



Cyrus K. Holliday Building First Floor  
Conference Room 620 SE Madison  
Street, Topeka, Kansas  
<https://www.topeka.org>

## Governing Body Agenda

September 21, 2021  
6:00 PM

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**MEETING LOCATION CHANGE - Cyrus K. Holliday Building, First Floor Conference Room,  
620 SE Madison Street**

Public Comment Allowed via Zoom or In-Person - Due to the increase of COVID-19 cases Face Masks  
Required

Mayor: Michelle De La Isla

### Councilmembers

|                           |                |                |                |
|---------------------------|----------------|----------------|----------------|
| Karen A. Hiller           | District No. 1 | Hannah Naeger  | District No. 6 |
| Christina Valdivia-Alcala | District No. 2 | Neil Dobler    | District No. 7 |
| Sylvia E. Ortiz           | District No. 3 | Spencer Duncan | District No. 8 |
| Tony Emerson              | District No. 4 | Michael Lesser | District No. 9 |
| Mike Padilla              | District No. 5 |                |                |

City Manager: Brent Trout

Addressing the Governing Body: Public comment for the September 21st meeting will be available via Zoom or in-person. Due to the increase of COVID-19 pandemic cases face masks are required. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on September 21st after which the City Clerk's Office will provide Zoom link information and protocols prior to the September 21st meeting. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

Written public comment may also be considered to the extent it is personally submitted at the September 21st meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before September 7th for attachment to the meeting minutes.

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 by 5:00 p.m. on Thursday in the City Clerk's Office, 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or on the City's website at <https://www.topeka.org>.

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**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. ROLL CALL:**

**2. MAYORAL PROCLAMATIONS:**

**"National Recovery Month "**

**3. APPOINTMENTS:**

**A. Board Appointment - Civil Service Commission**

**BOARD APPOINTMENT** recommending the appointment of Dominic Gutierrez, Sr. to the Civil Service Commission to fill an unexpired term ending September 21, 2025. *(Council District No. 6)*

**B. Board Appointment for Topeka Planning Commission**

**BOARD APPOINTMENT** recommending the reappointment of Corey Dehn to the Topeka Planning Commission for a term ending September 30, 2024. *(3-mile Extraterritorial Jurisdiction)*

**C. Board Appointment for Topeka Planning Commission**

**BOARD APPOINTMENT** recommending the appointment of James Tobaben to the Topeka Planning Commission for a term ending September 30, 2024. *(3-mile Extraterritorial Jurisdiction)*

**D. Board Appointment – Americans with Disabilities Act Advisory Council**

**ADVISORY COUNCIL REAPPOINTMENT** of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2023. *(Council District No. 7)*

**4. CONSENT AGENDA:**

**A. Ordinance - West Zone Water Tower - Initiation of Eminent Domain Proceedings**

**ORDINANCE** introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire fee title to construct an elevated water storage tank – Project No. T-281055.00.

*(Approval will authorize the City Attorney to file an eminent domain action in district court.)*

**B. MINUTES of the regular meeting of September 14, 2021**

**C. APPLICATIONS:**

**5. ACTION ITEMS:**

**A. Amended Resolution of Advisability - Aquarian Acres Subdivision No. 9**

**RESOLUTION** introduced by City Manager Brent Trout amending Resolution of Advisability

and Authorization No. 9211 which provides street improvements for Aquarian Acres Subdivision No. 9 as more specifically described herein.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would increase the cost of the street improvements from \$520,000 to \$656,590 for the Aquarian Acres Subdivision No. 9)*

**B. Resolution - Neighborhood Revitalization Plan Renewal (2022 - 2024)**

**RESOLUTION** introduced by City Manager Brent Trout, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would set the public hearing date of October 12, 2021, to consider renewal of the City's Neighborhood Revitalization Plan for years 2022-2024.)*

**C. Resolution - White Lakes Mall Demolition - 3600 SW Topeka Boulevard**

**RESOLUTION** introduced by City Manager Brent Trout to demolish the White Lakes Mall structure.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would direct the City Manager to begin the process to demolish the White Lakes Mall located at 3600 SW Topeka Boulevard.)*

**6. NON-ACTION ITEMS:**

**A. Discussion - Uniform Public Offense Code 37th Edition Adoption Ordinance**

**DISCUSSION** concerning the adoption of the 37th Edition of the Uniform Public Offense Code (2021) (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080.

