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City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 20, 2013
6:00 PM

Mayor: Larry E. Wolgast

Councilmembers

Karen A. Hiller	**District No. 1**	**Chad Manspeaker**	**District No. 6**
John Campos II	**District No. 2**	**Elaine Schwartz**	**District No. 7**
Sylvia E. Ortiz	**District No. 3**	**Nathan Schmidt**	**District No. 8**
Denise Everhart	**District No. 4**	**Richard Harmon**	**District No. 9**
Michelle De La Isla	**District No. 5**		

City Manager: Jim Colson

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council

Persons addressing the City Council will be limited to four (4) consecutive minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room

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INVOCATION:

PLEDGE OF ALLEGIANCE:

1. PROCLAMATIONS:
"None scheduled at this time."

2. PRESENTATIONS:
"Special Recognition"

3. ROLL CALL:

4. CONSENT AGENDA:

A. Resolution - Everett Spellman - Noise Exception ATTACHMENTS

A RESOLUTION introduced by Councilmember Elaine Schwartz, granting Everett Spellman an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 7)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music during the hours of 4:00 p.m. and 10:00 p.m. on September 8, 2013, at 3119 SW Kent Street.)

B. MINUTES of the regular meeting of August 13, 2013

C. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. 2014 Consolidated Action Plan and Budget ATTACHMENTS

APPROVAL of the FY 2014 Consolidated Action Plan and Budget.

(The total funding under the 2014 Consolidated Action Plan is $6,042,588. New funding includes CDBG $1,667,495; HOME $488,796; HESG $117,280; Shelter Plus Care $1,543,017; Program Income/Reprogrammed Funds $565,000; General funds for Youth and Social Service $141,000; $100,000 HOME Fund Match; $20,000 Shelter Plus Care Administration; and Neighborhood Infrastructure CIP $1,400,000.)

B. Appropriation Ordinance - 2014 City of Topeka Operating Budget ATTACHMENTS

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2014 and appropriating the amounts for the purpose set forth therein. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would adopt the City's 2014 operating budget.)

C. Home Rule Ordinance - General Obligation Bonds, Series 2013-C - Employee Retirement Benefit Funding ATTACHMENTS

A HOME RULE ORDINANCE introduced by City Manager Jim Colson, authorizing and providing for the public sale and issuance of Taxable General Obligation Bonds of the City of Topeka, Kansas, to fund certain employee separation benefit costs of the City for eligible employees of the City and pay the costs of issuing such bonds and funding capitalized interest on the bonds; setting forth the details of said sale; and providing for the giving of notice thereof. Final Reading.

<u>Voting Requirement</u>: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the issuance of General Obligation Bonds, Series 2013-C (Employee Retirement Benefit Funding) in the maximum principal amount of $7,500,000 to fund certain employee separation benefit costs.)

D. Ordinance - 2014 Property Taxes

ATTACHMENTS

AN ORDINANCE introduced by City Manager Jim Colson, attesting to budgeting property tax revenues for budget year 2014. Final Reading.

<u>Voting Requirement</u>: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize a budget which provides funding with property tax revenues that may or may not exceed the previous year.)

6. NEW BUSINESS:

A. Applications - Retail Cereal Malt Beverage and Scrap Metal Dealers License

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

<u>Voting Requirement</u>: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

7. FIRST READINGS:

A. Ordinance - Minor Plats, Lot Splits and Lot Line Adjustments (ASR13/1)

ATTACHMENTS

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.30.010, 18.35.010, 18.35.040 and 18.35.220 and specifically repealing said original sections, all concerning the administrative minor plat approval process. First Reading. *(ASR13/1)*

<u>Voting Requirement</u>: Majority vote of the Governing Body, including the Mayor.

(Approval would expand and streamline the minor plat process so that more plats could be approved administratively including lot splits and lot line adjustments.)

8. MISCELLANEOUS:

-

9. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

10. PUBLIC COMMENT:

-

11. ADJOURNMENT:

-

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Council Action Form

Council Chambers
214 SE 8th Street
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DATE:	**August 20, 2013**		
CONTACT PERSON:		**DOCUMENT #:**	
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CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #2

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CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
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DOCUMENT DESCRIPTION:

"None scheduled at this time."

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #3

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CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
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DOCUMENT DESCRIPTION:

"Special Recognition"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #4

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CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

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August 7, 2013

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DATE:	**August 20, 2013**		
CONTACT PERSON:	**Elaine Schwartz**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Everett Spellman**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**020 Resolutions / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Elaine Schwartz, granting Everett Spellman an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 7)*

(City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval would allow for amplified music during the hours of 4:00 p.m. and 10:00 p.m. on September 8, 2013, at 3119 SW Kent Street.)

POLICY ISSUE:

Everett Spellman has requested that a noise exception be granted for a neighborhood gathering to take place during specified date and time.

STAFF RECOMMENDATION:

Staff is recommending the Council move to approve the resolution.

BACKGROUND:

Everett Spellman is requesting the noise exception due to amplified music at the event.

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Resolution

Item #6

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Elaine Schwartz, granting Everett Spellman an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 9.45.150, et seq. makes it unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 9.45.170, et seq. authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.; and

WHEREAS, Everett Spellman has requested that he be granted an exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Everett Spellman the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 9.45.150, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Everett Spellman is hereby granted an exception from the provisions of City of Topeka Code Section 9.45.150, et seq. for a Neighborhood Gathering located 3119 SW Kent Street during the hours of 4:00 p.m. and 10:00 p.m. on September 8, 2013.

ADOPTED and APPROVED by the City Council ________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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CIP PROJECT:	**No**		
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DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #7

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CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #8

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July 16, 2013

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DATE:	**August 20, 2013**		
CONTACT PERSON:	**Brad Reiff**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**2014 Consolidated Action Plan and Budget**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**004 Budgets or Appropriations / 007 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

APPROVAL of the FY 2014 Consolidated Action Plan and Budget.

(The total funding under the 2014 Consolidated Action Plan is $6,042,588. New funding includes CDBG $1,667,495; HOME $488,796; HESG $117,280; Shelter Plus Care $1,543,017; Program Income/Reprogrammed Funds $565,000; General funds for Youth and Social Service $141,000; $100,000 HOME Fund Match; $20,000 Shelter Plus Care Administration; and Neighborhood Infrastructure CIP $1,400,000.)

POLICY ISSUE:

The Consolidated Action Plan is a required HUD submission enabling governments to receive federal entitlement grant funds. A public hearing is required by HUD to receive grant funding which occurred on August 13, 2013.

STAFF RECOMMENDATION:

Staff recommends the Council move to approve the 2014 Consolidated Action Plan.

BACKGROUND:

The Consolidated Action Plan is a required HUD submission enabling local governments to receive federal entitlement grant funds such as: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (HESG), and Shelter Plus Care (S+C) programs. For planning and targeting purposes, Capital Improvement Program/General Fund (GF) allocations are also included in this process. The Citizens Advisory Council has provided input to the HND staff to develop the budget. The required 30-day public comment period began on July 15th and will end on August 16th. The 2014 Consolidated Action Plan will be submitted to HUD on November 15, 2013.

Item #9

BUDGETARY IMPACT:

2014 Consolidated Action Plan = $6,042,588. New funding includes: CDBG funding of $1,667,495, HOME $488,796, HESG $117,280, S+C $1,543,017, and Program Income/Reprogrammed Funds $565,000, City Social Service $141,000, HOME Match $100,000, S+C Administration $20,000, and Neighborhood Infrastructure CIP $1,400,000. All HUD final allocations are subject to appropriations by Congress and all City funds are subject to budget being adopted by City Council.

SOURCE OF FUNDING:

Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (HESG), Shelter Plus Care (S+C), CIP Neighborhood Infrastructure, HOME Match, S+C Admin, and City Youth & Social Service Funds.

ATTACHMENTS:

2014 Consolidated Action Plan Draft

2014 Consolidated Action Plan Budget Page Draft

2013 Applications Received

City of Topeka, Kansas
Consolidated Action Plan

for

Housing and Community Development

Program Year 2014

Department of Housing & Neighborhood Development

Draft 07/08/13

Table of Contents

Fourth Program Year Action Plan

Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Program year 4 Action Plan Executive Summary:

The City of Topeka Department of Housing & Neighborhood Development (HND) will concentrate resources geographically to entice collaborative investment from the private sector. Assistance will be directed primarily to the low-to-moderate-income areas of the City of Topeka. A major emphasis will be to promote identifiable impacts and enhanced neighborhood wealth. Where prior and ongoing financial investment is present, HND will invest to enhance current and future success.

The objectives of revitalization activities within low-income, distressed neighborhoods will be to:

A). Enhance the Quality of Life for Targeted Topeka Neighborhoods & Residents;
B). Increase Homeownership and Rental Housing Opportunities;
C). Support Economic Development; and
D). Enhance Local Resources to Maximize Impact of Federal Funds.

All programs, to achieve these objectives, will provide one of the following outcomes:

A). New or Improved Availability / Accessibility;
B). New or Improved Affordability;
C). New or Improved Sustainability.

In addition to these HUD prescribed performance measures, HND of Topeka will evaluate the performance of revitalization activities based upon such factors as crime statistics, real estate values and the number of boarded or vacant houses.

Evaluation of Past Performance

In 2002, the City began an effort to provide resources into major redevelopment within existing neighborhoods. This gave rise to the new process called Stages of Resource Targeting (SORT) where funds were targeted into smaller defined areas. HND will generally target a majority of its resources in no more than two redevelopment areas or neighborhoods per year. Neighborhoods seeking SORT funding are selected by the Community Advisory Council (CAC) through a competitive process in which competing NIA's make presentations to the council. The final approval is made by the City Council. Each redevelopment area or neighborhood will first become a Planning Target Area. With this designation, they will spend the first year establishing or updating their existing Neighborhood Plan. This will also be the time when they identify a two to three block area that will become the Target Area for funding during the following two years. The following Neighborhood Improvement Associations have been identified as SORT Target Areas:

2004-2005: Monroe, Tennessee Town & East Topeka South
2006-2007: Hi-Crest, East Topeka North, Chesney Park & Historic Old Town
2008-2009: Central Park & Historic Holliday Park
2010-2011: Ward Meade & Chesney Park
2012-2013: Central Highland Park & Hi-Crest
2014-2015: Historic North Topeka East & Oakland

The targeting of resources includes our rehabilitation (home repair) programs and infill housing development (newly built homes), funded through the Community Development Block Grant and HOME Investment Partnerships Program, as well as a limited amount of City General Fund dollars. Equally important, the City allocates Capital Improvement Program (CIP) funding to improving the streets, alleys, sidewalks, and parks.

Today, with the investment of targeted resources at these locations, crime statistics have plummeted, and the property values have increased to a level that exceeds other locations within Topeka. For example, over the past three years, property values in Topeka have declined 2.76%. During this same period, property values in our SORT neighborhoods have remained relatively level, and have actually increased in seven neighborhoods.

1. **Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.**

Based on an annual review, assistance will be primarily directed to the low and moderate-income areas of the City of Topeka. The City's goal is to commit at least 50% of annual Consolidated Plan funding for neighborhood development activities into high priority intensive care or at-risk neighborhoods. Activities provided by the Emergency Rehabilitation program, the Accessibility program, as well as the TOTO Home program however are each available to any income eligible resident of the City of Topeka to the extent funding is available.

With minor exceptions, spending in low-income neighborhoods will be concentrated in multi-block areas (typically 3-5 blocks) that have been strategically identified through a neighborhood/area plan process for multi-faceted housing in-fill development and rehabilitation. The multi-block areas that will be targeted to receive the greatest assistance in the next year are limited sections of the following neighborhoods: Central Highland Park and Hi-Crest neighborhoods.

2. **Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a)(1)) during the next year and the rationale for assigning the priorities.**

   Based on the Neighborhood Health Model of intensive care, at-risk, outpatient and healthy neighborhoods, treatment for neighborhoods are based on a "continuum of care" approach. Those neighborhoods that are most distressed (intensive care) require the most intervention and therefore, will require sizeable resources and attention. However, if all relevant resources are devoted to an intensive care area, an at-risk or unstable outpatient neighborhood may fall prey to blighting influences themselves.

Since the needs of distressed neighborhoods within the City exceed the resources to care for them, a four-pronged approach similar to a triage system should be employed to identify neighborhoods that will likely benefit the most from revitalization activities. The method of identifying these neighborhoods is described below:

A). High priority neighborhoods are areas that have the poorest health. These areas require significant stimulus and major intervention over a long period of time. Our goal is to revitalize these neighborhoods. These are priority status neighborhoods that will be targeted the most aggressively.

B). Above-average priority neighborhoods are areas that have poor health. These areas are rapidly declining but can be revitalized through moderately aggressive intervention over a short period of time due to substantial revitalization activity. These neighborhoods are a priority, but only secondary to the immediate needs of the poorest health neighborhoods.

C). Average priority areas are stable/rising at-risk neighborhoods or declining outpatient neighborhood areas of favorable health that will require either minor intervention or prevention measures to address a significant neighborhood need. Rising healthy neighborhoods may require some planning intervention to prevent incompatibilities. They should be treated on an as needed basis to ensure maintenance of their health.

D). Low priority neighborhoods are areas of favorable or optimal health conditions that are least in need of intervention. Public intervention in the form of funding subsidies is not expected except to respond to private market forces that compromise the quality of health.

The Topeka Planning Department developed a neighborhood health map in 2000 and was last updated in 2011. The neighborhood health map is used to determine priorities for planning and funding assistance based on the City's Comprehensive Plan and Consolidated Plan. For example, the Planning Department has worked with all “intensive care” neighborhoods since 2000, to develop individual neighborhood plans while Housing and Neighborhood Development has targeted their infill housing efforts to implement two of those plans each year. The map, therefore, is a composite “health” ranking for City neighborhood areas as measured by five vital signs:

• Poverty
• Public safety (Type I crimes)
• Residential property values
• Single-family homeownership
• Boarded houses

Each vital sign has four rating levels that are assigned points ranging from the most desirable condition (4 points) to the least desirable condition (1 point). The averaged combined score for each neighborhood area fell into one of the following classifications:

Healthy – optimal condition (3.3 – 4.0)
Out Patient – favorable condition (2.7 – 3.2)
At-Risk – emerging negative conditions (1.9 – 2.6)
Intensive Care – seriously distressed condition (1.0 – 1.8)

Neighborhood areas do not necessarily conform to defined neighborhood boundaries, but instead typically follow 2000 Census block group boundaries. Therefore, some neighborhoods are combined with other neighborhoods as part of Census block groups and will show a more generalized average than if broken down separately. The source of the data varies between vital signs. Poverty ratings are based on 2006-2010 U.S. American Community Survey estimate from the Census Bureau. Public Safety ratings are based on 2009-2010 Type I crimes from the Topeka Police Department. Residential Property Values and Single Family Homeownership ratings are from the Shawnee County Appraisers Office in 2011. Lastly, Boarded House ratings are from the Code Compliance Services Division of Public Works in 2010.

The original maps and the updated maps can be viewed on the City's website under the Planning Department's web page (click on "Neighborhood and Area Plans").

Stages Of Resource Targeting (SORT)

Redevelopment areas and neighborhoods desiring to be a focus of targeting from the Department of Housing & Neighborhood Development (HND) will be considered within the following conceptual framework for allocation of resources:

Phase I – Planning Stage

This stage is where two (2) Neighborhood Revitalization Plans are initially developed, reviewed or updated to address current neighborhood needs. The emphasis of this stage will be to identify various housing, neighborhood, community, infrastructure and economic development needs and to match them with funding options for the following two years. In addition, efforts will be made to identify non-City resources including, but not limited to, human, organizational and financial.

Phase II – Activation Stage

At this stage, the City will activate its existing resources, most of which will have little or no additional fiscal impact on City operations. Focusing existing activities such as Code Compliance, litigation regarding demolitions and crime reduction activities will be a major component of this stage. Existing programs administered by Housing and Neighborhood Development may also target areas in preparation for the Investment Stage. Also, CIP funds for the repair and expansion of infrastructure will receive priority. Developing public/private partnerships will be necessary during this stage to ensure a framework that is conducive to future leveraging in the next phase. Homeownership and rehabilitation of existing homes will be considered during this phase, while new construction will not. The acquisition of vacant land and dilapidated structures for demolition and rebuilding will be allowed, whether by the City or a private entity.

Phase III – Investment Stage

Investment of new capital will be the highlight of this phase. However, City funds will not be the only focus. Because the Activation Stage included the development of public/private partnerships, an area must be prepared to demonstrate it has the potential to lure private capital to its region before it can advance to this phase. Leveraging of City resources will be a major target during this phase. Other government capital resources as well as those from the private sector will be pursued during the Investment Stage. Only during this phase will the Department of Housing and Neighborhood Development consider new construction, homeownership opportunities.

HND will generally target a majority of its resources in no more than two redevelopment areas or neighborhoods per year. Each redevelopment area or neighborhood will first become a Planning Target Area. With this designation, they will spend the first year establishing or updating their existing Neighborhood Plan. This will also be the time when they identify a two to three block area that will become the Target Area for funding during the following two years. A Target Area will be identified based upon its ability to show measurable impacts with the most efficient use of resources. If a Target Area shows significant measurable impacts before the end of the two-year funding period, it may be removed from the top priority position. A major economic event that will have community-wide impacts could accelerate a redevelopment area or neighborhood through the stages of resource targeting. Every other calendar year, the Department of Housing and Neighborhood Development, with input from the Citizen Advisory Council, will prepare the list of rated and ranked redevelopment areas or neighborhoods for consideration by the City Council. The City Council will either identify new or ratify existing Planning Target Areas through its approval of the annual Consolidated Action Plan.

