

Governing Body Minutes – September 19, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 19, 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, Emerson, Kell, Naeger and Duncan -5. Councilmembers Ortiz participated remotely -1. Deputy Mayor Dobler presided -1. Absent: Mayor Padilla and Councilmembers Valdivia-Alcala and Hoferer -3.

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 September 19, 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 September 19, 2023, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Richard U. Nienstedt, Interim City Manager, withdrew the UPDATE on the Topeka Fire Department Operations and the UPDATE on the Topeka Rescue Mission Operations from the agenda. He reported both updates would be rescheduled to a later date in October.

CONSENT AGENDA was presented as follows:

ADVISORY COUNCIL REAPPOINTMENT of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2025, was presented. *(Council District No. 7)*

BOARD APPOINTMENT recommending the appointment of William Naeger to the Topeka Planning Commission for a term ending September 30, 2026, was presented. *(Council District No. 1)*

Councilmember Emerson moved to approve the appointments. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. Councilmember Naeger abstained. (6-0-1)

RESOLUTION NO. 9472 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)*

ORDINANCE NO. 20454 introduced by Interim City Manager Richard U. Nienstedt removing certain real property from the Dynamic Core Redevelopment District, was presented.

APPROVAL of a professional services contract exceeding \$50,000 between the City and Lannan Legal PLLC to provide legal services for transactions related to the development of Hotel Topeka, was presented.

MINUTES of the regular meeting of September 12, 2023 was presented.

APPROVAL of the following Cereal Malt Beverage license applications was presented:

Business Name

Hy-Vee
Low Cost
One Stop Convenience
One Stop Convenience

Address

2951 SW Wanamaker Road
3101 SE 6th Avenue
706 SW Fairlawn Road
1320 SW 6th Avenue

Councilmember Naeger moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (7-0-0)

ORDINANCE NO. 20455 introduced by Interim City Manager Richard U. Nienstedt, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay, was presented.

Deputy Mayor Dobler referenced the amended ordinance distributed by the City Clerk reflecting the updated list of payments received.

Richard U. Nienstedt, Interim City Manager, stated this was an annual ordinance approved by the Governing Body for the purpose of collecting utility bills owed to the City.

Nicole Malott, Deputy Utilities Director, reported the amended list reflects payments received as of 12:00 p.m. on September 19, 2023; and the City will continue to accept payments until September 29, 2023.

Councilmember Emerson moved to adopt the ordinance as amended. The motion seconded by Councilmember Naeger carried unanimously (7-0-0).

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, and Duncan, -7.

ORDINANCE NO. 20456 introduced by Interim City Manager Richard U. Nienstedt, concerning the 2023 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020, was presented.

Amanda Stanley, City Attorney, reported the ordinance was discussed at the September 12, 2023 Governing Body meeting and Staff was recommending approval.

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

Councilmember Kell carried unanimously (7-0-0).

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, and Duncan, -7.

ORDINANCE NO. 20457 introduced by Interim City Manager Richard U. Nienstedt, concerning the adoption of the 39th Edition of the Uniform Public Offense Code (2023) (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080, was presented.

Amanda Stanley, City Attorney, reported the ordinance was discussed at the September 12, 2023 Governing Body meeting and Staff was recommending approval.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously (7-0-0).

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, and Duncan, -7.

RESOLUTION NO. 9473 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 on a 29.4 acre parcel, located south of SE 38th Street and west of SE Adams Street, and along the north side of the Kansas Turnpike on property zoned “R-1” Single Family Dwelling District to allow for a Religious Assembly use with an accessory cemetery not meeting the requirement in the zoning code that access to a religious assembly use be on or within 300 feet of a major traffic thoroughfare, was presented. (CU23/04) (Council District No. 5)

Richard U. Nienstedt, Interim City Manager, stated this was a unique request because it does not meet “Special Use” requirements, however, it may be approved through the Conditional

Use Permit process.

Dan Warner, Planning Division Director, reported the request allows for a religious assembly use, including associated buildings and off-street parking along with an accessory cemetery, to be developed in three phases. He stated "Religious Assembly" was permitted by right within "R-1" Single Family Dwelling zoning districts, and a conditional use permit was required because access to the site was not on or located within 300 feet of a major traffic thoroughfare per the standards for religious assembly. He noted City Traffic Engineering has approved the applicant's Traffic Impact Analysis, concluding the adjacent streets have capacity to safely accommodate the traffic generated by the proposed use.

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 Kell moved to approve the resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (7-0-0)

ORDINANCE NO. 20458 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 at 3601 SW 33rd Street

rezoning from “R-1” Single Family Dwelling District all to “PUD” Planned Unit Development District with R-1 uses and Sports and Recreation Instruction, was presented. (*PUD 23/05*)
(*Council District No. 5*)

Richard U. Nienstedt, Interim City Manager, stated approval would allow sports and recreational uses on the property.

Dan Warner, Planning Division Director, stated the request by Topeka Prime Sports, LLC was for the conversion of the former church facilities to a gymnasium for cheer classes. He stated there was no master plan associated with the Planned Unit Development and the conditions and restrictions of the zoning were included in the proposed ordinance.

Councilmember Emerson spoke in support of the request, however, would abstain from voting due to his association with the project.

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.

Ex parte communication was declared by Councilmember Ortiz.

Councilmember Kell moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried. (6-0-1)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller,

Ortiz, Kell, Naeger, Dobler, and Duncan -6. Councilmember Emerson abstained -1.

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20 foot wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas, was presented. *(V23A/01) (Council District No. 1) (On September 12, 2023, the Public Hearing was conducted and the ordinance was deferred until September 19, 2023.)*

Richard U. Nienstedt, Interim City Manager, reported Staff was requesting the ordinance be deferred until October 17, 2023.