*(Approval will adopt the most current version of the UPOC with current statutory changes)*

**B. Discussion - Standard Traffic Ordinance 48th Edition Adoption Ordinance**

**DISCUSSION** concerning the 2021 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020.

*(Approval will adopt the most recent version of the STO.)*

**C. Discussion - Private Tow Operators**

**DISCUSSION** concerning private towing of abandoned vehicles adding new Topeka Municipal Code Section 10.25.080.

*(Approval would enable private towing operators to impose a lien on vehicles towed from private property and to auction the vehicles, in accordance with state law, if unclaimed by the vehicle owner.)*

**7. PUBLIC COMMENT:**

**Public comment for the September 21st meeting will be available via Zoom or in-person. Due to the recent increase of COVID-19 pandemic cases face masks are**

required. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on September 21st after which the City Clerk's Office will provide Zoom link information and protocols prior to the September 21st meeting. Written public comment may also be considered to the extent it is personally submitted at the September 21st meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at [cclerk@topeka.org](mailto:cclerk@topeka.org) on or before September 21st for attachment to the meeting minutes. View the meeting online at <https://www.topeka.org/communications/live-stream/> or at <https://www.facebook.com/cityoftopeka/>.

**8. ANNOUNCEMENTS:**

**9. EXECUTIVE SESSION:**

Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act.

*(Executive sessions will be scheduled as needed and may include topics such as personnel matters, considerations of acquisition of property for public purposes, potential or pending litigation in which the city has an interest, employer-employee negotiations and any other matter provided for in K.S.A. 75-4319.)*

**10. ADJOURNMENT:**



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Jane Murray, Executive Assistant to the Mayor DOCUMENT #:  
SECOND PARTY/SUBJECT: National Recovery Month PROJECT #:  
CATEGORY/SUBCATEGORY  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

"National Recovery Month "

**VOTING REQUIREMENTS:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

**Description**

National Recovery Month

## **PROCLAMATION**

***By the Mayor***

***WHEREAS***, in 2015, 2.3 million people aged 12 or older received specialty treatment for an illicit or alcohol use problem in the past year, and 32 million adults aged 18 or older received mental health services in the past year. By seeking help, people who experience mental and/or substance use disorders can embark on a new path toward improved health and overall wellness; and

***WHEREAS***, the focus of National Recovery Month this September is to celebrate all people that make the journey of recovery possible by embracing the 2021 theme, “Recovery is For Everyone: Every Person, Every Family, Every Community.” Recovery Month spreads the message that people can and do recover every day; and

***WHEREAS***, through Recovery Month, people become more aware and able to recognize the signs of mental and/or substance use disorders, which can lead more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally; and

***WHEREAS***, the Recovery Month observance continues to work to improve the lives of those affected by mental health and substance use disorders by raising awareness and educating communities about the effective services that are available;

***NOW, THEREFORE***, I, Mayor Michelle De La Isla, Mayor of the City of Topeka, Kansas, do hereby proclaim the month of September, 2021, as

### ***NATIONAL RECOVERY MONTH***

Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council is asking the citizens of Topeka, Kansas to join us in celebrating this September as National Recovery Month

***IN WITNESS WHEREOF***, I, Michelle De La Isla, Mayor of the City of Topeka, Kansas, do hereby affix my official signature and the Official Seal of the City of Topeka, Kansas, on this 21st day of September, 2021.

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*Michelle De La Isla, Mayor*



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September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Mayor De La Isla DOCUMENT #:  
SECOND PARTY/SUBJECT: Civil Service Commission PROJECT #:  
CATEGORY/SUBCATEGORY 006 Communication / 005 Other  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT** recommending the appointment of Dominic Gutierrez, Sr. to the Civil Service Commission to fill an unexpired term ending September 21, 2025. (Council District No. 6)

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. The Mayor does not vote.

**POLICY ISSUE:**

The Civil Service Commission controls all examinations with advice from the police chief, fire chief, technical advisor and city attorney or their respective designees. The commission will provide uniform rules with respect thereto and shall hold such examinations as are necessary for the purpose of determining the qualifications and fitness of applicants for positions on the police and fire departments.

**STAFF RECOMMENDATION:**

Councilwoman Naeger nominates and Mayor De La Isla recommends the appointment of Dominic Gutierrez, Sr. for a term that would end September 21, 2025.