SORT Targeting Boundary Criteria

1) Target Areas identified that are referenced in an adopted neighborhood plan will have a priority.

2) When a boundary is drawn it will encompass both sides of a street. Funding may be allocated to more than one NIA, NA or neighborhood if it is contiguous to the Target Area and the investment will enhance the overall Targeting effort.

3) Each Target Area should not exceed three to five square blocks including its "primary" and "secondary" areas.

4) Primary access streets through a neighborhood will receive a priority in notification of funding or staging of efforts.

5) When commercial or industrial property is included within a targeted area, only streetscape or public infrastructure may be addressed for that property.

6) Each Target Area identified will be subdivided into a "primary" and "secondary" area. The "primary" area will be initial recipient of the major portion of its Target Area funds the initial funding year. The "secondary" area will receive funds only if:
    a) There are savings from activities in the "primary" area.
    b) There are no eligible properties left due to activity completed in the "primary" area.
    c) There are regulatory and/or legal limitations that prevent further investment in the "primary" area.
    d) Substantial progress has been made in the "primary" area and private investment is beginning to fund activities in the "primary" area at a rate similar to non-target areas, that are slowing stable or rising property values.

7) All neighborhood groups impacted by the proposed target boundaries will be asked for input.

Boundaries may change slightly between the first funding year and the second, depending upon a review of the progress achieved by the NIA, Planning and HND. See the Barriers to Affordability section in page 20.

4. **Identify the federal, state, and local resources expected to be available to address the needs identified in the plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the strategic plan.**

The Consolidated Plan regulations combine into a single submission the planning and application elements of the Community Development Block Grant (CDBG), Emergency Solutions Grant (HESG), HOME Investment Partnerships (HOME) programs, American Dream Down Payment Initiative (ADDI), and Housing Opportunities for Persons with AIDS (HOPWA). The reporting requirements for these programs are also consolidated into one performance report. In addition, the City produces the Consolidated Plan in order to ensure its eligibility for Supportive Housing, Shelter Plus Care, and other federal housing funds. Furthermore, Neighborhood Infrastructure and CIP funds will be used to secure the goals of the Consolidated Plan.

Managing the Process

1. **Identify the lead agency, entity, and agencies responsible for administering programs covered by the consolidated plan.**

The Department of Housing and Neighborhood Development in Topeka is the lead agency. Rental housing programs are administered by the Topeka Housing Authority, the private sector through the Low-Income Housing Tax Credit program, Breakthrough House and Cornerstone. Homeownership programs are administered by the City of Topeka's Major Rehab and Emergency Repair program, the Topeka Opportunity to Own, Habitat for Humanity, and the East Topeka Action Program. Homeless facilities or programs are supervised by the Topeka Rescue Mission, YWCA Battered Women's Center, Kansas Legal Service, Cornerstone, and Shelter Plus Care. Other support services include Housing and Credit Counseling of Topeka, Doorstep, Community Action, Meals on Wheels, Topeka Day Care, Big Brothers Big Sisters, Valeo, Topeka AIDS Project, Let's Help, The Salvation Army and Family Service and Guidance Center of Topeka.

2. **Identify the significant aspects of the process by which the plan was developed and the agencies, groups, organizations, and others who participated in the process.**

By incorporating input from both individual citizens of the City and through organizations such as the Citizen Advisory Council (CAC) and the Neighborhood Improvement Associations (NIA) that represent residents of low-income areas exclusively, HND of Topeka was able to identify the most pressing community needs within the City and address them in the Consolidated Plan. All residents of the City of Topeka, not just those residing in low-income areas, are encouraged to participate in the citizen participation process outlined in the next page. More information about the CAC is provided in page 14.

Two (2) Needs Assessment Meetings were conducted in order for residents of the City to share their housing, neighborhood and community development needs with HND of Topeka. No comments were received during the meetings.

3. **Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.**
   The Shawnee County Homeless Task Force (HTF) is a group of community participants from both the public and private sector whose goal is to help individuals and families who are experiencing homelessness, or are at-risk of becoming homeless, have access to a continuum of appropriate emergency shelter, transitional housing, affordable and permanent housing and the support services necessary to maintain such housing. In the upcoming year, the HTF is placing additional effort to involve the private sector such as landlords and local business to a greater degree.

Citizen Participation

1. Provide a summary of the citizen participation process.

Program year 4 Action Plan Citizen Participation responses:

In order to comply with the objectives established for the City of Topeka's Citizen Participation Plan, the following policies will be implemented by the Housing and Neighborhood Development Department:

Office Hours and Availability of Public Information:

The offices of the Housing and Neighborhood Development of Topeka will be open from 8:00 AM to 5:00 PM Monday - Friday, except during legal holidays, in order to allow City of Topeka residents the opportunity to inspect public files and records related to the activities receiving CDBG, HESG and/or HOME program funding.

Housing & Neighborhood Development staff members will be available to furnish interested citizens with information concerning:

1. The total amount of CDBG, HESG and HOME funds expected to be available for use;

2. The range of activities that may be undertaken with those funds, and the percent of the CDBG, HESG and/or HOME funds proposed to be used for activities that will benefit low/moderate income persons;

3. Proposed CDBG, HESG and HOME activities may result in displacement, and the City of Topeka's plans for minimizing such displacement;

4. The types and levels of assistance the City of Topeka will make available to persons displaced by CDBG funded activities. (See Displacement Narrative available on request at the Housing and Neighborhood Development office.)

Public Hearings:

The City of Topeka will conduct at least one (1) public hearing annually for the CDBG, HESG and HOME programs. The meeting will be staffed for assisting non-English speaking persons and persons with impairments when necessary. The public hearing will be advertised community-wide in the City of Topeka's official newspaper at least two (2) weeks in advance, in order to allow interested parties to express their views of needs or respond to proposals or questions related to the CDBG, HESG and HOME programs. In addition, HND will put the notice of public hearing and comment period on the HND web page, on the City Calendar, and on Facebook and Twitter. In order to maximize exposure and public participation, the public hearing is held during City Council meetings whenever possible.

A public hearing will be held after the thirty-day comment period has elapsed for the published draft of the Consolidated Plan. This hearing is to give residents an opportunity to comment on the proposed use of funds in the Plan.

At least fifteen calendar days prior to the submission of the annual performance report the City will announce the availability of the report at the Housing and Neighborhood Development office for citizen review and comment.

The City will consider all comments or views of citizens received both written and oral and a summary of the comments or views will be attached and submitted with all of the reports.

In the event that a number of non-English speaking residents and/or persons with disabilities needing assistance are expected to participate in a public hearing, the City of Topeka will provide an interpreter and other needed assistance, including using staff or contracting with individuals to provide needed services.

Applications for Community Development Block Grant, HESG and/or HOME Funds:

The application process for CDBG, HESG and HOME program funding will commence with the announcement of the RFP process for these programs. The availability of the RFP will be published in the City's official newspaper. Application announcements will be sent to all current and former applicants and grantees. Any interested agency, organization, business or individual will be given thirty (30) days from the time of this announcement to submit proposals for CDBG, HESG and/or HOME funding. This RFP is also announced publically at the Emergency Aid Council meetings whose attendees represent many social service and emergency aid providers. E-mails announcing the RFP/application are sent to a group of direct providers which include faith-based women-run and minority-run non-profit agencies.

HND staff will be available during the application period to provide technical assistance to any interested group, especially those representatives of persons of low and moderate income, in the development of funding proposals.

Response to Complaints and Grievances:

The City of Topeka, through the Housing and Neighborhood Development Department, will provide for a timely, written answer to complaints and grievances related to the CDBG, ESG and/or HOME programs within fifteen (15) days. Grievances should be sent to the Department of Housing and Neighborhood Development at the following address:

620 SE Madison, 1st Floor
Topeka, Kansas 66607

Publication of the Five-Year Consolidated Plan/Annual Action Plan:

The City of Topeka will publish a community-wide summary of the Five Year Consolidated Plan and/or the one (1) year action plan in the City's official newspaper. The summary will include the content and purpose of the consolidated plan and will contain a list of the locations where copies of the entire plan may be examined. Copies of the Consolidated Plan will be available at the Topeka Shawnee County Public Library, the Department of Housing and Neighborhood Development and the Topeka City Clerks office, as to afford affected citizens an opportunity to examine the document's contents and to provide comments on the Five Year Consolidated Plan and/or the one (1) year action plan. A reasonable number of free copies of the plan will be available to citizens and groups that request it. A comment period of no less than thirty (30) calendar days after publication of the summary will be allowed for citizen input.

In accordance with established policy, the City of Topeka will respond to written comments on the Consolidated Plan within fifteen (15) working days.

The City of Topeka will prepare the Consolidated Plan and Development Programs. The City of Topeka will consider all comments or views received related to the Consolidated Plan. The City of Topeka will incorporate appropriate comments or views as modifications to the Consolidated Plan. Those comments not incorporated into the plan will be submitted as well, along with the reasons they were not accepted.

Consolidated Plan Amendment Criteria:

On January 6, 1995, the U.S. Department of Housing and Urban Development published in the Federal Register the Consolidated Submission for Community Planning and Development Programs Final Rule, which established new regulations related to the application for Community Development Block Grant (CDBG), HESG and HOME programs.

The Final Rule requires that grantees of the CDBG, HESG and HOME programs make public the criteria the jurisdiction will use for determining what changes in the planned or actual activities constitute a substantial amendment to the Consolidated Plan.

In compliance with these requirements, the City of Topeka hereby announces the following criteria under which an amendment to its Consolidated Plan will be made:

1) The City of Topeka shall amend its Consolidated Plan whenever it decides to carry out an activity not previously described, or to substantially change the purpose, scope, location or beneficiaries of an activity described in the Consolidated Plan.

2) For the purpose of this requirement, substantial amendment shall be defined as: a) an increase in the budgeted amount for an activity of 50% or more; and/or b) inclusion of any new activity not previously described.

3) Upon the City's determination that an amendment to the Five Year Consolidated Plan and/or the One (1) Year Action Plan is necessary and consistent with the amendment criteria established herein, the City shall publish a community-wide summary of the proposed amendment in the City's official newspaper. The City will provide an opportunity for affected individuals, in writing, via e-mail or by visiting the Housing and Neighborhood Development office, to comment on the proposed amendment for a period of not less than thirty (30) calendar days. A summary of incorporated comments, and a summary of comments not accepted and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

CAC INVOLVEMENT:

The CAC is one of the organizations through which residents of low-income areas can provide input into the Consolidated Plan process. The CAC is comprised of one representative from each Low-Moderate Income Area (LMA) Neighborhood Improvement Association (NIA) and three at-large members. One of the at-large members shall reside in a LMA not represented by a NIA or shall be a LMI citizen not residing in a NIA area, while the remaining two at-large members shall represent disciplines relevant to housing and neighborhood development. The CAC is provided a calendar of scheduled events for the year including the public hearing dates and reminded of the Public hearings at the quarterly meetings.

2. Provide a summary of citizen comments or views on the plan.

Summary of Citizen Comments:

1. FY2014 Needs Assessment Meeting
   Held 3/27/13 at 620 SE Madison, Cyrus K. Holliday Building

6 citizens attended with 2 staff members attending the first of two 2014 public hearings.
Public Comments Received:

A. Commercial buildings need to be rehabbed and sold, so they're not sitting all boarded up
B. Want crossing light at 19th & Washburn – lots of kids in area
C. Want dedicated City employee to help NIAs with grants, paperwork, etc.
D. Want better detour signs when water mains break, etc.
E. Want recognition for NIA activities – i.e. proclamations, etc.
F. Want better marketing of available programs

2. FY2014 Needs Assessment Hearing
   Held 4/8/13 at Topeka and Shawnee County Public Library

1 citizen attended with 2 staff members attending the second of two 2014 public hearings.

No Public Comments Received

Citizens unable to attend the needs assessment hearings or feel uncomfortable speaking in public are encouraged to submit their comments in writing. A summary of written comments received during the needs assessment process:
No Public Comments Received

Both opportunities were advertised in the official City Newspaper twice and once in the Topeka Capital Journal. Additionally, staff sent two mailings to the Neighborhood Improvement Associations (NIA's) reminding them of both meetings. The Citizens Advisory Council was advised of the public hearings and provided a written schedule of Events for 2014 for both meetings.

3. 30 Day Public Comment Period

The City of Topeka's 2014 draft Consolidated Action Plan was made available to the public for written comments on July 15, 2013. The comment period ended August 15, 2013. No comments were received.

4. Final Public Hearing:

The 2014 Consolidated Action Plan final public hearing was held at the regularly scheduled City of Topeka Council meeting August 20, 2013.

- **Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.**

The City of Topeka encourages citizen input in the development, implementation and evaluation of this Consolidated Plan and will attempt to provide assistance as necessary in order to facilitate greater citizen involvement. If non-English speaking persons and/or persons with disabilities are in need of any assistance concerning this Consolidated Plan, they should contact the City's Department of Housing & Neighborhood Development. The City will take the most appropriate and necessary actions in an effort to meet their needs. These appropriate measures have included using staff or contracting with individuals to provide interpretation or other requested services. When practical and feasible, these requests should be submitted in writing to the HND Office five (5) business days prior to needing the requested service. HND staff will re-evaluate how the Con Plan process is presented on the City's website. HND did conduct two public hearings on Needs in the spring, and advertised the comment period and public hearing on the draft plan. The Homeless Task Force and the Shelter Plus Care Support Group also provide valuable input regarding special needs populations.

- **Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.**

Not Applicable.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Program year 4 Action Plan Institutional Structure response:

The Institutional Structure will remain the same for the next year. No action or changes are anticipated.

Monitoring

1. **Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements.**

Program year 4 Action Plan Monitoring response:

The City of Topeka has monitoring procedures with regard to funds provided by HUD. The procedures were developed to address federal, state and City statutory and regulatory requirements in addition to providing City staff with a system of ensuring project compliance and accomplishments. The City reports annually on the progress made toward meeting the goals established for assisting families.

The City has three major monitoring tools: policies, contract requirements and on-site monitoring. All projects are evaluated to determine if they are eligible, consistent with local, state and federal regulations and viable.

Projects funded through CDBG, HOME, and HESG will be managed directly through the Department of Housing and Neighborhood Development. All contracts contain the federal, state and local program requirements by which each sub-grantee must abide. Contracts are mailed to the agencies for their review before being executed. Construction projects that require compliance with federal wage standards are to be monitored by the City's Purchasing Department and its contract compliance officers.

During the project year, City staff schedules monitoring visits with selected sub-grantees. During the site visit the monitor reviews and records any evidence of performance in the administration of the program, benefit to low-income households, procurement procedures and record keeping. The City has standardized procedures that are submitted to a HUD cash and management information system.

During the affordability period, the units and related rental documents are subject to regular inspection and review to ensure the units remain affordable to qualified tenants, and that units are maintained in program acceptable condition.

Lead-based Paint

1. **Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.**

Program year 4 Action Plan Lead-based Paint response:

HUD lead-based paint regulations became effective in September 2000, with additional EPA lead-based paint regulations which came into effect in April, 2010. These regulations require additional care be taken and work performed in order to provide lead hazard reduction in rehabilitation projects funded with federal money. Rehabilitation projects now require the use of formal paint testing, risk assessment, and planning. In addition, paint repair work requires the use of "trained workers." The City will continue to experience an increase in the cost of rehabilitation projects as a result of compliance with lead hazard reduction regulations.

It is estimated that approximately 27,000 pre-1970 units are occupied by low-moderate income households that could contain lead-based paint hazards. The Section 8 rental program will also be affected under the new regulations. A substantial portion of the City's eight hundred (800) subsidized units are built before 1978 and therefore are potentially under the new regulations, particularly those units with children under the age of six (6) residing. Landlords are now faced with repair of failing paint using "safe work practices" with "trained workers" and most importantly obtaining "clearance" standard lead levels after the work is completed.

The Shawnee County Health Agency serves Topeka and Shawnee County as a federally qualified health center. The Health Agency administers a lead poisoning prevention program for children. The Department of Housing & Neighborhood Development (HND) will continue to coordinate information with the Health Agency on the incidence of children with elevated blood lead levels (EBLs) so that we can identify the homes which may be causing the lead poisoning and whether these units are under any federally funded programs.

HND is partnering with the Kansas Department of Health and Environment (KDHE) Healthy Homes Program in the 2013 program year. By leveraging the funds of both departments while undertaking the mitigation of lead-based paint in houses undergoing rehabilitation, HND and KDHE are able to maximize each department's available funding and serve more families in the community. The housing units must be serving occupants that are under the age of six and required qualifying rehabilitation that will disturb lead-base paint.