Dan Warner, Planning Division Director, reported Staff continues to work with the applicant, Clay Sherwood, to satisfy his request to remove the utility easement from the vacation request.

Councilmember Hiller moved to defer the ordinance until October 17, 2023. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (7-0-0)

PUBLIC COMMENT was submitted via email by Joseph Ledbetter *(Attachment A)* and provided by the following individuals:

Sarah Coats distributed a handout *(Attachment B)* on Prevention and Resiliency Services. She spoke to the 80% cut in program funding and her attempt to contact City Staff to obtain clarity. She reported the program provided services for 98 children and 103 adults last year, and remains vital to the community. She asked the Governing Body to reconsider fully funding the program.

Ken Auten asked if the Governing Body has received his emails and if they have an answer to his continued issues regarding the need for housing resources. He stated he has been dealing with the issue since March 2023.

Cory Chandler thanked the Governing Body for approving the unlawful camping ordinance on September 12, 2023. She asked the Governing Body to use the revenue generated from increased property taxes to address homeless issues instead of revitalizing Topeka airports.

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

Richard U. Nienstedt, Interim City Manager, announced on October 12, 2023, the City of Topeka will host the Kansas Association for Public Purchasing Professionals (KAPPP) Reverse Vendor Fair at the Historic Great Overland Station located at 200 NW Railroad Street, Topeka, from 8:30 a.m. to 2:00 p.m. He reported the City of Topeka Homeless Initiative Core & Auxiliary Team has met as a group and discussions are underway.

Councilmember Kell encouraged citizens to educate themselves on upcoming election candidates.

Councilmember Naeger announced September was Suicide Awareness Month and noted, helpful resources and information could be found at <https://988lifeline.org/>.

Councilmember Duncan requested that Staff keep the Governing Body updated as to where they are in the process regarding the Kansas Public Employees Retirement System PARS funds. He reported the Kansas Corporation Commission continues to accept public comment regarding the proposed Evergy rate increase until September 29, 2023 at 5:00 p.m. He encouraged residents to submit comments and concerns online at <https://www2.kcc.ks.gov/>.

Councilmember Hiller thanked Interim City Manager Nienstedt for drafting a letter to Evergy concerning rate increases and requested a copy of the letter be distributed to the Governing Body. She asked if the public would be given an opportunity to submit their input and ideas concerning the Homeless Initiative. She announced the 18th Annual Aaron Douglas Art Fair

on September 30, 2023. She encouraged citizens to participate in the Wind and Solar Energy Public Survey that the Shawnee County Planning Commission was conducting at <https://www.surveymonkey.com/r/BL82GDY>.

NO FURTHER BUSINESS appearing the meeting adjourned at 6:43 p.m.


(SEAL)

Brenda Younger City Clerk

Tonya L. Bailey

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, September 19, 2023 5:26 PM
To: City Council; City Clerk; Mayor
Cc: City Manager
Subject: Item 6. D. Support for St Peters and Paul Church PUD request.

This message originated from outside your organization

 **This message could be suspicious**

- The sender's email address couldn't be verified.
- You've never replied to this person.

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I support this as a good use of vacant land that has been vacant for decades in SE Topeka. It is next to Southern Hills which is a good neighborhood and has some great infill lots available. I spoke to the Planning Commission in support of the request already and I have land within the 300 ft. notification area.

Thank you!

Joseph Ledbetter ,JD, MPA

PREVENTION AND RESILIENCY SERVICES

September 19, 2023

OVERVIEW		PARS
Substance use disorder evaluations are provided for any adolescent referred from a Topeka/SNCO school at no cost to the family. We are the only agency to provide this service in Topeka. After the evaluation, the counselor provides referrals which may include, treatment for substance use, mental health and/or medication management and, community resources.		2209 SW 29 th St, Topeka, KS 66611 785-266-8666 mczechanski@parstopeka.org
		EXECUTIVE DIRECTOR
EVALUATIONS	<p>In 2022 it was projected we would serve 90 youth and 90 parents/guardians through the evaluation program.</p> <p>Evaluations are a full American Society of Addiction Medicine (ASAM) assessment and diagnosis, in combination with research-based assessment and reporting tools.</p>	<p>Output 2022: 98 youth, 103 parents/guardians. This is a 61% increase over our 2021 outputs.</p> <p>Projected 2023: 90 youth, 90 adults. YTD: 60 youth served, and 59 parents/guardians.</p>
CASE MANAGEMENT	<p>Person Centered Case Management services did not meet the outcome goal due to the high volume of youth needing evaluations.</p> <p>From late September 2021 until late March 2022 PARS did not have a full-time counselor.</p> <p>Due to the high volume/high demand we have hired a second counselor. The salary expenses for the second counselor are not included in the RFP application.</p>	<p>Case management services are provided by other community resources and a referral is made for them to participate when a PARS counselor is not able to meet the needs of the family due to the high number of clients referred to the agency.</p> <p>This goal was written by a counselor that left the agency in September 2022. This goal has been written out of the current grant and replaced with Teen Intervene instead.</p> <p>Our counselor, as a social worker, naturally offers a degree of case management into every evaluation through education and referral. Without being able to provide a high level of service it was determined the best route to follow would be to provide our evaluations due to community need.</p>
		<p>THIS EVALUATION PROGRAM HAS BEEN IMPLEMENTED FOR AT LEAST 17 YEARS.</p>
		<p>COUNSELORS</p> <p>Sarah Coats, LMAC, LMSW scoats@parstopeka.org Ashley Sumpter, M.A., LMAC asumpter@parstopeka.org</p>