**BACKGROUND:**

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments. The Commission also certifies the list of eligible applicants and prepares an annual report for the City Manager. The City Manager may also request special reports from the Commission at any time.

**BUDGETARY IMPACT:**

Not Applicable.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

D. Gutierrez - CSC Application & Resume



# CITY OF TOPEKA

City of Topeka Mayor's Office  
City Hall, 215 SE 7<sup>th</sup> Street Rm. 350  
Topeka, KS 66603

Tel: 785-368-3895  
[www.topeka.org](http://www.topeka.org)

## City of Topeka Boards and Commissions Application

### Profile

First Name

Last Name

Email Address

Street Address

Suite or Apt

City

State

Zip

Are you a resident of the City of Topeka?

What district do you live in?

Find your Council District: [here](#)

Primary Phone

Alternate Phone

Employer

Job Title

Which Board would you like to apply for?

Are you a registered voter?

**Are you currently a full or part-time employee of the City of Topeka?**

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**If yes, please advise in which department you work:**

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**Are you or any immediate family member related to any city governmental official or employee?**

---

**If yes, please advise who and how you are related:**

---

**Are you or have you been a party to any civil litigation involving the City of Topeka?**

---

**If yes, please explain:**

---

**Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?**

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**If yes, please explain:**

---

**Please state why you are interested in serving on this board or commission:**

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## Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

---

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

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**\*\*Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

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## Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

**Ethnicity**

**Gender**

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## Acknowledgements and Verification

**Purpose of Information being submitted.**

I Agree

**The information I am submitting is true and correct.**

I Agree

**Electronic Signature**

I Agree

**Notification to applicants for City Board/Commissions**

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

**Dominic A. Gutierrez Sr.**  
**1171SW Oakley Ave • Topeka, Kansas • 281-687-7837 • dagutierrezsr@yahoo.com**

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**Education:**

*Washburn University*

*Associate Arts, Mental Health, 1985*

*Bachelor of Arts, Criminal Justice, 1987*

**Experience:**

*I retired from the Federal Bureau of Prisons after 20 years of service, where I was promoted to positions of greater responsibilities. Below is summation of my work experience. I can provide specifics upon request.*

*1991-1994, Case Manager, Federal Correctional Institution, Three Rivers, TX*

*1994-1997, Unit Manager, Federal Correctional Institution, Anthony, NM-TX*

*1997-2000, Executive Assistant/Public Information Officer, Federal Correctional Institution, Dublin, CA*

*2000-2002, Associate Warden, Federal Correctional Complex, Lompoc, CA*

*2002-2004, Associate Warden, Federal Correctional Institution, Phoenix, AZ*

*2004-2007, Warden, Federal Correctional Institution, Morgantown, WV*

*2007-2011, Associate Warden, Federal Detention Center, Houston, TX*

*1989-1991 Court Services Officer, Shawnee County Third Judicial District Court, Topeka, KS*

*1987-1989 Corrections Specialist, Shawnee County Department of Corrections*

*1987-1989 Residential Counselor, Topeka, Halfway House, Topeka, KS*

*1985-1989 Store Security Specialist, Kmart East and North, Sears and Roebuck, Topeka, KS*

*1982-1985 Licensed Mental Health Technician, The Menninger Foundation*

*1981-1982 Mental Health Technician, Topeka State Hospital, Topeka, KS*

*Additional information can be provided upon request.*



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September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Mayor De La Isla DOCUMENT #:  
SECOND PARTY/SUBJECT: Board Appointment for the Topeka Planning Commission PROJECT #:  
CATEGORY/SUBCATEGORY 006 Communication / 005 Other  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT recommending the reappointment of Corey Dehn to the Topeka Planning Commission for a term ending September 30, 2024. (3-mile Extraterritorial Jurisdiction)**

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

As a primary function, the Topeka planning commission shall have the responsibility for the adoption and recommendation to the city council of the comprehensive metropolitan plan to guide the orderly growth and harmonious development of the Topeka metropolitan area. The comprehensive metropolitan plan shall consist of, but not be limited to, the elements described in TMC 18.05.020. The Topeka planning commission shall recommend appropriate legislative, administrative or budgetary actions necessary for the governing body to implement the comprehensive metropolitan plan on or before May 1st of each year.