The connection among old housing stock, lead paint and lead poisoning has been clearly made on the national level for many years now. The challenge is to take reasonable actions that will result in lead hazard reduction. They are:

- Ensure meaningful notification of potential lead hazards is made to all persons using federally funded programs as required by regulation;
- Coordinate and share EBL information with the Health Agency to identify the source of lead poisoning;
- Apply the new lead paint regulations to federally funded rehab projects;
- Obtain staff training to have qualified Lead Inspectors and Risk Assessors available;

- City must participate actively in promoting programs to train lead-base paint workers;
- Provide aggressive and continuing information on lead paint poisoning to the public, particularly low-income homeowners and tenants, to landlords, and to contractors. Anecdotal evidence indicates that through a lack of awareness many families are exposing themselves to serious lead poisoning as they undertake privately funded rehab activities on older homes many times with their own labor;
- Provide assistance to landlords of older subsidized units to defray the cost of lead hazard reduction.

In connection with the SORT model of targeting, housing units receiving rehabilitation work will receive lead-based paint interim control at no cost to the property owner.

HOUSING

Specific Housing Objectives

***Please also refer to the Housing Needs Table in the Needs.xls workbook.**

1. **Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.**

2. **Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.**

Program year 4 Action Plan Specific Objectives response:

Objectives and Performance Measures

Objective: Enhance Suitable Living Environment
Measure: Support Exterior Modifications Program
Measure: Provide Social Service and Homeless Essential Service Funding
Measure: Support the Voluntary Demolition Program
Measure: Support Anti-blight Activities
Measure: Provide LMI Area Public Facility Funding
Measure: Support LMI Area Neighborhood Services

Objective: Enhance Homeownership and Rental Housing Opportunities
Measure: Invest in Single Family Home Construction
Measure: Invest in Affordable Rental Housing
Measure: Fund TBRA Deposits for S+C Clients
Measure: Support Homeless Shelters and Transitional Housing
Measure: Support Major Rehabilitation and Project
Measure: Support Accessibility Modifications
Measure: Support Homeownership Program
Measure: Provide Subsistence Payment Support

Measure:	Maintain Emergency Rehabilitation Program
Measure:	Fund Homeownership Counseling

Objective:	**Create Economic Opportunities**
Measure:	Support Social Service and Homeless Employment Training
Measure:	Maintain Targeted Economic Development
Measure:	Support child care for working Very- LMI households

Objective:	**Enhance Local Resources to Maximize Impact of Federal Funds**
Measure:	Fund CIP Neighborhood Infrastructure
Measure:	Generate Debt Capital Investment
Measure:	Required HOME Match Provided
Measure:	Non-Paid Citizen Volunteers

Anti-blight programs are low/mod income area neighborhood clean-up dumpster program and Kansas Department of Corrections public infrastructure clean-up program. KDOC/Shawnee County DOC supervisors and female/male inmates shall be provided access to the HND Neighborhood Action Team trailer and tools for low/mod income neighborhood clean-up activities. The crews will clean right-of-ways, curbs and gutters, sidewalks, trim trees, brush, weeds and grass, and graffiti removal in LMI areas. Dumpsters are provided to low/mod income area organizations for area-wide anti-blight citizen clean-up activities.

Affordable rentals are accomplished through our Community Housing Development Organization (CHDO). Funds set-aside for CHDO's may be used for purchase, rehab and/or the construction of rental housing for a required period meeting stipulated affordability requirements.

Unfortunately, recent reductions in federal appropriations have diminished our ability to fund micro business activities through the Consolidated Plan. While funding reductions have also impacted targeted economic development, this objective is addressed through the SORT concept. Ultimately, SORT is about enhancing individual and community wealth by improving our neighborhoods.

Needs of Public Housing

1. **Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.**

HND and the Topeka Housing Authority (THA) work cooperatively to encourage Public Housing residents to become involved in achieving the goal of homeownership. Public Housing residents are encouraged to become involved and to play leadership roles in Neighborhood Improvement Associations and neighborhood improvement activities supported and sponsored by HND. They are also encouraged to participate in Resident

Organization activities supported and sponsored by THA. THA staff will routinely identify and refer participants in THA programs interested in homeownership to HND supported homeownership counseling and homeownership programs.

2. **If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.**

THA's Public Housing and Section 8 Programs are designated as "High Performing" by HUD standards.

Barriers to Affordable Housing

1. **Describe the actions that will take place during the next year to remove barriers to affordable housing.**

In May 2007, at the request of the Mayor, the City of Topeka formed a committee to review previously identified and new local barriers to affordable housing. The committee created a position paper which identifies local barriers to affordable housing and recommend possible solutions. The report was submitted to the Mayor.

Beginning in May of 2007, a committee comprised of representatives from multiple not-for-profit agencies, government officials from the State of Kansas and the City of Topeka as well as area builders and realtors along with representatives of their trade organizations met to discuss Barriers to Affordable Housing in Topeka. The committee built upon the work of the previous Barriers Committees by identifying new factors related to the barriers found by the committee's predecessors. The committees also identified additional barriers not identified by earlier committees.

The 2007 Affordable Housing Committee found a continuation of previously recognized barriers to affordable housing found by the previous committees. The 2007 Committee felt it was important for the previous committees to work to again be recognized and not be recreated. Although attempts at reducing barriers have been made, in most instances the effort to reduce barriers has caused new barriers. The committee found barriers to affordable housing are created as a result of an action plan to protect or make life in Topeka better for citizens. The difficulty in implementing any plan of action is predicting and weighing all the unintended consequences of the plan against the good created in the implementation of the plan. The 2007 Committee discussed in detail ways to remove barriers to affordable housing but found that in doing so new barriers were created. It became apparent the City should consider what is an acceptable barrier to affordable housing through a larger scale forum than the 2007 Committee. The focus of the committee was to bring to light as many of the barriers to affordable housing as it could find.

Zoning and Subdivision Regulations- The City of Topeka's zoning regulations may hinder urban infill development by the application of restrictive suburban design principles to traditional neighborhood designs, in the core area of the City. Current requirements for lot widths, lot sizes, setbacks, parking, etc. increase the amount of land needed for housing which encourages a lower density, the expansion of infrastructure and higher housing costs. These dimensional standards are inconsistent with the dimensional standards found in older traditional neighborhoods and often times prohibit new development. The Comprehensive Plan's Neighborhood Element recommends amending zoning and subdivision regulations to remove barriers to urban-infill housing development and promote traditional neighborhood design features. To that end, the Planning Department has modified the zoning regulations to allow administrative variances to minimum lot sizes and front setbacks under certain conditions that allow greater flexibility for urban infill housing. The Department is also embarking on a process to develop a Unified Development Code that will recognize traditional neighborhood standards for in-fill and greenfield developments.

Although improvements were noted in the willingness of zoning officials to modify requirements for lots widths, lot sizes, and set backs, the creation of "down zoning" has proven to be detrimental to affordable infill housing. Many neighborhood plans include provisions requiring properties to revert to single family occupancy thus prevent developers from achieving the cost savings created in the sharing of common walls and roofs, sewers, and utility connections as well as other related construction savings created be the building of multi-unit housing. Zoning requiring detached garages also contribute to higher construction cost for the builder than attached garages and less sense of security for housing occupants. The requirements of detached garages are in areas perceived as having high crimes rates adding to the occupants heightened awareness for security. The committee did see a need for developers to work with neighborhoods in creating infill housing that better matches the architectural elements of the existing housing.

Building Codes—In previous years, rehabilitation of some existing housing was frustrated by stringent requirements for moving or renovating older homes that were built prior to modern building codes. The City of Topeka addressed this issue by adopting code changes in 2000 that allows a moved home to meet "minimum building standards" instead of having everything be brought up to today's modern building code. In addition, the City adopted the Uniform Code for Building Conservation (UCBC) in 1997 to give greater code flexibility to older homes and buildings. City building review officials will utilize the UCBC more extensively, update as needed, and help educate the public not only on its effectiveness, but its mere presence.

Building Codes were not seen as a major barrier to affordable housing by the committee formed in 2007 but did note areas of concern associated with the building codes. The fees related to the construction of infill housing were a concern and is hindering development of affordable housing in the inter-city. The payment of fees for water and sewer connections has forced developers to reduce other project costs. Some developers are no longer building garages as a means to reduce cost. The savings is done as a means to offset what they see as HIGH connection and permit fees. Lack of garage creates a higher risk of theft of household items such as mowers, bicycle, and grills, etc because the occupants do not have a secure area to store such items. The removal of permit and connection fees for the development of infill housing in the City's Intensive Care and High Risk Neighborhoods would help developers create more affordable and marketable housing. Some neighborhoods have established covenants which limit the choice of building materials that can be utilize or the pitch of the roofs. The committee was also concerned with the difference between the federal "Section 8" inspection standards and current City Housing Code regulations. The City's Housing Code is generally perceived to be a more stringent code and agencies utilizing the Section 8 standard could adopt the City Housing Code. The committee saw a need for all inspection agencies to inspect properties when complaints are received and that there should not be a jurisdictional reluctance based on the complaint being a Section 8 property. The committee recognized a need for access to properties for re-inspections once a violation is found. Violations are being closed because entry is denied to the inspector upon return to the property at the end of the period given for compliance. All housing must meet a standard of livability or they are not affordable.

2011 – As household energy costs rise, a higher percentage of low and moderate family income is spent heating and cooling their homes. This reduces the LMI family's ability to provide safe and affordable housing, as well as reduces the family's ability to feed and clothe its members. Because a significant number of affordable housing in Topeka was built without insulation or with inadequate insulation, the City is reviewing the adoption of the 2009 Energy Code which will require new housing and housing that is undergoing extensive remodeling to be properly insulated.

2012 – The City adopted in part the 2009 Energy Code which will allow for the construction of more energy efficient housing in Topeka. As a result in the passage of the Energy Code, homes built for the LMI population will be more efficient, thereby reducing the cost of utilities for the LMI community.

Property Tax Incentive Policies—Property tax costs are another hurdle in developing and maintaining an affordable housing stock. Topeka's Neighborhood Revitalization Program (NRP) has been in effect since 1995. It encourages new investment in the more distressed areas of central, north, east and south Topeka by rebating 95% of the property tax on improvements over a 10-year period. The improvements must increase the value of the property by at least 5% for residential and 15% for commercial/ industrial. While the program has taken in $88.5 million of property improvement applications, it lacks a genuine focus for the most needy areas. From 1997-2000, more applications for single-family residential improvements were approved for healthy and outpatient areas than at-risk or intensive care areas. Only SEVEN multi-family applications were approved. No incentives were tied to promoting mixed-income housing such as affordable units in the healthy areas and market rate units in the intensive care areas. The Comprehensive Plan's Neighborhood Element recommends the taxing agencies adopt amendments to the NRP in 2001 that will provide more targeted incentives for intensive care/at-risk areas thereby making housing more affordable. These changes were approved.

The Neighborhood Revitalization Program is seen as a valuable resource to the creation of affordable housing and the committee encourages its continued use and enhancement.

Lending Practices and Qualified Applicants—All groups involved in providing affordable homeownership opportunities state the biggest reason more affordable owner-occupied housing is not built or renovated is because of the lack of qualified applicants. Too often, a low-moderate income household has excessive credit problems that limit their ability to obtain private financing on the open market. Lack of a down payment is also a problem. Topeka's only low to moderate income homeownership program (TOTO) relies on the private market for the sale and financing of an applicant's home and because of this, only a handful of neighborhoods benefit. Some neighborhoods in Central and North Topeka have little, if any, TOTO homes. These same neighborhoods are also receiving the lowest home loan approval rates. Strategies to improve financing of affordable housing projects include: encouraging private lenders to increase their capacity for affordable housing lending, making in-roads to establish more lending at the CDC level where "character loans" and flexible underwriting can occur and supporting both efforts by increasing the amount of assistance for homeownership counseling.

The Toto Homebuyer Program and its credit and housing education components are seen as vital to the creation of affordable housing in Topeka. Approximately 13 affordable housing units are purchased and rehabilitated each year while utilizing this program. Many of these homes were in the City's inner core. These low to moderate income families are able to share in the American dream of owning their home. The rehabilitation standards for the TOTO Program were modified to make for a more affordable and sustainable housing unit. The cost associated with these changes are generally not reflected in an increased after rehab appraisal of the property. Because of the changes in rehab standards, fewer homes are meeting the threshold required to make for a viable, affordable project. The changes in the rehab standards to remove a barrier in affordable housing are a factor in the reduced number of approved TOTO Projects, which is in itself a barrier to affordable housing. Predatory Lending Practices and Payday Loans were sited as barriers to affordable housing. Mass mailings and the internet have made it easy for lenders to make inappropriate loans in an attempt to maximize their profits by charging interest well above market norms. The committee members are seeing a rise in the number of families lured into loan terms on first and/or second mortgages that later make their loan payments unaffordable. These loans often have triggering mechanisms that raise the interest rate and increase charges for fees if even one payment is late. There is also an increase in the use of payday loan companies by families that can least afford to utilize this type of service. Payday loan companies have high interest rates and exorbitant late fees. The payments and fees drain funding away from rent or housing payments and often lead to families being evicted for non-payment. The lack of a more reasonable means for families to be given credit was seen by the committee as a barrier to affordable housing.

Lack of Adequate Tenant-Landlord Counseling Program—Families living in affordable rental units are continually challenged with keeping their unit livable and expenses low. Knowing their legal rights and appropriate courses of action with a landlord helps to save them from the time and expense of moving. Likewise, landlords experience unruly tenants who damage property and make the cost of housing higher or less livable. Housing and Credit Counseling, Inc. provides counseling for tenants and landlords to help prevent or resolve conflicts that compromise the likelihood of a housing unit staying affordable for the family and the landlord.

Lack of Redevelopment Agency—Non-profit and private affordable housing providers are often frustrated in their effort to acquire land that ultimately drives up their costs when private landowners refuse to sell or only SELL at an inflated price. Providers have to resort to donation of property or opportunistic purchases that limit their development to one parcel at a time. In order to facilitate larger developments that are more cost-effective, the Neighborhood Element is recommending creation of a redevelopment agency in part to reduce the cost of development for affordable housing.

The concept of a Land Bank is recommended to serve as a clearing house for vacant lots which then can be utilized for infill housing. A Land Bank would be a means to control property that historically has been a problem for the City's Code Compliance Division. The properties controlled by the Land Bank would be maintained and therefore reduce the opportunity for nuisance conditions to thrive. Developers wishing to build would be able to have one database to select available suitable properties from. The State and County must be involved for a Land Bank to reach its full potential. Delinquent property taxes should not be collected by the County when transferring donated property to the Land Bank. Properties managed by a Land Bank would be exempt from property taxes. Buildable, neglected properties or properties in collection for taxes are a drain to the community and a better means to dispose of these, other than a tax sale to speculators, is needed. Several issues with this concept sounds good on the surface but costs to maintain, eligibility for tax exemption status, title problems that accompany these parcels and placing back into the community quickly are issues that must be overcome.

NIMBYism—The "Not In My Back Yard" syndrome regarding placement of affordable housing is persistent in all communities today. The major obstacles to overcoming NIMBYism typically fall to the design and concentration of affordable units in a development. Many people in the community have poor images of low cost housing, whether it is a public housing project, a mobile home or a "Levittown" house. The poor quality of design immediately stigmatizes the unit(s) and hence the area around it. Likewise, concentration of too many low-income units into one block or area only portends social ills and blight in the future as new market rate investment is discouraged. As is recommended in the Neighborhood Element, design standards for affordable in-fill housing developments must be implemented and mixed-income developments must be promoted to de-stigmatize affordable housing and help it obtain the necessary community support to blend back into our old neighborhoods and out into our new neighborhoods.

The 2007 Committee continues to recognize strong NIMBYism in our community. More involvement is needed by the City, developers, and other organizations to demonstrate the need and the positive effects of creating affordable housing throughout Topeka. A more aggressive position must be taken to negate the misconceptions the community has on the perceived negative effects of affordable housing in our neighborhoods. The true need is for affordable rental housing. Yet this is not a popular concept and rentals are viewed by the community as "problem properties and neighbors" and not wanted in my back yard.

<u>Crime-</u> The actual and perceived crime rates of Topeka have a significant effect on the ability of developers to create affordable housing in some of our neighborhoods. Many neighborhoods are perceived to be high crime rates and in fact some are not. This unjustified stigma reduces the value of property and this negatively affects the families that would be willing to move into the area. With fewer families wishing to locate to these areas, developers are less willing to take the risk necessary for development in our inner City. Developers also fear that stolen materials and tools will add more expenses to the cost of creating affordable housing. The City must utilize all of its resources to reduce crime and give the Citizens of Topeka a feeling of security. The City must lead the way and encourage other groups and organizations such as the media, churches, civic groups, schools, etc. in reducing crime and improving our self image of Topeka. The community must take ownership of Topeka and not look for government to solve all of the problems. New ground-breaking activities must take place to gain the involvement of negative, untrue and inappropriate messages about Topeka's neighborhoods and these same organizations should differentiate the serious crime from less serious nuisance crimes.

