning Commission attempt to manufacture and manipulate the data to fit their developer friendly outcome based scheme to approve any and all applications that come before them.

Everything in PUD 233/02 benefits the developer and gives all of the detrimental effects to the nearby property owners.

**Don't fall for this shameful attempt to ram through a rezoning scheme that lacks the necessary merits.**




## Tonya L. Bailey

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**From:** Douglas Brier <mbrier2571@ymail.com>  
**Sent:** Sunday, August 13, 2023 9:47 AM  
**To:** Michael Padilla; Karen A. Hiller; Christina Valdivia-Alcala; Sylvia Ortiz; Tony Emerson; Brett Kell; Hannah Naeger; Neil Dobler; Spencer Duncan; Michelle A. Hoferer; Tonya L. Bailey; City Clerk  
**Cc:** Tony Brandlin  
**Subject:** PUD 23/2 Issues/concerns

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- 1.) Traffic safety into/out of proposed development on to Rochester Road. Why is there no provision for a traffic study?
- 2.) Apparently no provision has been made for sidewalks along Rochester Road.
- 3.) Flooding/drainage problems. I know will be a problem as water during torrential rains cascades down my property on the east side into the proposed development.
- 4.) PUD 23/2 does not provide "substantial conformance" for the neighborhood.

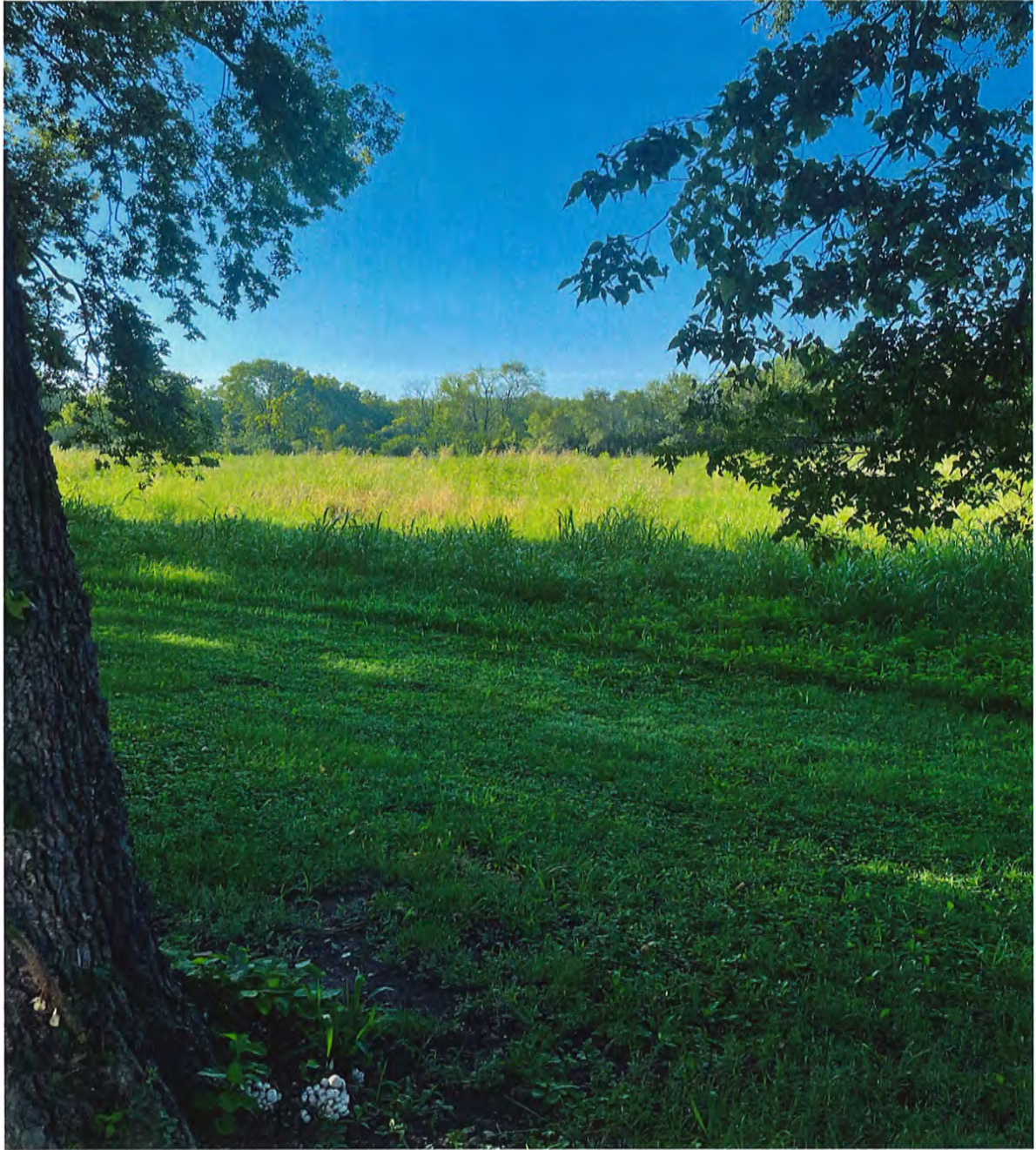
I strongly oppose this proposed development.