**STAFF RECOMMENDATION:**

Mayor De La Isla recommends the reappointment of Corey Dehn for a term that will end September 30, 2024. Mr. Dehn is a licensed architect and meets the residency requirement.

**BACKGROUND:**

This is a nine member board, created by the City. Council members nominate and the Mayor appoints. The governing ordinance, 18442, specifically states that at least six, but not more than seven shall reside within the corporate boundaries of the city. At least two, but not more than three shall reside outside the city boundaries, but within the city's 3-Mile Extraterritorial Jurisdiction. At least six shall be appointed from the private sector; at least three from the private sector shall be currently licensed or engaged or have substantial past experience in

the following fields: licensed professional engineer; licensed landscape architect; licensed architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced professional working in a field related to planning or land development.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

C. Dehn - Application & Resume



# CITY OF TOPEKA

City of Topeka Mayor's Office  
City Hall, 215 SE 7<sup>th</sup> Street Rm. 350  
Topeka, KS 66603

Tel: 785-368-3895  
[www.topeka.org](http://www.topeka.org)

## City of Topeka Boards and Commissions Application

### Profile

First Name

Last Name

Email Address

Street Address

Suite or Apt

City

State

Zip

Are you a resident of the City of Topeka?

What district do you live in?

Find your Council District: [here](#)

Primary Phone

Alternate Phone

Employer

Job Title

Which Board would you like to apply for?

Are you a registered voter?

**Are you currently a full or part-time employee of the City of Topeka?**

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**If yes, please advise in which department you work:**

---

**Are you or any immediate family member related to any city governmental official or employee?**

---

**If yes, please advise who and how you are related:**

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**Are you or have you been a party to any civil litigation involving the City of Topeka?**

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**If yes, please explain:**

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**Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?**

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**If yes, please explain:**

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**Please state why you are interested in serving on this board or commission:**

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## Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

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List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

---

**\*\*Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

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## Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

**Ethnicity**

**Gender**

---

## Acknowledgements and Verification

**Purpose of Information being submitted.**

I Agree

**The information I am submitting is true and correct.**

I Agree

**Electronic Signature**

I Agree

**Notification to applicants for City Board/Commissions**

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

**Corey L. Dehn**, AIA, LEED AP, NCARB  
4700 NW Redwood Drive - Topeka, Kansas 66618  
785-817-1377 : [cld@sdgarch.com](mailto:cld@sdgarch.com)

### **Professional Experience**

#### **Schwerdt Design Group**, Topeka, Kansas

Architect / Senior Project Manager, April 2015 – Present

Notable Local Projects:

- FHLBank Corporate Headquarters
- Washburn University Rita Blitt Art Gallery
- GraceMed Capitol Family Clinic
- Midland Care Compass Center
- Jardine Elementary School

#### **HTK Architects**, Topeka, Kansas

Architect / Director, May 2000 – March 2015

Notable Local Projects:

- Washburn Rural High School Bond Additions & Renovations: Library, Gym, Auditorium, Band Room, Cafeteria
- Seaman High School 9<sup>th</sup> Grade Center
- Shawnee Heights High School Auditorium
- Dr. Frank Johnson Dental Office

#### **Bohlin Cywinski Jackson**, Wilkes Barre, PA

Intern Architect, January 1999 – August 1999

Notable Projects:

- Harrisburg City Island Parking Garage; Harrisburg, PA
- Peter Bohlin Guest House; Scranton, PA

### **Education**

#### **Kansas State University**

College of Architecture Planning & Design; Bachelor of Architecture; 2000

#### **Seaman High School**

Class of 1995

#### **Licensed Architect**

Kansas #5246

### **Civic Involvement / Organizations**

Topeka Planning Commission: Commissioner, 2019 - present

Leadership Greater Topeka: Class of 2016

American Institute of Architects: AIA Topeka past President

Seaman Education Advantage Foundation (Seaman District Foundation): President

Riverfront Advisory Council, Activities Subcommittee: member

Topeka Active 20-30 Club: Past Treasurer

Boy Scout Troop 193: Scoutmaster

Air Explorer Scouts, Topeka Post 8: Advisor

Thunder Over the Heartland Air Show Committee: member

Northland Christian Church: Past Trustee; Past Youth Group small group leader

Sunrise Optimist / Upwards: Past Youth Basketball & Baseball Coach

CASA, Topeka Lip Sync Battle 2018: 1<sup>st</sup> place!