<u>Enticing Young Adults to Stay-</u> The 2007 Committee recognizes a trend that young adults are moving away from Topeka after college or not returning to the Topeka area after receiving their degree from a college outside Topeka. Committee members attributed this trend in part to the lack of amenities in Topeka which interest the 22 to 30 year old age group. This age group historically accepts entry-level positions and are at the low end of the employer's pay scale. As such there has always been a strong need for affordable housing as this age group begins their careers. For Topeka to remain vibrant and progressive, more effort is needed in satisfying the needs of this age group. Trendy, contemporary, and green were the descriptive words used while describing what young adults want in a community. With cable and satellite services offering over 150 channels and the internet allowing for instantaneous knowledge of worldwide current events, young adults want what they see in other communities. Topeka must compete with other cities if it wishes to keep its young adults from moving away. The committee cited the need for places that young adults can gather such as athletic venues and retail spaces. Members of the committee believe that young adults are looking for entertainment that offer outdoor patio areas which are visible to pedestrians and offer many food, drink, and activity choices. The committee was unaware of areas or venues in Topeka that draw large numbers of young adults. An additional factor in keeping and attracting young adults mentioned by the committee was "Green." The term "Green" is used to describe a lifestyle that is natural and sustainable. Young adults have an interest in "Green

Buildings" which are environmentally responsible in the use of design, building materials, and energy efficiency. Topeka has very few commercial structures that could be seen as "Green.". The City has provided funding for fourteen Energy Star* Certified housing units for low-income families. The saving in energy costs for these houses makes them more affordable for low-income families to live in. The committee also sees a need for green spaces such as parks, trails, etc. in newer neighborhoods. Young adults want locations to play and exercise that are close to their home. Lack of green space is seen as a factor in young adults moving away from Topeka. Committee sees the need to build green to reduce barriers to affordable housing and they also recognize that the additional cost of building "Green" is a barrier to affordable housing.

Each of the barriers identified includes a discussion about the barrier and possible actions to address. However, many of these barriers have a multitude of variables, are complex, and in many cases designed to address other issues. For instance, as noted in the plan, the desire to have lower density neighborhoods led to down-zoning of many areas. This action resulted in a barrier to creating multiple family residences (duplexes, etc.). Building codes are identified as a barrier, but at the same time, are needed to ensure everyone has a safe home. The City is currently considering the adoption of an energy code for Topeka. By requiring standards for energy conservation measures our citizens would see a reduction in their energy usage and therefore a reduction in the amount paid to the utility companies. Property taxes can be a barrier, but are necessary for the provision of municipal services such as police and fire protection. Other barriers such as NIMBYism are ones most communities struggle with, and HND would welcome any ideas the public may have to address such barriers.

HOME/ American Dream Down payment Initiative (ADDI)

1. **Describe other forms of investment not described in § 92.205(b).**

Not Applicable.

2. **If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.**

The City of Topeka uses mortgages to ensure that housing utilizing HOME funds remain affordable to low-income persons as required, and no longer uses deed restrictions.

The Topeka Opportunity to Own (TOTO) is the homebuyer program for the purchase and rehabilitation of Topeka's existing housing stock. The TOTO program utilizes a mortgage as the means to assure compliance to HUD's "Recapture" provisions (as opposed to "Resale" provisions) as allowed by the HOME Program. The City of Topeka has specifically selected the following method of recapture for HOME funds: 1) The City forgives $5,000 at the end of the 1st year of ownership in addition; 2) During the affordability period the City reduces the deferred loan on a pro-rata basis of approximately seven percent (7 %) per year for seven years. A minimum of 50% of the mortgaged amount shall be due to the City at the time the property is sold, transferred or refinanced. The City reserves the right to subordinate its position if all proceeds of the new private mortgage are utilized to improve the property, and; 3) In the event of a foreclosure the City has chosen to "share the net proceeds" available from the sale in the following manner after the first mortgage is retired: The TOTO homeowner recovers their $500 down-payment first and all remaining net proceeds shall be recovered by the City.

The In-Fill Housing, new construction homeownership program also uses a mortgage as the method to apply the Affordability period and the selected "Recapture" (not "Resale") provisions allowed by the HOME Program. Specifically selected is the following recapture method for HOME funds: 1) The difference between the appraised value of the constructed home and the HOME funds invested in the construction is considered a development subsidy and is automatically forgiven and is not included in the deferred loan amount (direct subsidy). 2) During the affordability period the City reduces the deferred loan on a pro-rata basis of five percent (5%) per year for a period of twenty years, 3) In the event of a foreclosure the City has chosen to "share the net proceeds" available from the sale in the following manner: The homeowner may recover their $500 down-payment first; all remaining net proceeds shall be recovered by the City.

The City of Topeka provides the local required match for HOME funds (25%) and HOME funded projects by allocating $100,000 of its capital improvement program (CIP) funds as shown in the budget. This GF money is used in addition to other match sources such as lender participation in the TOTO program and prisoner labor housing rehabilitation program.

3. **If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:**
    a. **Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.**
    b. **Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.**
    c. **State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.**
    d. **Specify the required period of affordability, whether it is the minimum 15 years or longer.**

e. **Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community.**

f. **State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.**

Not applicable as the City does not intend to undertake refinancing as an approved activity under the HOME Program.

4. **If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:**
   a. **Describe the planned use of the ADDI funds.**
   b. **Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.**
   c. **Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.**

Not applicable as Congress no longer appropriates funding for ADDI.

HOMELESS

Specific Homeless Prevention Elements

***Please also refer to the Homeless Needs Table in the Needs.xls workbook.**

1. **Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special federal, state and local and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.**

The City receives entitlement Emergency Solutions Grant funding and Continuum of Care funding. The Shawnee County Homeless Task Force is the City's network for identifying and aiding persons who are homeless.

The Shawnee County Homeless Task Force is a group of community participants from both the public and private sector whose goal is to help individuals and families experiencing homelessnes or at-risk of becoming homeless have access to a variety of safe, appropriate emergency shelter, transitional and affordable permanent housing, as well as the support services necessary to maintain such housing. This group is also responsible for writing the Continuum of Care grant for the jurisdiction. These McKinney-Vento funds are allocated to the homeless population in full. In the upcoming year, the Shelter Plus Care program will provide housing for households who are homeless with a disability, Community Action will provide a supportive housing program and Kansas Legal Services will provide job preparation for individuals and families who are homeless. Additionally, HND of Topeka funds some of these agencies instead of providing homeless services directly. Various non-profit and CHDO agencies help low-income residents who are at risk of becoming homeless find affordable housing. Topeka currently has one certified Community Housing Development Organizations - Cornerstone of Topeka. Two of the City's past CHDOs, Breakthrough House and Heartland Community, have chosen to no longer develop rental housing and instead are focusing their resources on special needs clients. Each year HND meets with interested individuals and non-profits to discuss the possibility of becoming a CHDO. Because of the complexity of HOME Program regulations and the limited resources available, these potential CHDOs usually decide not to apply for CHDO status.

2. **Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.**

The COC has obtained a new project that will focus on housing the chronically homeless. It will serve 11 individuals or families with new housing options. Barriers of serving the chronically homeless include keeping them housed for long periods of time and funding new projects.

3. **Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the individual and families with children at imminent risk of becoming homeless.**

Three programs help deter individuals and families with children in imminent risk of becoming homeless. First, the Emergency Rehabilitation Program run by the Department of Housing and Neighborhood Development rehabilitates owner-occupied homes in emergency situations. These situations include, but are not limited to, broken furnaces, water heaters, and/or broken sewer lines. Second, the Emergency Shelter Program funds those agencies that provide services to renters and owners at risk of becoming homeless. These situations include, but are not limited to, mortgage and/or utility payments. Finally, the Shelter Plus Care Program uses vouchers to place previously homeless individuals into housing. Furthermore, individuals housed through the Shelter Plus Care Program are monitored to lessen the possibility they return to homelessness.

4. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

Housing and Urban Development (HUD) requires States and local communities applying for the McKinney-Vento Act Homeless Assistance Funds to ensure that a discharge policy for persons leaving publicly funded institutions or systems of care is being developed and implemented to prevent the discharge of persons to homelessness and requiring assistance from HUD homeless programs. SRS's policy preventing discharges into homelessness was approved in December 2006. The policy is as follows: Policy to Ensure Housing Options are Available to Homeless Individuals Upon Discharge from a State funded institution or system of care. The SRS Mission Statement is to protect children and promote adult self-sufficiency in Kansas. The policy is to ensure to the maximum extent practical and when appropriate that all individuals who are discharged from State funded institutions or systems of care have housing options available in order to prevent being discharged into homelessness. If a homeless individual exercises the right to refuse treatment and/or aid with placement, or prefers to be discharged to a homeless shelter, the institution or system of care staff should document all efforts before discharge takes place. Whenever possible, outreach efforts should continue by community service providers. For purposes of this policy, a homeless individual is defined as: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is—(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a state law.

Emergency Solutions Grants (HESG)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Program year 4 Action Plan HESG response:

Not Applicable.

COMMUNITY DEVELOPMENT

Community Development

***Please also refer to the Community Development Table in the Needs.xls workbook.**

1. **Identify the jurisdiction's priority non-housing community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), public facilities, public improvements, public services and economic development.**

The T-MAP Program (Topeka Moving Ahead Program) is a job readiness program that helps individuals and families break the cycle of homelessness through housing and employment. T-MAP assists participants in developing their skills, obtaining employment, and barrier resolution. The service structure for T-MAP includes our partnership with the Topeka Rescue Mission who houses each participant. As a comprehensive service model, the success of T-MAP depends upon a high degree of collaboration among community service providers.

2. **Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1 and the primary objective of the CDBG program to provide decent housing and a suitable living environment and expand economic opportunities, principally for low- and moderate-income persons.**
   ***Note: Each specific objective developed to address a priority need, must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.**

Program year 4 Action Plan Community Development response:

The Neighborhood Empowerment Initiative funds will be used to support a variety of neighborhood designed and based public facility projects. Grants will normally be limited to $50,000 and will encourage a match by the neighborhood organization or a match generated by the neighborhood organization in the form of volunteer labor. NIA's whom receive funding for 2014 Target Areas shall not be eligible for this program. The final allocations of these project funds are made by the City Council.

Outreach to Minority and Women Owned Business

The City encourages the participation of MBE and WBE in all federally funded contracts and requires all contractors and sub-contractors receiving federal funds comply with Section 3 requirements.

The purpose is to take affirmative steps to assure that small and minority businesses and women's business enterprises are utilized whenever possible as a source of supplies, equipment, construction, and services. These affirmative steps will include the following:

- The inclusion of qualified small and minority businesses and women's business enterprises on solicitation lists, solicitation of bidding for professional service or rehabilitation contracts.
- Assurances that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.

If any subcontracts are to be let, the prime contractor is required to take the affirmative steps noted above.

The City requires all recipients/subrecipients with construction/rehabilitation projects to provide documentation of their efforts taken to hire minorities or women owned businesses. The City has a marketing and application process for all contractors interested in working with the rehabilitation programs. This process resulted in a list which includes women and minority based businesses. Homeowners are given the option of selecting a contractor from the list or selecting their own contractor.

The City will continue to work with the Greater Topeka Chamber of Commerce and their Entrepreneurial and Minority Business Development efforts to better reach Minority and Women-Owned Business Enterprises and Section 3 contractors. HND co-sponsored Lead Base-Paint Training for contractors this past July in an effort to get new HND contractors, including Minority and Women Owned Businesses. Also during the past year, HND met with KDHE approved contractors to discuss those contractors working for Topeka/HND, one of which is minority owned business, who has applied to be on HND's contractor list.

Anti-Poverty Strategy

1. **Describe the actions that will take place during the next year to reduce the number of poverty level families.**

Program year 4 Action Plan Antipoverty Strategy response:

The Consolidated Plan strategies and priorities will be implemented by the City of Topeka in cooperation with neighborhood-based groups, local non-profits, other service providers and the private sector. The public institutions involved in this housing and community development strategy include the City and its various departments, the Topeka Housing Authority, the State of Kansas and HUD. The Topeka Housing Authority provides access to Section 8 housing improvement to public housing projects and a tenant based rental assistance program. HUD provides the majority of funding of all housing and community development assistance with the state and City making some contributions. The State of Kansas provides funding for our local community housing development organizations.

When THA's Millennium Plan implementation efforts (see appendices) complement those described in the Consolidated Plan, care will be taken to ensure that THA and CDBG resources are jointly utilized for maximum effect.

The City works closely with local non-profits. Non-profits implement a portion of the Consolidated Plan. Examples are the CHDOs, Big Brother/Big Sister, Community Action, Breakthrough House, Doorstep, Housing and Credit Counseling, Inc., etc. The City of Topeka provides housing opportunities to create personal wealth and equity through homeownership programs.

The private sector is involved in the following areas:

1) Local financial institutions actively participate in the first-time homebuyer program by providing loans at reduced cost. One lending institution is providing acquisition funds to rental programs administered by CHDOs. Another lender provides funds to Cornerstone for their lease purchase program. To date, private lenders have provided 4.7 million dollars in mortgage financing for the first time homebuyer program.

2) The local Board of Realtors works with the low to moderate income homebuyers with affordable housing opportunities.

3) The private sector via the low-income housing tax-credit programs provides affordable rental units.

4) The City issues multi-family housing revenue bonds to renovate rental units for low-income families.

5) The private sector and the City’s partnership with the State of Kansas Department of Corrections also provide funding, equipment and volunteers to clean up inner-City neighborhoods.

Government Coordination

The coordination of efforts between the City of Topeka and assisted housing providers, social service agencies, neighborhoods, and the private sector is being accomplished through the Neighborhood Element process for the Comprehensive Plan. This will also be annually reviewed with the same groups to ensure goals, priorities and actions are being achieved.

The recent reductions in federal funding received by the City have diminished the City’s ability to fund micro business activities in our community. The City’s housing repair and infill construction programs are currently the only means HND has to enhance individual and community wealth within our neighborhoods. We do look for private businesses that have interests in locating in areas that are underserved, but the recent economic climate makes new development difficult.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

***Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.**

1. **Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.**

2. **Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.**

Program year 4 Action Plan Specific Objectives response:

Under the objective of enhancing the suitable living environment for targeted Topeka neighborhoods and residents, HND of Topeka will work to provide accessibility modifications to existing structures, provide services for people with special needs and to support various agencies within the City that provide services to individuals with special needs.

Housing Opportunities for People with AIDS

1. **Provide a Brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/ type of housing activities to be done during the next year.**

2. **Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for persons who are homeless.**

3. **Evaluate the progress in meeting its specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the strategic and action plans. The evaluation can address any related program adjustments or future plans.**

4. **Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage and utility payments to avoid homelessness; (2) rental assistance programs; and (3) in housing facilities, such as community residences and SRO dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for achieving housing stability, reduced risks of homelessness and improved access to care.**

5. **Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the plan.**

6. **Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.**

7. **Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.**

8. **Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.**

9. **Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.**

Program year 4 Action Plan HOPWA response:
Not Applicable.

Specific HOPWA Objectives

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Program year 4 Specific HOPWA Objectives response:

Not Applicable.

Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

Not Applicable.

APPENDIX

SOURCES	
Federal	
Community Development Block Grant Program Entitlement	$1,667,495
Community Development Block Grant Program: Program Income	$40,000
Community Development Block Grant Program: Reprogrammed Funds	$450,000
HOME Investment Partnership Program Entitlement	$488,796
HOME Program Income	$75,000
Emergency Solutions Grant Program Entitlement	$117,280
Shelter plus Care	$1,543,017
Total Federal Resources	**$4,381,588**

Local Resources	
Community Improvement Program - Affordable Housing	$100,000
Community Improvement Program – Shelter plus Care	$20,000
Community Improvement Program – Neighborhood Infrastructure	$1,400,000
City General Funds Youth and Social Service	$141,000
Total Other Resources	**$1,661,000**
TOTAL CONSOLIDATED PLAN FUNDING AMOUNT	***$6,042,588***

USES (Major Activity and Subprogram Descriptions)

The following section identifies Consolidated Plan funding and major activity/subprogram descriptions for Housing Development, Community Development, and Neighborhood Services categories.

The City's approved neighborhood plans establish the general framework for which funding decisions are considered. To the extent possible, HND will concentrate resources geographically to entice collaborative investment from the private sector. A major emphasis will be to promote identifiable impacts and enhanced neighborhood wealth. Where prior and ongoing financial investment is present, HND will invest to enhance current and future success.

Housing Development ($2,015,413) activity; formatting continues below)
Funding for this category is directed at housing improvements, including necessary infrastructure, primarily within high priority neighborhoods that are coordinated to maximize positive impact on the health of a neighborhood. The goal is to commit approximately 60% of the funding/results to high priority neighborhoods classified as intensive care or at-risk.

Housing infill/subdivision development ($10,000 subprogram):
These funds will be used to facilitate and support housing development by providing infrastructure development, land acquisition, clearance, demolition, site development, housing construction, soft-second mortgages, closing cost assistance and construction-related associated costs. New construction is CDBG eligible if undertaken by a Community Based Development

Organization (CBDO) as defined by HUD. Additionally, re-construction of new housing is CDBG eligible, if a unit was in-place at the time of funding commitment. This would involve the demolition and reconstruction of a housing unit on the same lot. When possible, persons above LMI will be encouraged to invest in these areas and market rate housing will be provided without CDBG or HOME assistance. Therefore, efforts will be made to accommodate mixed-income housing. The project(s) will be market driven and will be of a size and scope necessary to attract private sector financing. Available City funds will be leveraged with funds from other public and private resources to accomplish program objectives. Preference will be given to high priority neighborhoods with City-adopted plans. Neighborhood perspectives will be solicited as part of the application review process. The CDBG funded revolving loan fund shall be utilized in order to assist in this re-development activity. This will eliminate construction interest charges and reduce the costs of each unit, thus reducing the cost to homebuyers. A Rental Conversion Program will also be used, where possible, to convert vacant rental properties into renovated homes in the $40,000 to $60,000 price range, which will then be offered to homeowner occupants. This program will be initiated with the current SORT target areas.