In closing, I recall the developer stood up at one meeting and professed to be a good steward in maintaining his properties. The property for this PUD has not been mowed in months. Weeds including noxious thistles are over 4ft or higher (see photo).

Thank you

Douglas M. Brier  
701 NW Walnut Lane  
Topeka, Ks. 66617

(785) 250-4994




## Tonya L. Bailey

---

**From:** Betty@ <networksplus.net betty@networksplus.net>  
**Sent:** Monday, August 14, 2023 12:13 PM  
**To:** Mayor  
**Cc:** Michael Bell; Timothy Hrenchir; City Council; Clark Trammell; Nellie Hogan; Joe Ledbetter; Mary Thomas; Jill Rice; Jonathan Sublet; Tomari Quinn; City Clerk; bill riphahn sn co commissioner; Kevin Cook; Aaron Mays  
**Subject:** HOMELESSNESS

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It's gratifying to read your comment that the City is "actively working to find strategies toward solutions" to local homeless problems, especially since "the criminalization of homelessness violates the 8<sup>th</sup> Amendment and human rights standards." Also, "HUD provided two points on their funding applications to incentivize Continuums of Care to demonstrate steps taken to end and prevent criminalization."

In reading Capital-Journal newspaper articles on the subject, I didn't see anything about the Housing First program, which is apparently very effective. These are some excerpts about it:

There is a large and growing evidence base demonstrating that Housing First is an effective solution to homelessness. Consumers in a Housing First model access housing faster and are more likely to remain stably housed. This is true for both Permanent Supportive Housing (PSH) and rapid re-housing programs. PSH has a one-year housing retention rate of up to 98 percent. Studies have shown that rapid re-housing helps people exit homelessness quickly—in one study, an average of two months—and remain housed. A variety of studies have shown that between 75 percent and 91 percent of households remain housed a year after being rapidly re-housed.

...A majority of clients are found to participate in the optional supportive services provided, often resulting in greater housing stability. Clients using supportive services are more likely to participate in job training programs, attend school, discontinue substance use, have fewer instances of domestic violence, and spend fewer days hospitalized than those not participating.

...Permanent Supportive Housing has been found to be cost efficient. Providing access to housing generally results in cost savings for communities because housed people are less likely to use emergency services, including hospitals, jails, and emergency shelter, than those

who are homeless. One study found an average cost savings on emergency services of \$31,545 per person housed in a Housing First program over the course of two years. Another study showed that a Housing First program could cost up to \$23,000 less per consumer per year than a shelter program.

Since the consulting firm hired for the previous affordable housing program was such a failure and rip-off, it was puzzling to read about the proposed hiring of the Sylver consulting firm to solve the problem of local homelessness:

The estimated \$76,080 cost would include \$64,260 for teaching and coaching support, \$6,750 for administrative and project fees and \$5,070 for other project expenses, including travel costs for site visits and lunch catering for onsite meetings.

The Sylver web site indicates their business plan and an example:

**To identify** what the next generation products and services of your company look like, to in turn, provide greater service to your customers and more revenue and impact for your organization.

**To envision** wholly new offerings that enable your company to expand.

**To formalize** sustainable and culturally specific innovation processes for your company that serve to shift mindsets and avoid the trap of creating “one hit wonders.”

Using a two-phase approach that began with Sylver's proprietary *Innovation Mapping* and *Granular Behavioral Analysis*<sup>™</sup>, we first engaged 100 consumers in reporting their snacking moments over a 7-day period. Phase two involved a deep dive into eight opportunity territories defined in phase one.

This research created the foundation for the Salty-Sweet platform of snacks at Frito-Lay. From this work many successful products have been developed. One product concept broke historical BASES scores for the organization.

I hope the people most affected by homelessness—including some of the homeless—will have the opportunity to make suggestions about proposed programs. As you know, there needs to be oversight and input from those affected, which was a big problem and failure of the previous affordable housing program. It's rental rehab program was shut down by the FBI and HUD. The ongoing waste, misuse and mismanagement of Topeka's HUD funds through the past many years have contributed significantly to the current homeless problem.

Since most cities have a homelessness problem, seeking advice and learning the experiences of other cities would seem to be a logical and cost-effective approach to finding solutions to the local needs of the homeless.

Betty Phillips