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DATE: September 21, 2021  
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SECOND PARTY/SUBJECT: Board Appointment for the Topeka Planning Commission PROJECT #:  
CATEGORY/SUBCATEGORY 006 Communication / 005 Other  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**BOARD APPOINTMENT** recommending the appointment of James Tobaben to the Topeka Planning Commission for a term ending September 30, 2024. *(3-mile Extraterritorial Jurisdiction)*

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

As a primary function, the Topeka planning commission shall have the responsibility for the adoption and recommendation to the city council of the comprehensive metropolitan plan to guide the orderly growth and harmonious development of the Topeka metropolitan area. The comprehensive metropolitan plan shall consist of, but not be limited to, the elements described in TMC 18.05.020. The Topeka planning commission shall recommend appropriate legislative, administrative or budgetary actions necessary for the governing body to implement the comprehensive metropolitan plan on or before May 1st of each year.

**STAFF RECOMMENDATION:**

Mayor De La Isla recommends the appointment of James Tobaben for a term that will end September 30, 2024. Mr. Tobaben is a licensed engineer and meets the residency requirement.

**BACKGROUND:**

This is a nine member board, created by the City. Council members nominate and the Mayor appoints. The governing ordinance, 18442, specifically states that at least six, but not more than seven shall reside within the corporate boundaries of the city. At least two, but not more than three shall reside outside the city boundaries, but within the city's 3-Mile Extraterritorial Jurisdiction. At least six shall be appointed from the private sector; at least three from the private sector shall be currently licensed or engaged or have substantial past experience in

the following fields: licensed professional engineer; licensed landscape architect; licensed architect; certified planner; registered land surveyor; licensed contractor; developer or other experienced professional working in a field related to planning or land development.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

J. Tobaben - Application & Resume



# CITY OF TOPEKA

City of Topeka Mayor's Office  
City Hall, 215 SE 7<sup>th</sup> Street Rm. 350  
Topeka, KS 66603

Tel: 785-368-3895  
[www.topeka.org](http://www.topeka.org)

## City of Topeka Boards and Commissions Application

### Profile

James

First Name

Tobaben

Last Name

jetobaben@gmail.com

Email Address

3311 SE Peck Road

Street Address

Topeka

City

Suite or Apt

KS

State

66605

Zip

Are you a resident of the City of Topeka?

No



What district do you live in?

Other/Outside City Limits



Find your Council District: [here](#)

785.633.5607

Primary Phone

Alternate Phone

JEO Consulting Group, Inc.

Employer

Traffic Sr. Project Manager

Job Title

Which Board would you like to apply for?

Topeka Planning Commission



Are you a registered voter?

Yes



**Are you currently a full or part-time employee of the City of Topeka?**

No

**If yes, please advise in which department you work:**

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**Are you or any immediate family member related to any city governmental official or employee?**

No

**If yes, please advise who and how you are related:**

---

**Are you or have you been a party to any civil litigation involving the City of Topeka?**

No

**If yes, please explain:**

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**Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?**

No

**If yes, please explain:**

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**Please state why you are interested in serving on this board or commission:**

As a long-time resident of the Topeka area, I have been very interested in the development and redevelopment occurring in the city. As a traffic engineer and transportation planner, I have been involved in developing the Long-Range Transportation Plans for the Topeka region and I would have an interest in bringing a transportation perspective to discussions of potential land use.

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## Interests & Experiences

**Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.**

I have 42 years of experience in traffic engineering and transportation planning including 25 years with the Kansas Department of Transportation and 17 years as a consulting engineer. I have a bachelor of science degree in Civil Engineering from Kansas State University and I am a licensed engineer in Kansas, Missouri, Nebraska, and Iowa. My work experience includes developing the regional transportation plan for the Metropolitan Topeka Planning Organization, conducting numerous traffic studies for the city, and leading the concept study for the I-70 Polk-Quincy Viaduct Corridor through downtown.

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**List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)**

I am currently a licensed Professional Engineer in Kansas (PE 9791) and I am certified as a Professional Traffic Operations Engineer (PTOE)

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**\*\*Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

---

## Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

**Ethnicity**

Caucasian/Non-Hispanic



**Gender**

Male



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## Acknowledgements and Verification

**Purpose of Information being submitted.**

☒ I Agree

**The information I am submitting is true and correct.**

☒ I Agree

**Electronic Signature**

☒ I Agree

### Notification to applicants for City Board/Commissions

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.