Existing Housing/Rehabilitation (\$874,500 subprogram):
Three primary programs shall be available for the general rehabilitation of existing rental properties and owner/occupied single-family housing (as defined by HUD). These programs shall be structured as much as practicable to support Infill Housing activities and areas, improvement of Intensive Care and At-risk areas of the City, and improving housing quality for very low-income owner-occupants and tenants.

Major Rehabilitation (\$293,500):
Project is primarily intended for owner-occupied properties in selected areas. However, up to thirty percent (30%) may be set aside for the rehabilitation of rental properties subject to selection by an RFP process. Up to $30,000.00 in assistance may be provided using the Department of Housing and Neighborhood Development's Minimum Property Rehabilitation Standards and Residential Rehabilitation Standards to prioritize the needed work. This includes funds provided to assist with lead-paint controls and weatherproofing. Eligible families are those at 80% of HUD Median income or less. Repayment of the assistance provided shall be by means of a deferred loan model with a partial grant.

Exterior Rehabilitation (\$133,500):
Project is intended for LMI owner-occupied housing units and rental units occupied by LMI occupants in designated areas who need significant exterior repairs of the existing structure. Maximum assistance shall be $13,500 including funds provided to assist with lead-paint controls. Also, local funds may be substituted to reduce federal funds for the purpose of complying with lead-paint regulations. Repayment of the assistance provided shall be by means of a deferred loan model and a partial grant. The assistance may be available for properties, which have documented historic significance and are in need of exterior repairs. 20% match shall be required by the owner of the property.

Emergency Repairs (\$250,000):
Emergency home repair assistance is intended to provide repairs that are of an immediate health or safety nature to owner-occupants within the City. Homeowners must have incomes at or below 60% of the Median. This assistance is intended for higher cost, major emergency repairs. Minor maintenance and repairs remain the primary responsibility of the homeowner. In the event substantial funding remains available, the City may implement a roof replacement project. $50,000.00 of this fund shall be kept

available, at least through the month of October, as emergency repair assistance for a community wide natural disaster. Projects costing above $1,500.00 shall repay the assistance by a deferred loan model. Local funds may be substituted for Federal funds in order to help comply with lead-based paint regulations.

Accessibility Modifications ($125,000):
This assistance is available to persons with disabilities throughout the City whose incomes are at or below 80% of the median income whether they are owner-occupants or tenants. This assistance is intended to provide access into the home including accessible bathroom modifications. The priority is to build exterior ramps and widen the main entranceway.

Voluntary Demolition ($72,500):
These funds are intended to pay for the demolition of substantially deteriorated, vacant structures primarily located within the at-risk and intensive care areas. The intent is to remove those structures of a blighted nature that are beyond feasible repair. For those structures that are privately owned, the City may institute a method of repayment for the demolition services provided.

Homeownership ($377,024 subprogram):
Encouraging home ownership among lower-income sectors, minority groups, and in specific areas of the City needing stabilization and improvement remains a primary objective. While TOTO-II remains the primary program to assist new home ownership the City may continue to experiment with other initiatives such as purchasing and converting vacant housing, moving houses, using the KDOC women prisoner rehab training program and the like to make homeownership more affordable. Homeownership counseling and home maintenance training continues to be an integral part of the success of the homeownership program. Each successful TOTO homebuyer places twenty-five dollars per month in escrow for five years, to be utilized for home maintenance and repairs. Lending institutions participate by managing the maintenance escrow.

TOTO ($289,024):
Assistance is provided as a 2nd mortgage, deferred loan subsidizing the purchase cost and rehab (when applicable) of a home for families at or below 80% of Median income. While the program is available Citywide, it is structured, by means of a higher subsidy, to encourage home purchase in at-risk and intensive care areas. Affordability and recapture provisions for HOME funds are included in the deferred loan and mortgage used in this program. Ten hours of homeownership training are provided in addition to home maintenance training. Homeownership and debt counseling assistance are provided. A five-year maintenance escrow is established and on-going counseling assistance is available.

Homeownership Counseling ($88,000):
These funds will support individual homeownership counseling in both English and Spanish. Pre-qualified buyers must attend a series of homeownership classes before a contract can be written on a home. The classes cover budgeting, hazard insurance, realtors, real estate contract, home inspections, neighborhood information, lenders and other pertinent information. A second series of required classes cover home maintenance, repair, landscaping, painting and decorating.

***CHDO Non-Profit Set-Aside for Rental Rehabilitation and New Construction ($97,500 subprogram*):**
HOME set-aside assistance for viable CHDO organizations and CDBG funds for non-CHDO non-profits or for-profit organizations are to provide affordable, quality rental housing for low-income tenants.

CHDO NonProfit Rental Rehabilitation and New Construction SetAside ($73,500):
CHDO funds may be used for purchase, rehab and/or the construction of rental housing for a required period meeting stipulated affordability requirements. Recapture of assistance may be by means of deferred loans. Priority will be given to projects located in "Intensive Care"/"At-Risk" designated areas

CHDO Non-Profit Operating Subsidy ($24,000):
HOME funds are available for CHDO organizations' valid operational expenses.

Deposit Assistance ($30,000 subprogram):
Most of the participants in the City's Shelter Plus Care program require assistance with deposits at the time of rental. This program, funded from HOME dollars, allows the City to offer deposit assistance on a one time grant to qualifying individuals. Assistance will not be provided to existing tenants.

KDOC Affordable Housing ($120,000 subprogram):
Project is a cooperative venture with the Kansas Department of Corrections, in which KDOC provides women inmates, tools and equipment to form two (2) crews for the rehabilitation of affordable housing units and Low-Mod Income Area infrastructure sidewalk improvements. These funds provide the salaries for two foremen who supervise and train the women inmates in the construction trades. The City assigns these crews to affordable housing projects and sidewalk repair projects. This program provides training for inmates in various construction, repair and post incarceration employment opportunities.

Housing Rehabilitation Program Delivery ($506,389 subprogram):
These funds support a broad range of housing program implementation activities including but not limited to the design of HND housing rehabilitation projects, bidding and oversight of housing rehabilitation work, periodic inspections of work performed, and final approval of work completed under contract.

Neighborhood Empowerment Initiative ($150,000 subprogram):
These funds will be used to support a variety of neighborhood designed and based public facility projects. Grants will normally be limited to $50,000 and will encourage a match by the neighborhood organization or a match generated by the neighborhood organization in the form of volunteer labor. NIAs which contain 2012 Target Areas that receive 2012 funding may not be eligible for this program.

Services for Neighborhood Residents $118,000 (activity; formatting continues below)
Funding for this category is directed for services to assist qualifying individuals with specific needs, such as neighborhood organization support, nuisance prevention, social and youth services and homeless needs.

Neighborhood Improvement Association Support ($50,000 public service subprogram):
Low/Mod-Income area neighborhood organizations will use these funds for office materials and support, miscellaneous printing, the preparation and distribution of meeting notices, costs associated with record keeping or any other public service activity allowed under federal regulation.

Anti-Blight Activities/Nuisance Prevention ($68,000):
Anti-Blight programs are: Low/Mod Income area neighborhood clean-up dumpster program and Kansas Department of Corrections public infrastructure clean-up program. KDOC/Shawnee County DOC supervisors and female/male inmates shall be provided access to the HND Neighborhood Action Team trailer and tools for Low/Mod Income neighborhood clean-up activities. The crews will clean right-of-ways, curbs and gutters, sidewalks, trim trees, brush, weeds and grass, and graffiti removal in LMI areas. Dumpsters are provided to Low/Mod Income area organizations for area-wide anti-blight citizen clean-up activities.

Youth & Social Services ($140,000 and $141,000-City GF public service subprogram):
Grants are made to social and youth service provider agencies following a RFP process. These CDBG funds are leveraged with City General funds. These grants are classified as public service expenditures and are counted against the public services cap. The final allocation of funds to individual programs is made by the City Council.

Emergency Solutions Grant Activities ($108,484 subprogram):
The Emergency Solutions Grant (HESG) Program serves homeless individuals and families. Funds can only be used only for a limited range of HUD specified activities. There are five funding categories: street outreach, shelter, homeless prevention, rapid rehousing, and HMIS. Grants are made to qualified non-profit organizations that serve the homeless subsequent to completion of an RFP process.

Administration $550,115
These funds support a broad range of financial management, planning, monitoring and evaluation, and personnel recruitment and management activities. Funding in this category pays staff salaries, rent, utilities, and related costs associated with administering the federal and local dollars used in these programs. Administration costs are limited to 20% of the CDBG entitlement plus program income, 10% of HOME entitlement plus program income, 7.5% of Emergency Solutions Grant entitlement, and 8% of Shelter Plus Care.

Neighborhood Infrastructure $1,400,000
If funded, Capital Improvement Program (CIP), Neighborhood Infrastructure funds shall be earmarked primarily for Targeted Redevelopment Areas or Neighborhoods and/or Intensive Care or At Risk Neighborhoods as defined by the 2003 Neighborhood Health Map and identified in this Consolidated Action Plan.

Shelter Plus Care ($1,419,576):
The Shelter Plus Care Program uses vouchers to place previously homeless individuals into housing. Furthermore, individuals housed through the Shelter Plus Care Program are monitored to lessen the possibility they return to homelessness.

TOTAL USES OF FUNDS AMOUNT $6,042,588

Proposed 2014 Consolidated Action Plan

**Target Area Funds*

Description	CDBG	HOME	ESG	S + C	CIP/GF	SUBTOTAL	TOTALS	
HOUSING DEVELOPMENT							**$2,015,413**	**33%**
In-Fill Housing Development (*)	$5,000	$5,000				$10,000		
Existing Housing Rehabilitation								
Major Rehabilitation (*)	$85,000	$175,000			$33,500	$293,500		
Exterior Rehabilitation (*)	$100,000				$33,500	$133,500		
Emergency Rehabilitation	$250,000				-	$250,000		
Accessibility Modifications	$125,000					$125,000		
Voluntary Demolition (*)	$72,500					$72,500		
Homeownership								
Homeownership -TOTO -(50%*)	$89,107	$199,917			-	$289,024		
Homeownership Counseling (50%*)	$55,000				$33,000	$88,000		
CHDO - Non Profit Set Aside								
Housing Development		$73,500				$73,500		
Operating Subsidy		$24,000				$24,000		
Tenant-Based Rental Assistance		$30,000				$30,000		
KDOC Affordable Housing (*)	$120,000					$120,000		
Rehabilitation Program Delivery (60%*)	$506,389					$506,389		
COMMUNITY DEVELOPMENT							**$150,000**	**2%**
Empowerment - Public Facility Grants	$150,000					$150,000		
NEIGHBORHOOD SERVICES							**$118,000**	**2%**
NIA Support	$50,000					$50,000		
Anti-Blight Activities (50%*)	$68,000					$68,000		
HOMELESS/YOUTH & SOCIAL SERVICES							**$1,809,060**	**30%**
Youth & Social Services	$140,000				$141,000	$281,000		
City Emergency Shelter Grant			$108,484			$108,484		
Shelter + Care				$1,419,576		$1,419,576		
ADMINISTRATION	$341,499	$56,379	$8,796	$123,441	$20,000	$550,115	**$550,115**	**9%**
CIP Neighborhood Infrastructure [*]					$1,400,000	$1,400,000	**$1,400,000**	**23%**
						-		
TOTALS	**$2,157,495**	**$563,796**	**$117,280**	**$1,543,017**	**$1,661,000**	**$6,042,588**	**$6,042,588**	**100%**
Sources of Funds								
Regular Programs (subject to Appropriations)	$1,667,495	$488,796	$117,280	$1,543,017	$1,661,000	$5,477,588		**91%**
Program Income	$40,000	$75,000				$115,000		**2%**
Reprogrammed/Rolled Forward Funds - Prior Year	$450,000					$450,000		**7%**
TOTAL	**$2,157,495**	**$563,796**	**$117,280**	**$1,543,017**	**$1,661,000**	**$6,042,588**	**$6,042,588**	**100%**

Targeted Program Funds		***$2,555,845***	***60%***
Non-targeted Program Funds		***$1,677,683***	***40%***

Note: 1) City Y&SS funds based on proposed City Manager's budget. 2)CIP $20,000 Administration of Shelter Plus Care Program.

Homeless/Youth & Social Services	*These services are directed toward individual needs and are not part of the SORT targeting.*	***$1,809,060***

YSS 2013
APPLICATIONS RECEIVED
6-18-12

AGENCY	Program Name.	2014 REQUEST GF	2014 REQUEST CDBG	2014 TOTAL REQUESTS	2014 GF ALLOCATION	2014 CDBG RECMEND	FINAL ALLOCATIONS 2014
Big Brothers Big Sisters of Topeka	Mentoring	$5,956	$5,127	$11,083	$6,228	$4,838	$11,066
Boys & Girls Club of Topeka	Count on me Kids	$8,485		$8,485	$8,757		$8,757
Boys & Girls Club of Topeka	Comp Youth Dev.	$11,373		$11,373	$11,645		$11,645
Breakthrough House Inc	Payee Program		$12,199	$12,199		$12,560	$12,560
Breakthrough House Inc	Club House		$9,500	$9,500		$7,016	$7,016
Breakthrough House Inc	Residential Living Program		$27,423	$27,423		$22,174	$22,174
CASA	Child in Need of Care	$8,485		$8,485	$8,757		$8,757
Community Action	Latino Family Development		$18,218	$18,218		$15,337	$15,337
Community Action	Project Attention		$29,300	$29,300		$24,195	$24,195
Doorstep, Inc.	Emergency Services		$19,522	$19,522		$19,883	$19,883
East Topeka Council on Aging	Senior Center	$13,822		$13,822	$14,094		$14,094
Let's Help	Comp. Emergency Services		$20,000	$20,000		$18,180	$18,180
LULAC	Consolidated Transportation	$15,000		$15,000	$10,049		$10,049
Marian Clinic	Medical Services / Clinical Director	$13,105		$13,105	$13,377		$13,377
Meals on Wheels	Meals on Wheels	$10,514		$10,514	$10,786		$10,786
Papan's Landing	Services for the Elderly	$8,652		$8,652	$8,924		$8,924
Positive Connections / Top Aids Proj	Case Mngmt / 911 Assist.	$15,071		$15,071	$12,569		$12,569
TDC Learning Centers, Inc.	Full Day Care	$5,000	$11,500	$16,500	$4,356	$9,650	$14,006
TDC Learning Centers, Inc.	Parent Child Learning Ctr.		$10,000	$10,000		$6,167	$6,167
Topeka Youth Project	Youth Council/Court	$2,714		$2,714	$2,986		$2,986
Topeka Youth Project	Jobs for Young Adults	$16,556		$16,556	$16,827		$16,827
YWCA	Healthy Youth fka Teen Pregnancy Prev.	$11,373		$11,373	$11,645		$11,645
							$0
	TOTAL	$146,106	$162,789	**$308,895**	**$141,000**	**$140,000**	**$281,000**
REQUESTS							
CDBG	$162,789		**$140,000 Proposed CDBG 2014 allocation**				
ELDERLY SERVICES	$47,988		**$146,106 TOTAL GF requests (elderly + other GF programs)**				
GENERAL FUND	$98,118		**$141,000 Proposed GF 2014 allocation**				
TOTAL REQUESTS	308,895.00						

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 7, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:	**Jeff White/Pam Simecka**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**2014 City Operating Budget**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**08-13-13 First Reading**	**JOURNAL #:**	**13**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2014 and appropriating the amounts for the purpose set forth therein. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would adopt the City's 2014 operating budget.)

POLICY ISSUE:

K.S.A. 79-2929 requires a public hearing to hear taxpayer objections. The hearing is a prerequisite to adopting the budget.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

K.S.A. 79-2933 requires adoption of an annual budget after a public hearing has been conducted to consider taxpayer input.

BUDGETARY IMPACT:

SOURCE OF FUNDING:

Property Taxes

ATTACHMENTS:

Ordinance

Item #10

(Published in the Topeka Metro News_______________________________.)

ORDINANCE NO. ____________

AN APPROPRIATION ORDINANCE introduced by Jim Colson, City Manager, approving and adopting the operating budget for the City of Topeka, for the year 2014, and appropriating the amounts for the purpose as set forth therein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that:

Section 1. *Budget incorporated by reference as a part of this Ordinance.* The operating budget for the City of Topeka, Kansas, for the year 2014 as set forth in a ___ page document in the format prescribed by the Director of Accounts and Reports of the Kansas Department of Administration, as required by law, which has been published in a summary format together with a notice of public hearing, is hereby incorporated by reference as a part of this Ordinance with the same force and effect as if it were set forth herein in its entirety.

Section 2. *Budget approved and adopted.* The operating budget as described and incorporated by reference in Section 1 above is hereby approved and adopted as the operating budget for the year 2014.

Section 3. *Funds appropriated by budget.* The budget as approved and adopted herein shall constitute and shall be declared to be appropriations for the funds and departments as set forth therein, and the appropriations thus made shall not be used for any other purpose. No money in any fund or fund type shall be used to pay for any indebtedness created in excess of the amount appropriated for such fund or fund type, or for the departments of such fund or fund type as referred to in the operating budget. The appropriations made herein are for the year 2014 and no expenditures shall be incurred as being authorized by such appropriations prior to January 1, 2014 or subsequent to

December 31, 2014.

Section 4. *Budget amendments.* Any amendment to the operating budget must be approved by the Governing Body and enacted in accordance with the provisions of K.S.A. § 79-2929a.

Section 5. *As used in this ordinance "fund" is defined as follows*:

Fund. A fiscal and accounting entity with a self balancing set of accounts in which cash and other financial resources, all related liabilities and residual equities, or balances, and changes therein are recorded and segregated to carry on specific activities or attain certain objectives in accordance with special regulations, restrictions, or limitations.

Section 6. *The following fund types are authorized*:

Governmental (or statutory) Fund Type: including General Fund, Special Revenue Funds, Debt Service Funds, and Capital Projects Funds; Proprietary Fund Type: including Enterprise Funds and Internal Service Funds (fixed or flexible); and, Fiduciary Fund Type: including Trust and Agency Funds. This Ordinance applies to all funds as listed on the budget certificate and fund summary adopted and submitted to the county and state.

Section 7. This Ordinance shall take effect and be in force upon passage.

PASSED and APPROVED by the Governing Body on ______________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 9, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:	**Jeff White/Pam Simecka**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Issuance of GO Bonds**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 012 Bond Ordinances**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

A HOME RULE ORDINANCE introduced by City Manager Jim Colson, authorizing and providing for the public sale and issuance of Taxable General Obligation Bonds of the City of Topeka, Kansas, to fund certain employee separation benefit costs of the City for eligible employees of the City and pay the costs of issuing such bonds and funding capitalized interest on the bonds; setting forth the details of said sale; and providing for the giving of notice thereof. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would allow the issuance of General Obligation Bonds, Series 2013-C (Employee Retirement Benefit Funding) in the maximum principal amount of $7,500,000 to fund certain employee separation benefit costs.)

POLICY ISSUE:

The City has a large number of employees eligible for full retirement in FY2013 and FY2014 with the numbers of eligible employees declining significantly in subsequent years. By spreading the contributions over a five-year period, the City can moderate contribution rates in FY2013 and FY2014 without dramatic increases in subsequent years, resulting in General Fund savings of $500,000 for FY2014. Actual contribution rates will depend in large part upon the number of retirements actually funded over this period.

The bonds would fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment. The bonds would also fund capitalized interest on the Bonds and pay the costs of issuing the bonds, and such other costs, expenses and obligations in connection with the issuance of the bonds.

Item #11

STAFF RECOMMENDATION:

Staff is recommending the Governing Body move to adopt the ordinance.

BACKGROUND:

The City's retirement reserve fund ended FY2012 with a negative fund balance, due to a large number of retirements in December 2012. The retirement reserve fund is financed through departmental contributions across the organization, charged as a fixed percentage of payroll. In order to cover anticipated increased retirements in FY2014, the City doubled the contribution rate, negatively impacting projected General Fund budgetary balance. Despite this increase, the City faces potential retirement-related costs multiple times the amount budgeted. This financing also provides some catastrophic cost increase protection.

BUDGETARY IMPACT:

The City plans to borrow in 2013 approximately $5.5 million of the $7.5 million authorized. The balance of the authorization may not be required.

SOURCE OF FUNDING:

Debt service will be secured by property taxes; however, it will be funded in FY2014 through capitalized interest and internal transfers from the retirement reserve fund to the debt service fund.

ATTACHMENTS:

Bond Ordinance

060813 2

ORDINANCE NO. ______

A HOME RULE ORDINANCE INTRODUCED BY CITY MANAGER JIM COLSON AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE AND ISSUANCE OF TAXABLE GENERAL OBLIGATION BONDS OF THE CITY OF TOPEKA, KANSAS, TO FUND CERTAIN EMPLOYEE SEPARATION BENEFIT COSTS OF THE CITY FOR ELIGIBLE EMPLOYEES OF THE CITY AND PAY THE COSTS OF ISSUING SUCH BONDS AND FUNDING CAPITALIZED INTEREST ON THE BONDS; SETTING FORTH THE DETAILS OF SAID SALE; AND PROVIDING FOR THE GIVING OF NOTICE THEREOF.

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas (the "Constitution") all cities of the State of Kansas are empowered in accordance with their power of home rule to determine their local affairs and government, except as is limited or prohibited by the Constitution; and

WHEREAS, the governing body (the "Council") of the City of Topeka, Kansas, (the "City") in the exercise of its Constitutional power of home rule wishes to issue general obligation bonds of the City in the maximum principal amount of $7,500,000 (the "Bonds") to (1) fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds; and

WHEREAS, the issuance of the Bonds for such purposes is not prohibited or otherwise limited by the Constitution; and

WHEREAS, pursuant to the Constitution, the Council of the City deems it necessary and advisable to issue and sell the Bonds as hereinafter provided to finance the previously described employee retirement benefit costs, capitalized interest on such Bonds, and pay the costs of issuing the Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS:

Section 1. That the City is hereby authorized to issue and sell its general obligation bonds upon such terms and conditions as it may determine in accordance with applicable law in the maximum principal amount of $7,500,000 to (1) fund the City's obligation to make final payments of accrued leave, including but not limited to vacation leave, sick leave, compensatory time and other accrued leave, to which any employee is entitled pursuant to the Topeka Municipal Code or pertinent labor agreements for City employees separating from City employment, (2) fund capitalized interest on the Bonds, and (3) pay the costs of issuing the Bonds, and such other costs, expenses and obligations in connection with the issuance of the Bonds.

Section 2. That it is hereby determined to be necessary and it is hereby authorized, directed and ordered, that Taxable General Obligation Bonds, Series 2013-C (Employee Retirement Benefit Funding) of the City of Topeka, Kansas, shall be sold at public sale and in the manner provided by law, on Tuesday, September 10, 2013, at ______ a.m. C.D.T. Such bonds shall be in the maximum principal amount of $7,500,000 and shall be dated September 30, 2013.

Section 3. That it is hereby further authorized, ordered and directed that the Summary Notice of Bond Sale, in substantially the form attached hereto and made a part hereof by reference as though fully set out herein, shall be published one time not more than 30 days and not less than 6 days prior to the date of said sale as required by law, one time in The Topeka Metro News, the official newspaper of the City, and one time in the Kansas Register, as provided by law.

Section 4. That the Mayor and other officers of the City are hereby authorized to provide for the preparation of a Preliminary Official Statement, to be "deemed final" except for the omission of certain information as provided in the Securities and Exchange Commission Rule 15c2-12, and the Mayor and Clerk are hereby authorized to execute such Preliminary Official Statement, with such changes thereto as such officials shall deem appropriate, and to use such document in connection with the offering of the Bonds.

Section 5. That the officers and representatives of the City are hereby authorized and directed to take such action as may be necessary, after consultation with Columbia Capital Management, LLC, Overland Park, Kansas, as Financial Advisors to the City, and Nichols and Wolfe Chartered, Topeka, Kansas, as Bond Counsel, to take such other action as may be necessary to carry out the offering for sale of the Bonds.

Section 6. That it is hereby further authorized, ordered and directed that copies of the Preliminary Official Statement, Official Notice of Bond Sale and the City's bid form for this issue of Bonds, be distributed to prospective bidders of the Bonds.

Section 7. That all Bonds issued under the provisions of the Ordinance shall be issued in accordance with the provisions of the General Bond Law of the State of Kansas.

Section 8. That this Ordinance shall be of full force and effect after its passage and approval by the City Council of the City of Topeka, Kansas, and its publication in the official City newspaper.

Passed by the Governing Body and approved by the Council of the City of Topeka, Kansas, this ______ day of August, 2013.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

(SEAL)

I, BRENDA YOUNGER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ________ adopted and approved by the City Council on August ___, 2013.

____
Brenda Younger, City Clerk

Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 7, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:	**Jeff White**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Property Tax Revenues**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**014 Ordinances – Non-Codified / 005 Miscellaneous**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:	**08-13-13 First Reading**	**JOURNAL #:**	**13**
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, attesting to budgeting property tax revenues for budget year 2014. Final Reading.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would authorize a budget which provides funding with property tax revenues that may or may not exceed the previous year.)

POLICY ISSUE:

Adoption of the ordinance will be necessary to budget property tax revenue if the amount exceeds the revenues budgeted for 2013 in order to maintain the public services which are essential for residents.

STAFF RECOMMENDATION:

Staff recommends the Council move to adopt the ordinance.

BACKGROUND:

K.S.A. 79-2925a requires passage of this ordinance if it is necessary to budget property tax revenue in an amount that exceeds the revenues budgeted for 2013 in order to maintain the public services which are essential for the residents.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Ordinance

Item #12

(Published in the Topeka Metro News_______________________________)

ORDINANCE NO.________________

AN ORDINANCE introduced by Jim Colson, City Manager, attesting to budgeting property tax revenues for budget year 2014.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. In accordance with state law, the City of Topeka has scheduled a public hearing and has published the budget summary to fund City services from January 1, 2014 to December 31, 2014.

Section 2. In accordance with K.S.A. 79-2925b, the governing body cannot approve a budget which provides for funding with property tax revenue in an amount exceeding that of the preceding year unless the governing body enacts an ordinance providing as such.

Section 2. Accordingly, in order to comply with K.S.A. 79-2925b and maintain the public services which are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the revenues budgeted in the year 2013.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body __________________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:	**Brenda Younger**	**DOCUMENT #:**	
SECOND PARTY/SUBJECT:	**Applications**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**006 Communication / 005 Other**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

APPROVAL of Retail Cereal Malt Beverage and Scrap Metal Dealers License Applications.

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Retail Cereal Malt Beverage License applications and Scrap Metal Dealer applications must be approved by the governing body prior to issuance of the licenses.)

POLICY ISSUE:

Approval helps ensure businesses are in compliance with City regulations.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the license application(s) as presented.

BACKGROUND:

Pursuant to K.S.A. 41-2702 as amended, license applications for retail cereal malt beverage must be approved by the governing body prior to issuance of the license.

Pursuant to TMC 5.170.040 and L.2011, Ch. 86, Section 2, Scrap Metal Dealer applications have to be approved by the governing body prior to issuance of registration.

BUDGETARY IMPACT:

Budgetary impact is based on the number of licenses issued.

SOURCE OF FUNDING:

City Clerk's Operating Budget

ATTACHMENTS:

No Attachments Available

Item #13

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 29, 2013

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DATE:	**August 20, 2013**		
CONTACT PERSON:	**Bill Fiander/Bill Hoover**	**DOCUMENT #:**	**ASR13/1**
SECOND PARTY/SUBJECT:	**Minor Plats/Subdivisions**	**PROJECT #:**	
CATEGORY/SUBCATEGORY	**013 Ordinances - Codified / 134 Subdivisions**		
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Sections 18.30.010, 18.35.010, 18.35.040 and 18.35.220 and specifically repealing said original sections, all concerning the administrative minor plat approval process. First Reading. *(ASR13/1)*

Voting Requirement: Majority vote of the Governing Body, including the Mayor.

(Approval would expand and streamline the minor plat process so that more plats could be approved administratively including lot splits and lot line adjustments.)

POLICY ISSUE:

The ordinance would expand administrative authority over subdivision plat approvals that are minor in nature including creation and vacation of easements and rights-of-way. This would have the effect of requiring fewer subdivision plats to be approved by the Planning Commission and Governing Body.

The Governing Body has the following options to consider the ordinance:

(1) Adopt the recommendation of the Planning Commission by a majority vote of the Governing Body.
(2) Reject or amend the Planning Commission's recommendation by a two-thirds vote of the Governing Body.
(3) Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's decision to approve or deny the request by a majority vote.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to adopt the ordinance.

Item #14

BACKGROUND:

The Minor Plat process was adopted by the Governing Body in January 2006 in order to allow simpler platting actions to be processed administratively rather than through the Planning Commission and City Council. There are nine criteria that must be met for land to be processed as a Minor Plat rather than a Major Plat. Based on past experiences, Planning staff has found that some of these criteria now need to be clarified, updated, or modified so they can work more effectively to keep simple platting procedures as Minor Plats.

The Planning staff also receives requests to modify lot lines between two platted lots in order to make one lot larger or to split a lot so two homes may be built on it. Lot line adjustments and lot splits are being done without going through any City staff or utility review thus creating conflicts later on when building permits are requested. An administrative process is proposed as an abbreviated type of Minor Plat for processing routine lot line adjustments and lot splits to encourage greater compliance in the future.

The ordinance also ensures real estate taxes and special assessments are not delinquent on all properties being platted or re-platted.

The Planning Department recommended to the Planning Commission that this amendment to the subdivision regulations be reviewed and forwarded on to the Governing Body with a recommendation of approval. The Planning Commission recommended approval on July 22, 2013.

BUDGETARY IMPACT:

There would be no budgetary impact to the City.

SOURCE OF FUNDING:

Not applicable.

ATTACHMENTS:

Summary Report

Ordinance

Staff Report

Graphics

Minutes 6-24-2013

Minutes 7-22-13

CITY OF TOPEKA PLANNING DEPARTMENT

SUMMARY REPORT

Re: ASR13/1 Minor Plats, Lot Splits, and Lot Line Adjustments

The Minor Plat process was adopted by the Governing Body in January 2006, in order to allow simpler platting actions to be processed administratively rather than through the Planning Commission and City Council. There are nine criteria that must be met for land to be processed as a Minor Plat rather than a Major Plat. Based on experiences over the last seven and one-half years, the Planning staff has found that some of these criteria now need to be clarified, updated or modified so they can work more effectively to keep simple platting procedures as Minor Plats.

The Planning staff also receives requests to modify lot lines between two platted lots in order to make one lot larger or to split a lot so two homes may be built on it. Frequently, lot line adjustments and lot splits are being done without going through any City administrative review and this makes it difficult for City staff to later review requests for building permits on these lots as our plat files do not show these lot line adjustments and lot splits. An administrative process is proposed as an abbreviated type of Minor Plat for processing routine lot line adjustments and lot splits.

The remaining key change of this amendment to the subdivision regulations is to ensure real estate taxes and special assessments are not delinquent on all properties being platted.

The Planning Department recommended to the Planning Commission that this amendment to the subdivision regulations be reviewed and forwarded on to the Governing Body with a recommendation of approval. The Planning Commission recommended this be approved by a vote of 5-0-4 at its July 22, 2013 meeting, as referenced in the attached minutes.

As there are no outstanding issues, the Planning Department requests the Governing Body move to approve this ordinance amending the subdivision regulations.

(Published in the Topeka Metro News ____)

ORDINANCE NO. ___________

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 18.30.010, § 18.35.010, § 18.35.040 and § 18.35.220 and specifically repealing said original sections, all concerning the administrative minor plat approval process.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 18.30.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property.

"Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, etc., or a combination thereof.

Collector Streets.

(1) Primary. This class of street serves the internal traffic movement within an area of the city such as a subdivision and connects this area with the arterial system. It is intended to equally serve abutting property while at the same time serving traffic movements for commercial and transit vehicles, and is normally spaced at one-half intervals between the major traffic thoroughfares in the normal gridiron system.

(2) Secondary. This class of street serves the internal traffic movement within an area of the city such as a subdivision and connects this area with the primary and

arterial system. It is intended to serve abutting property while at the same time serving traffic movements excluding commercial and transit vehicles.

“Cul-de-sac” means a street having one end open to traffic and being permanently terminated by a vehicle turnaround at the closed end.

“Design” means the location of streets, alignment of streets, grades and widths of streets, alignment and widths of easements and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area and width.

“Easement” means a grant by the property owner to a person or to the public of the right to the use of a strip of land for specific purposes.

“Final plat” means a plan or map prepared in accordance with the provisions of this division and those of any other applicable city ordinances, which plat is prepared to be placed on record in the office of the county register of deeds for counties in which the subdivision is located.

“Improvements” means any improvement and all street work, utilities, trafficways and drainage facilities that are to be installed, or which the subdivider agrees to install on the land for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood.

“Lot” means a portion of land in a subdivision, or other parcel of land, intended as a unit for the purposes of transfer of ownership or development.

“Lot Line Adjustment” means a relocation of existing lot lines.

“Lot Split” means a lot that is divided into two lots.

“Major plat approval” means a plan or map prepared in accordance with the provisions of this division and those of any other city ordinance which requires the approval of the planning commission and the city council.

Major Traffic Thoroughfares.

(1) "Primary" means a street or road of great continuity with either a single roadway or a dual roadway which serves or is intended to serve major traffic flow, and is designated in the master plan or is otherwise designated as a limited access highway or freeway, highway, boulevard, parkway or other equivalent term, to identify those streets comprising the basic street system of the city.

(2) "Secondary" means a street or road of considerable continuity which serves or is intended to serve principal traffic flow between separated areas or districts and which is the main means of access to the residential street or roadway system.

"Marginal access streets" or "frontage roads" means a minor street which is generally parallel to or adjacent to a major traffic thoroughfare highway or railroad right-of-way and provides access to abutting properties.

"Master plan" means the comprehensive plan made and adopted by the planning commission for the physical development of the metropolitan area and its environs indicating the general location, character and extent of streets, alleys, sewers, ways, viaducts, bridges, subways, parkways, parks, playgrounds, waterways, waterfronts, boulevards, squares, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals; also the removal, location, widening, narrowing, vacating, abandonment, change of use, or extension of any public ways, grounds, open spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location, use and intensity of use of buildings and premises.