## PROFILE

I have 42 years of experience in traffic engineering, traffic safety, transportation planning, intelligent transportation systems, and roadway geometric improvements.

I serve as senior project manager on select projects, utilizing my extensive experience in multimodal studies, highways, traffic engineering and Intelligent Transportation Systems (ITS), and public engagement.

My career includes over 25 years with the Kansas Department of Transportation where I served as the State Traffic Engineer and Bureau Chief of Transportation Planning. I have since spent 17 years partnering with local, state, and federal clients as an engineering consultant.

## CONTACT

PHONE:  
785.633.5607

EMAIL:  
jtobaben@jeo.com  
jetobaben@gmail.com

# JAMES TOBABEN

Senior Project Manager

## EDUCATION

**Kansas State University**  
Bachelor of Science – Civil Engineering

## PROFESSIONAL

**Professional Engineer (PE)** Kansas, Missouri, Nebraska, Iowa  
**Professional Traffic Operations Engineer (PTOE)**

## WORK EXPERIENCE

**JEO Consulting Group, Inc. – Senior Project Manager | Branch Manager**  
**825 S Kansas Avenue, Topeka, KS – Suite 515**

May 2019 to Present

- Crosswalk Improvements, Topeka, KS
- 2020 Traffic Studies, Topeka, KS
- KDOT Embedded Traffic Engineer

**WSP USA (formerly Parsons Brinckerhoff) – Traffic Engineering and Transportation Planning Manager | Kansas City Metro Office Lead**

September 2004 to February 2019

- Futures2040 Metropolitan Transportation Plan, Metropolitan Topeka Planning Organization
- I-70 Polk-Quincy Viaduct Corridor Concept Design Study, Topeka, KS
- Kansas Avenue, 6<sup>th</sup> to 10<sup>th</sup> Road Diet, Topeka, KS

**Kansas Department of Transportation – Chief of Transportation Planning**  
1997 - 2004

**Kansas Department of Transportation – State Traffic Engineer**  
1990 - 1997



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Mayor Michelle De La Isla DOCUMENT #:  
SECOND PARTY/SUBJECT: Americans with Disabilities Act Advisory Council PROJECT #:  
CATEGORY/SUBCATEGORY 006 Communication / 005 Other  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**ADVISORY COUNCIL REAPPOINTMENT of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2023.** (Council District No. 7)

**VOTING REQUIREMENTS:**

At least five (5) votes of the City Council is required. Mayor does not vote.

**POLICY ISSUE:**

The ADA council seeks to enhance the community by the contributions of persons with disabilities; to make a positive difference in their relationship with the community by working toward providing full access to facilities, programs, services and activities.

**STAFF RECOMMENDATION:**

Councilman Dobler nominates and Mayor De La Isla recommends the reappointment of Kim Dietrich to the City of Topeka ADA Advisory Council for a two-year term ending September 30, 2023. This position requires that the appointee be an individual with a disability of one of the major six life functions. Ms. Dietrich meets these requirements.

**BACKGROUND:**

The mission of the Topeka ADA Advisory Council is to support the civil rights of and full integration into Topeka community life for all people with disabilities. The ADA Council will be comprised of 10 members. At least six of the members must be individuals with disabilities, representing the six major life functions as much as possible. Members will serve a two-year term and shall not be eligible to serve more than four consecutive terms pursuant to Topeka Municipal Code Section 2.80.010.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

K. Dietrich - Application & Resume



# CITY OF TOPEKA

City of Topeka Mayor's Office  
City Hall, 215 SE 7<sup>th</sup> Street Rm. 350  
Topeka, KS 66603

Tel: 785-368-3895  
[www.topeka.org](http://www.topeka.org)

## City of Topeka Boards and Commissions Application

### Profile

First Name

Last Name

Email Address

Street Address

Suite or Apt

City

State

Zip

Are you a resident of the City of Topeka?

What district do you live in?

Find your Council District: [here](#)

Primary Phone

Alternate Phone

Employer

Job Title

Which Board would you like to apply for?

Are you a registered voter?