“Minor plat approval” means a plan or map of an area prepared in accordance with the provisions of this division and those of any other ordinance which requires only the joint approval of the planning director and public works director.

“Minor street” means a street of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

“Municipal service area” is that area established by resolution of the city council which is located outside of the corporate boundaries of the city but within the city’s three-mile jurisdiction which is suitable for development and growth by the provision of municipal services including but not limited to municipal water, stormwater and sanitary sewer. Said municipal service area may from time to time be altered by resolution of the city council to provide for additional orderly growth; provided, however, that said municipal service area shall not extend beyond the city’s three-mile extraterritorial jurisdiction.

“Pedestrian way” means a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

“Planning commission” means the city of Topeka planning commission.

“Preliminary plat” means a map made for the purpose of showing the design of a proposed subdivision and existing conditions in and around it; the map need not be based on an accurate or detailed final survey of the property.

“Public water company” means any person who has a written permit from the state to supply water for domestic purposes to the public.

"Setback line" or "building line" means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.

"Street" means a right-of-way dedicated to the public use, or a private right-of-way serving more than one owner~~ship~~, which provides principal vehicular and pedestrian access to adjacent properties.

"Subdivider" means any person who causes land to be divided into a subdivision, for themselves or for others.

"Subdivision" means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided, the division of land for agricultural purposes into lots or parcels each of which is three acres or more and not involving a new street or the division of land into parcels or tracts of land containing three acres or more with a minimum frontage dimension of 200 feet on a public road or way where the use is to be for purposes other than agricultural shall not be deemed a subdivision.

Section 2. That section 18.35.010, Administrative minor plat approval process, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Administrative minor plat approval process; Lot line adjustments and splits.

(a) Minor plat approval. The following plats or replats may be approved administratively upon the joint approval of the planning director and the public works director without submission to or approval by the planning commission or city council;

provided, that all of the following criteria are met:

(~~a~~1) ~~No new street r~~Right-of-way ~~shall be~~for new streets is not proposed or required to serve the lots or tracts ~~resulting from~~in the subdivision;

(~~b~~2) The subdivision includes the total contiguous tract of land owned, or under control of, the ~~subdivider(s)~~applicant;

(~~c~~3) ~~A drainage study has been completed and approved for the proposed plat~~The applicant has complied with any applicable stormwater management requirements;

(~~d~~4) ~~The plat includes n~~No more than five lots or tracts ~~of land~~are added;

(~~e~~5) ~~No d~~Dedication of land for public purposes is not required~~ including but not limited to public parks, open spaces or rights-of-way~~;

(~~f~~6) ~~All n~~New lots or tracts front onto or are accessible from an existing street right-of-way which~~ is improved~~, except for non-buildable lots or tracts, conforms to city specifications;

(~~g~~7) ~~No e~~Extensions of water or sewer mains are not required to serve ~~those~~the additional lots or tracts;

(~~h~~8) ~~Existing e~~Easements for utilities are not vacated, altered, removed or realigned unless ~~expressly agreed to in writing by~~ the utility consents in writing and the planning director determines that vacation will not adversely impact adjoining property owners or the public health and welfare; ~~and~~

(~~i~~9) The plat is consistent with the ~~city of Topeka~~comprehensive metropolitan plan; and

(10) Real estate taxes and special assessments on the property proposed to be platted or replatted are not delinquent.

(b) Lot line adjustments. Lot line adjustments may be approved administratively upon the joint approval of the planning director and the public works director; provided all of the following criteria are met:

(1) The lots are either platted or are exempt from platting;

(2) Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height, size, and setback requirements;

(3) No additional lots are created; and

(4) No easements are added, relocated, or removed.

(c) Lot splits. Lot splits may be approved administratively upon the joint approval of the planning director and the public works director; provided all of the following criteria are met:

(1) The lots are either platted or are exempt from platting;

(2) Each lot meets the minimum lot size standards for the applicable zoning district and all structures meet applicable building height, size, and setback requirements;

(3) No easements are added, relocated, or removed;

(4) Water and sewer services will not be adversely impacted;

(5) Existing and proposed septic systems and wells meet all setback and area requirements;

(6) No public infrastructure improvements are necessary to serve the lots; and

(7) The lot(s) has not been the subject of a previous split.

Section 3. That section 18.35.040, Filing fees, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Filing fees.

~~Administrative minor plat approval~~The fee for minor plat approval, lot splits and lot line adjustments shall be 50 percent of the fee for a major plat.

Section 4. That section 18.35.220, Supplementary documents and information, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Supplementary documents and information.

(a) Two three-line profile prints of streets to be dedicated, indicating the grades thereon, may be required on final plats.

(b) A certificate from both the city and county stating that all taxes and encumbrances have been satisfied of record on the land to be dedicated as streets, alleys or other public purposes is required on final plats.

(c) If private restrictions are to be filed affecting the subdivision or any part thereof, two copies shall be filed with the final plat.

(d) Documentation shall be provided showing that all real estate taxes and special assessments on the property being platted are not delinquent.

Section 5. That original § 18.30.010, § 18.35.010, § 18.35.040 and § 18.35.220 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 7. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 8. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on ____________________.

CITY OF TOPEKA, KANSAS

____
Larry E. Wolgast, Mayor

ATTEST:

____
Brenda Younger, City Clerk

City of Topeka Planning Department

Minor Plats, Lot Splits, and Lot Line Adjustments

July 22, 2013

Problem Statement: Frequently property owners desire to do a simple plat or replat of their land and find the process more difficult than expected. Current subdivision regulations may require them to do a Major Plat, which involves administrative review followed by meetings with the Planning Commission and City Council. At other times, two adjacent property owners may want to simply adjust a lot line between two platted lots but our subdivision regulations do not have a simple mechanism for accomplishing this without doing a Minor Plat. Minor Plats have a fairly detailed administrative review and generally involve about a three to six-week time period. By requiring property owners to go through a more difficult process than necessary it puts an undue burden on the applicant, both cost-wise and time-wise. Indirectly, it may also encourage some property owners from just avoiding the process entirely and then letting future property owners and City staff deal with potential consequences later.

Background: There are nine criteria in Section 18.35.010 of TMC that must be met for land to be processed as a Minor Plat rather than a Major Plat. The Minor Plat process was adopted by the Governing Body in January 2006, in order to allow simpler platting actions to be processed administratively rather than through the Planning Commission and City Council. Based on experiences over the last seven and one-half years, the Planning staff has found that some of these criteria now need to be clarified, updated, or modified so they can work more effectively.

The Planning staff also receives requests to modify lot lines between two platted lots in order to make one lot larger or to split a lot so two homes may be built on it. Frequently, lot line adjustments and lot splits are being done without going through any City administrative review and this makes it difficult for City staff to later review requests for building permits on these lots as our plat files do not show these lot line adjustments and lot splits.

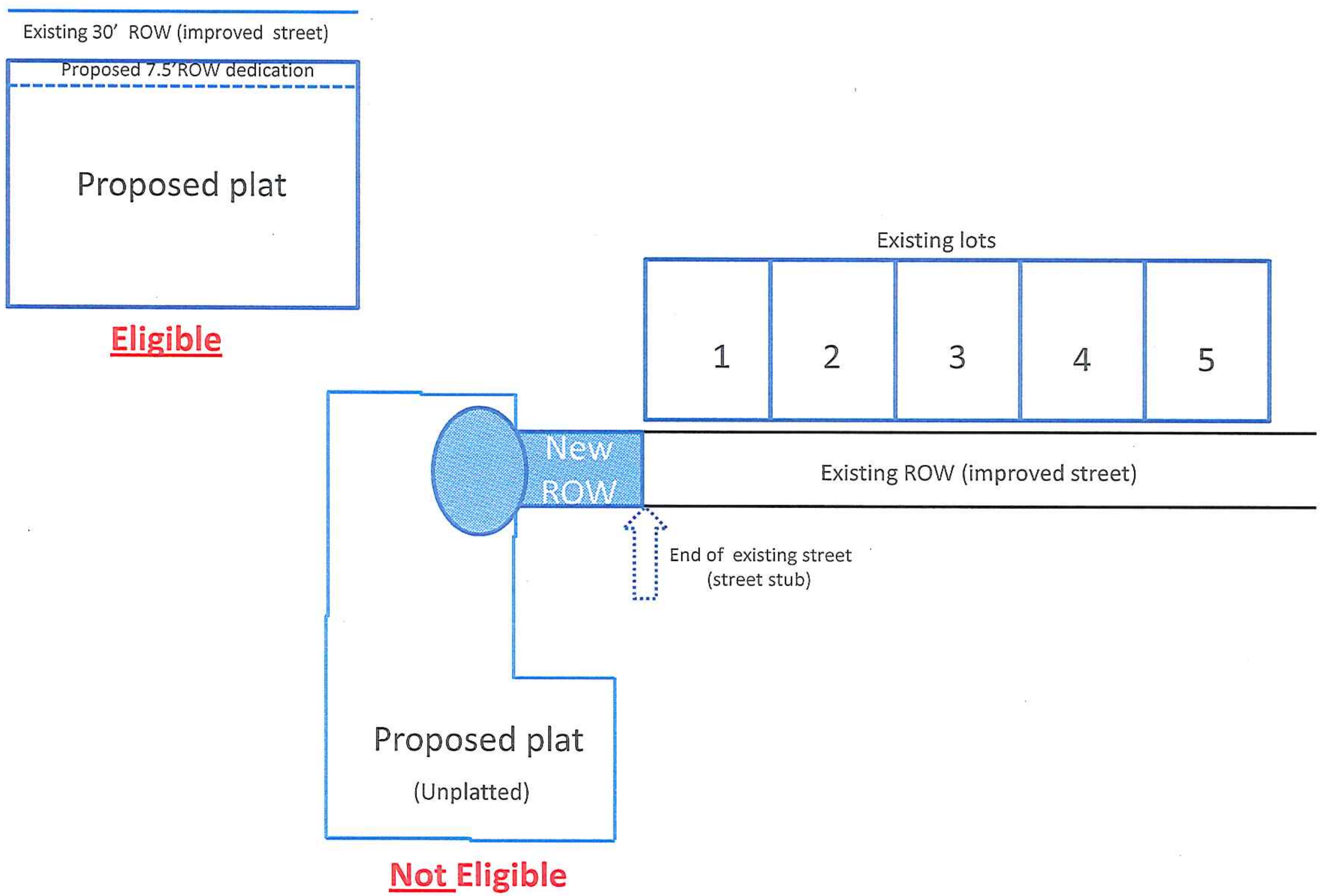
Objectives of a Code Amendment:

- Allow more plats to be processed administratively as a Minor Plat.
- Create an administrative process for processing routine lot line adjustments and lot splits.
- Ensure taxes and special assessments are not delinquent on properties being platted.

Research: Since the State of Kansas requires simple platting actions not go through a major platting procedure, the research primarily focused on other communities in Kansas. These included: Hutchinson/Reno County, Johnson County, Junction City, Lawrence-Douglas County, Manhattan, North Kansas City (Missouri), Olathe, Overland Park, Salina, Saline County, Wichita/Sedgwick County, and Wyandotte County. All of these cities and counties have some administrative means of reviewing very simple platting procedures. Frequently, these are for lot splits or lot line adjustments but have various names for their administrative procedures, such as: minor plats, boundary or lot line adjustments, or lot splits.

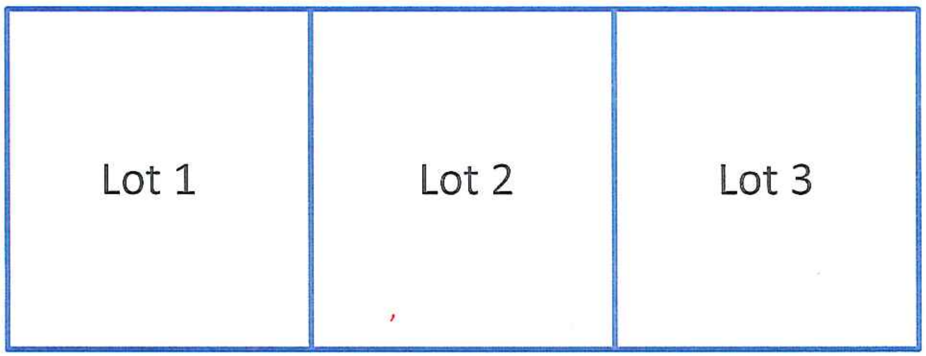
Recommendation: Planning staff recommends that the Planning Commission recommend approval of the attached ordinance.

Minor Plat Criteria : ROW Dedication

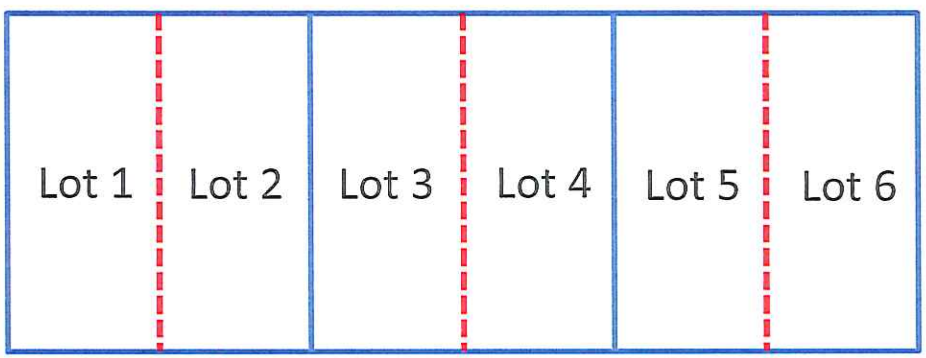


Minor Plat Criteria : No more than a **net** increase of 5 Lots

Original Subdivision

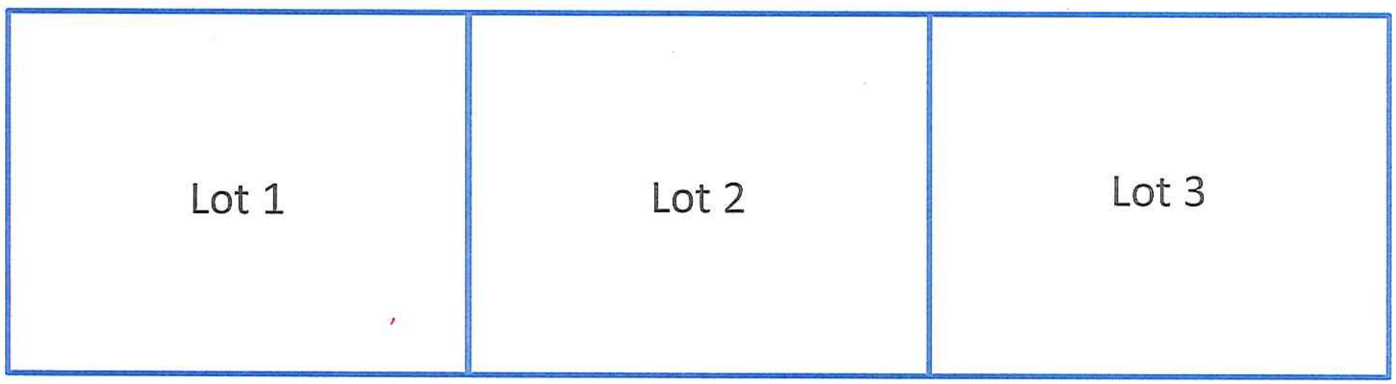


ELIGIBLE

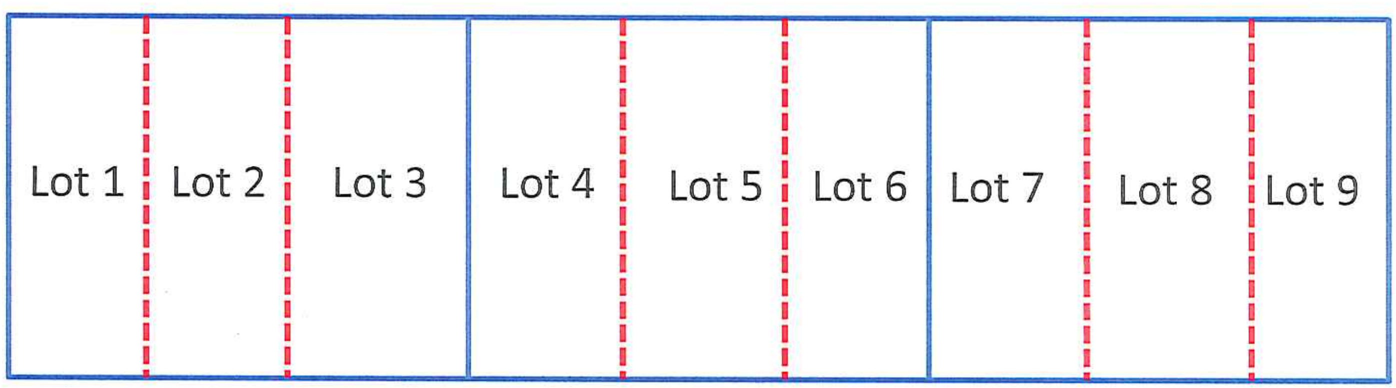


Minor Plat Criteria : No more than a net increase of 5 Lots

Original Subdivision



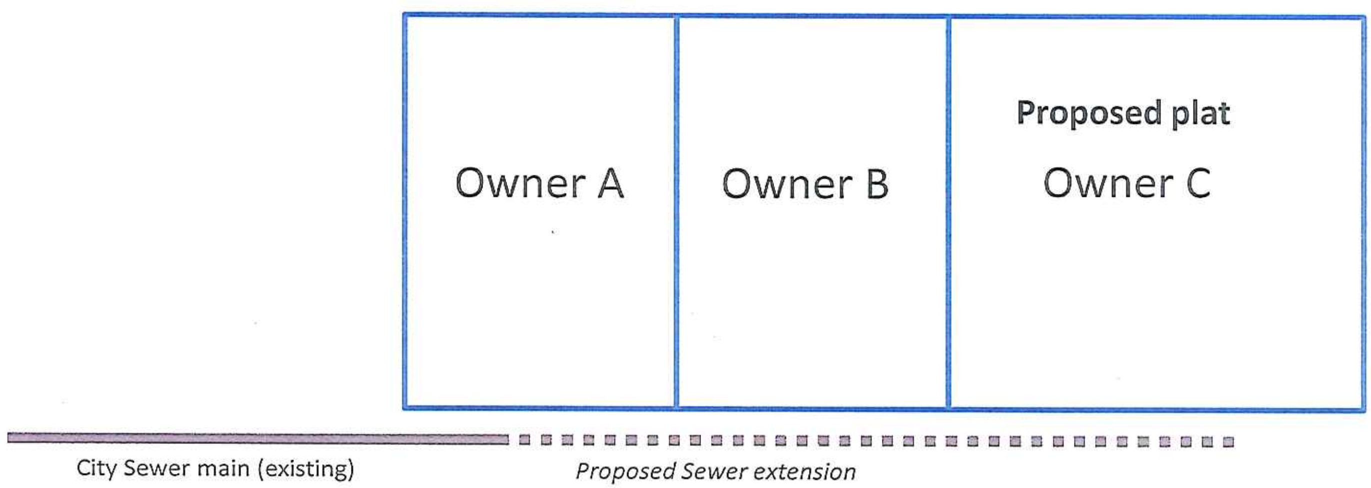
NOT ELIGIBLE



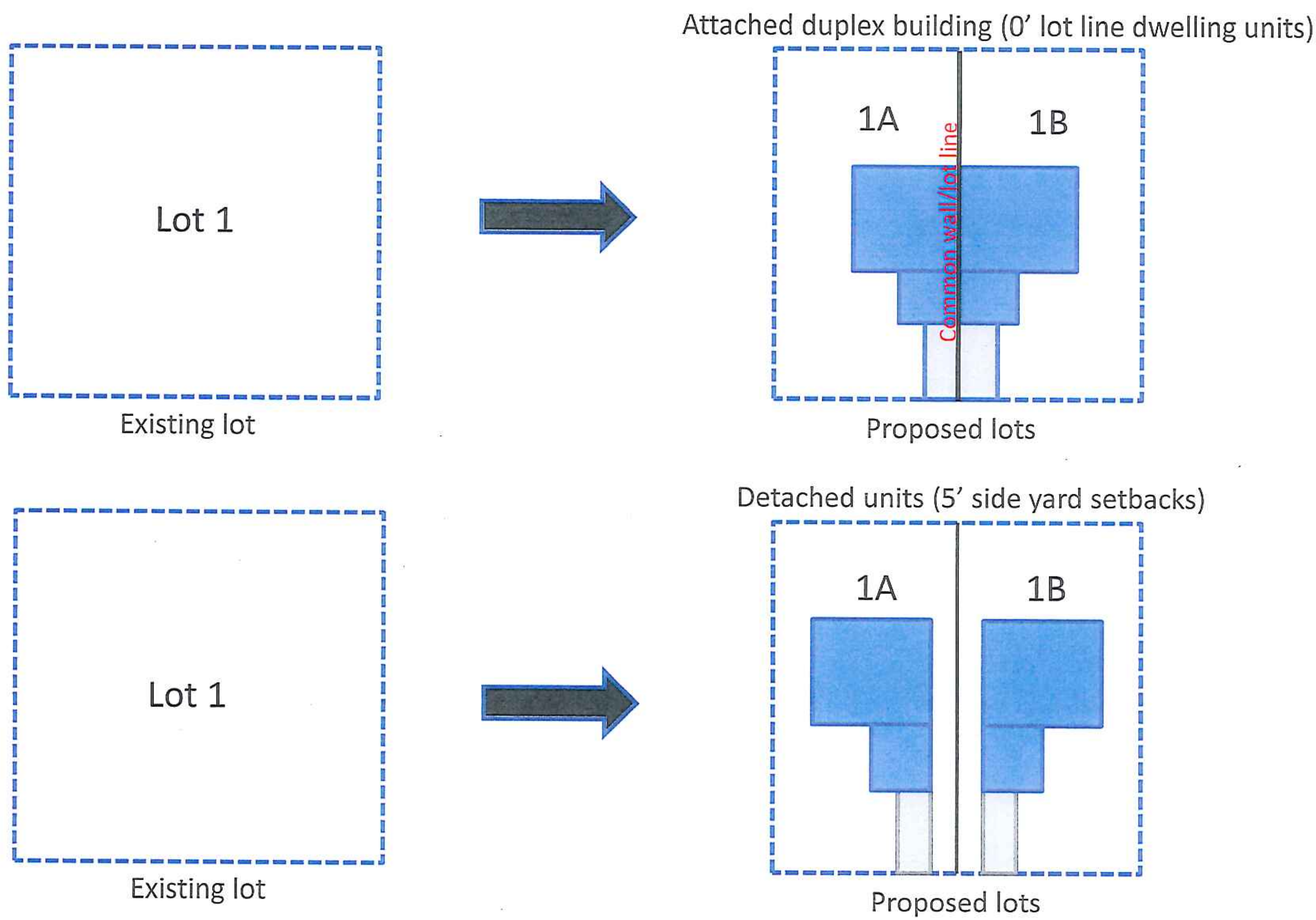
Minor Plat Criteria : Sewer/Water Main Extensions

Eligible:

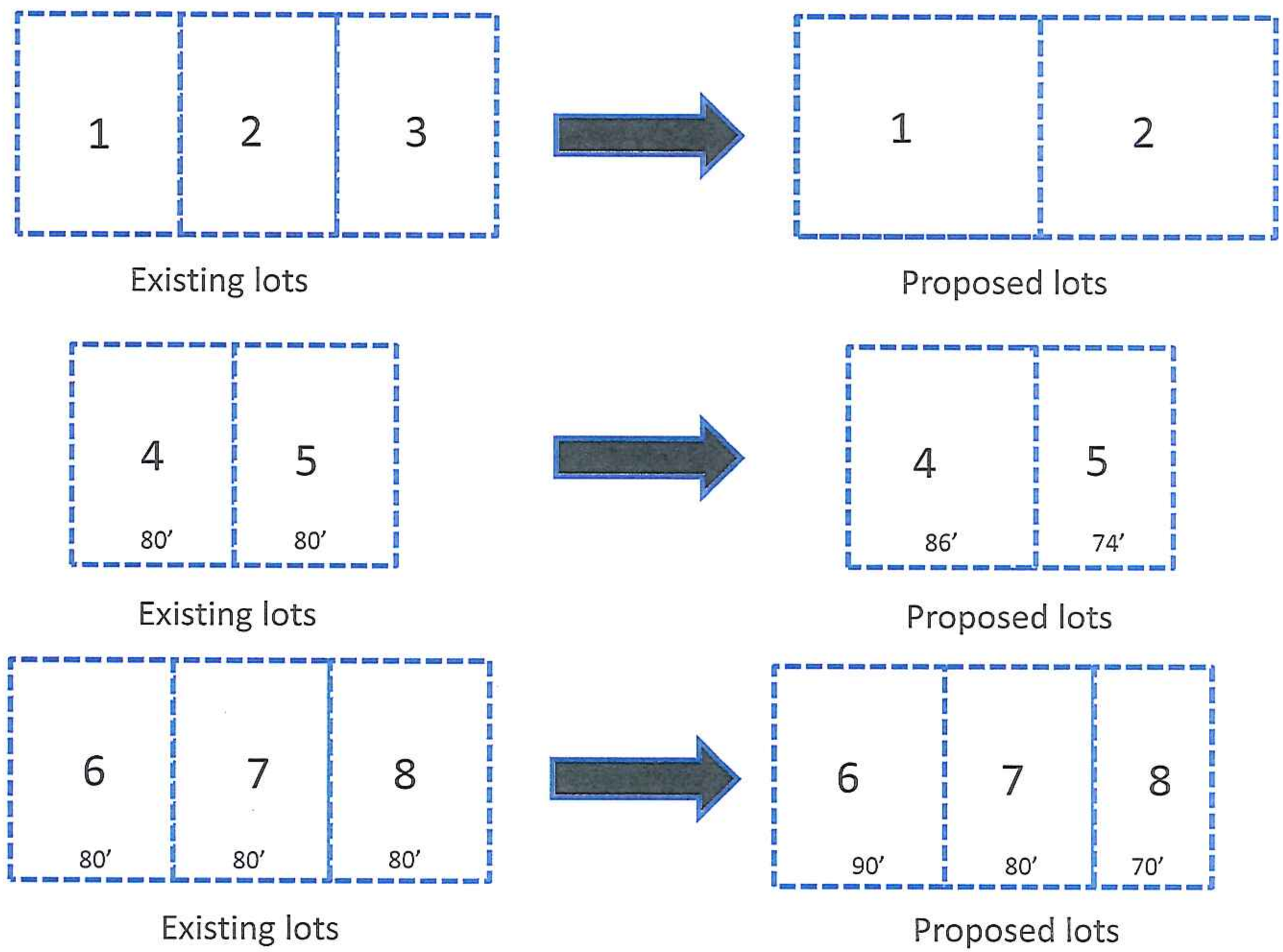
NOT Eligible:



LOT SPLITS


Attached duplex building (0' lot line dwelling units)
Lot 1
Existing lot
1A
1B
Common wall/lot line
Proposed lots
Detached units (5' side yard setbacks)
Lot 1
Existing lot
1A
1B
Proposed lots

LOT LINE ADJUSTMENTS



Minutes of the
Topeka Planning Commission
Monday, June 24, 2013

Minor Plats, Lot Splits, and Lot Line Adjustments- update the Minor Plat criteria so more Major Plats could be processed administratively and allow Lot Splits and Lot Line Adjustments to be accomplished via a certificate of survey under a new administrative process.

Discussion by members: Bill Hoover summarized the staff report for the case. Mr. Hoover explained that property owners frequently find complications with platting procedures currently prescribed in the City of Topeka Code. Mr. Hoover stated currently there is a minor plat process that provides for a simple and quicker platting process that may be more appropriate for cases such as described.

Mr. Hoover explained the Planning Department recommends the modification and is requesting to require all property tax not be delinquent at the time of approval.

Mike Lackey asked why the storm water report would be required. Mr. Hoover stated there is a new requirement listed in the document. Mr. Lackey stated that moving a lot line may not affect the drainage where building would.

Mr. Hoover explained the process allows for review of setback and easement changes that may cause problems in the future.

Mr. Fiander stated that if a report does not include the storm water quality information, which is required by the Engineering Department, then there may be a need for an updated report based on new requirements.

Kevin Beck asked if this was required to become compliant with the new standards. Mr. Fiander confirmed. Mr. Fiander stated due to the new requirement, this has caused many plats to be changed to the Major category. Mr. Hoover added the difference of a Major and Minor plat is nearly an eleven week delay.

Mr. Fiander explained the illustrations of the Minor Plat Criteria, which is not changed, but simply illustrates different situations.

Mr. Fiander added easements have always been allowed on a minor plat as long as everyone agrees. The only exception is if an easement is being vacated. Mr. Fiander stated staff has worked with the Legal Department to ensure this meets requirements.

Mr. Fiander explained a case of one lot being split into 50 lots then later returning the plat to one lot later. Mr. Fiander stated there was a need to vacate roads and easements. Mr. Fiander stated neighboring property owners were not affected so the case was allowed to be handled with minor plat procedures.

Mr. Fiander added that variances are only approved through the Planning Commission. Mr. Fiander explained when a street frontage was not available.

Mr. Fiander explained the five-lot rule. Mr. Fiander stated that when a property owner wants to change a subdivision, there is a fifty-lot requirement. Mr. Fiander stated the amendment would change the minor plat criteria to five lots, net.

Dennis Haugh commended the Planning Staff for simplifying the process for property owners.

Mr. Beck stated that the Certificate of Survey is required to be sealed by a licensed surveyor. Mr. Fiander confirmed. Mr. Beck asked for clarification on the real estate taxes. Mr. Beck stated the Register of Deeds requires to pay for the entire year prior to allowing them to record the plat. Mr. Hoover explained the draft ordinance includes the phrase “not delinquent” to ensure that the plat is not being done for those who are behind in paying their taxes. Mr. Fiander added this is the same rule for zoning cases.

Mr. Beck stated that the amendment reads that a storm water report is required. Mr. Beck asked if the language could be changed to not require the report as there are instances that a report would not be required. Mr. Hoover stated that he has collaborated with the Engineering Department and they stated that if it isn’t required a waiver would be. Mr. Fiander added that the requirement is handled by the Engineering Department.

Mary Feighny suggested adding the language “if applicable” to lessen the appearance of strict requirement.

Mike Lackey moved to schedule the matter for public hearing on July 22, 2013, seconded by Brett Klausman. **APPROVAL. (6-0-3)**

Minutes of the
Topeka Planning Commission
Monday, July 22, 2013

ASR13-1 Minor Plats, Lot Splits, and Lot Line Adjustments- update the Minor Plat criteria so more Major Plats could be processed administratively and allow Lot Splits and Lot Line Adjustments to be accomplished via a certificate of survey under a new administrative process.

Discussion by members: Bill Fiander summarized the changes in the ordinance being presented to the Topeka Planning Commission. Mr. Fiander explained one of the most distinctive changes is the amount of time saved for changing the criteria for major plat processes, to include right of way dedications.

Mr. Fiander stated the Planning Staff held a Development Review Forum in July. Mr. Fiander stated one change was due to the information received at the forum. Mr. Fiander stated line 132 and 133 should be removed from the proposed ordinance.

Mr. Fiander explained the Lot Line adjustment. Bill Hoover explained the process would still be considered a minor plat process but would be much like a certificate of survey. Mr. Hoover stated it would be a much simpler minor plat process. Mr. Hoover added that many lots have been left un-split, with the intention to split them later.

Mr. Fiander stated that the language regarding storm water report requirements have been addressed, as previously requested by Kevin Beck. Mr. Hoover explained the language presented provides clarification. Mr. Hoover provided an example of a recent case that would have been classified under the changes proposed.

Richard Beardmore asked if the Planning Department receives a lot of common wall or duplex lot splits. Mr. Hoover stated he has received a few, and most recently in the past month.

Kevin Beck asked what the Planning Departments process is for review. Mr. Hoover explained the Minor plats go through Development Services, Engineering and Planning Department. Mr. Fiander added the farming out process would also include Utilities.

Mr. Beck added he appreciated the change of the tax delinquency is addressed and clarified. Mr. Hoover clarified the language. Mr. Beck explained there have been situations that Shawnee County has required the full year in advance in order to record documents.

Mr. Beardmore stated that expediting the process will be appreciated.

Nicholas Jefferson asked if anyone has requested to go through the Major Plat process instead of the minor plat. Mr. Fiander explained it has not happened but if there are issues that cause a minor to be disapproved, it could be changed to a major plat.

Mr. Beardmore asked what the costs are for a minor plat. Mr. Hoover explained the fee schedule. Mr. Fiander explained the minor plat fees are about half of the minor plat process. Mr. Beardmore asked if the change of having lot splits, in lieu of the platting fees, would impact the city budget.

Mr. Hoover stated the fees are listed in the ordinance.

Mr. Beck asked if the lot line split fee is enough to cover the staff costs. Mr. Fiander stated they do not and the fees should be reviewed.

Mr. Fiander recommended changing to the fee to the same as a minor plat per the fee schedule. Mr. Beardmore and Mr. Beck concurred. Mr. Fiander suggested striking lines 175 & 176. Mr. Beck concurred.

Proponents:

No One, spoke in favor of the proposal.

Opponents:

No One, spoke in opposition of the proposal.

Richard Beardmore moved to approve the ordinance with recommended with amendments and changes to lines 175 & 176 (change to new fees) and 132 & 133 (strike) **Michelle Cuevas Stubblefield** seconded. **APPROVAL. (5-0-0)**

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

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DATE:	**August 20, 2013**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #15

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #16

A Capital City Government Working For You…

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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 22, 2013

Back Print

DATE:	**August 20, 2013**		
CONTACT PERSON:		**DOCUMENT #:**	
SECOND PARTY/SUBJECT:		**PROJECT #:**	
CATEGORY/SUBCATEGORY			
CIP PROJECT:	**No**		
ACTION OF COUNCIL:		**JOURNAL #:**	
		PAGE #:	

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available

Item #17

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ATTACHMENTS:

No Attachments Available

Item #18