**Are you currently a full or part-time employee of the City of Topeka?**

---

**If yes, please advise in which department you work:**

---

**Are you or any immediate family member related to any city governmental official or employee?**

---

**If yes, please advise who and how you are related:**

---

**Are you or have you been a party to any civil litigation involving the City of Topeka?**

---

**If yes, please explain:**

---

**Are you delinquent in payment of any taxes, fees, fines or special assessments owed to the State of Kansas, Shawnee County or the City of Topeka?**

---

**If yes, please explain:**

---

**Please state why you are interested in serving on this board or commission:**

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## Interests & Experiences

Please describe your education, experience and expertise including any honors or awards, civic, cultural, charitable or professional organization memberships that relate to the position you are seeking.

---

List any professional licenses you hold in Kansas and advise if they are current. (We reserve the right to request a copy of your license prior to approval of your appointment.)

---

**\*\*Please include a resume or any additional information you believe may be helpful in considering your application when submitting your application.**

---

## Voluntary Self Identification

Completion of your race/ethnicity and gender on your application is voluntary and will not affect your opportunity to be appointed to a City of Topeka Board or Commission.

**Ethnicity**

**Gender**

---

## Acknowledgements and Verification

**Purpose of Information being submitted.**

I Agree

**The information I am submitting is true and correct.**

I Agree

**Electronic Signature**

I Agree

**Notification to applicants for City Board/Commissions**

Please be advised that your application and any documents that you attach are public records and, as such, are available to the public, upon request, pursuant to the Kansas Open Records Act.

If you are appointed to the position, your application and resume will be included in the governing body meeting agenda which is posted online.

Kimberly S. Dietrich  
3926 S.W. Twilight Dr. #111  
Topeka, KS 66614

(785)272-0363

[Dietrichkim2001@gmail.com](mailto:Dietrichkim2001@gmail.com)

**Career Objective:** To advocate for and with people with disabilities

## Employment:

2/94 - Present

### **Independent Living Advocate**

Topeka Independent Living Resource Center  
Topeka, Kansas

Duties: Assist people with disabilities with advocacy issues. Assist people with disabilities with moving out of nursing facilities. Assist people with completing job applications, developing a resume, participating in mock interviews, and providing employment leads. Provide peer counseling. Assist people with disabilities with accessing housing, public transportation, social and recreational activities, developing a budget, and with other daily living skills.

## Organizations and Activities:

2019-Present

City of Topeka ADA Advisory Council

2003-2010

Kansas Council on Developmental Disabilities

1999 – 2010

Assist in organizing People First of Shawnee County

1996-2003

Council of Community Members (President for 1 year)

1995-1997

Topeka Jaycees

## Education and Training:

1993

Emporia State University  
Emporia, Kansas  
Bachelor of Science

Psychology

1998

Emporia State University  
Emporia, Kansas  
Master of Science

Rehabilitation Counseling

--References available on request--



City of Topeka  
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Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Mary Feighny, Deputy City Attorney DOCUMENT #:  
SECOND PARTY/SUBJECT: West Zone Water Tower PROJECT #:  
- Condemnation  
Proceedings  
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 002 Condemnations  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**ORDINANCE** introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire fee title to construct an elevated water storage tank – Project No. T-281055.00.

*(Approval will authorize the City Attorney to file an eminent domain action in district court.)*

**VOTING REQUIREMENTS:**

At least six (6) votes of the Governing Body is required.

**POLICY ISSUE:**

Whether to authorize eminent domain proceedings

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body adopt the ordinance.

**BACKGROUND:**

In order to address a dearth of storage in the West pressure zone, staff has determined that it is necessary to construct a one million gallon water tower. After reviewing several sites, staff has determined that the City should acquire a 3 acre site located in the county.

Passage of this ordinance will authorize the City Attorney to file an appropriate action in the district court. The court will appoint 3 appraisers who will determine the fair market value of the property. Upon payment of the amount to the court, the City will acquire fee simple title. The court will disburse the payment to the property owner.

**BUDGETARY IMPACT:**

Estimated value of the property to be acquired is \$36,000.

**SOURCE OF FUNDING:**

Project budget

**ATTACHMENTS:**

**Description**

Ordinance

(Published in the Topeka Metro News\_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire fee title to construct an elevated water storage tank – Project No. T-281055.00

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA,  
KANSAS:

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain property outside of the corporate limits of the City of Topeka for construction of an elevated water storage tank, said property being described as follows:

**Parcel 1**

Owner of Record: Jane A. Duffens and Greg R. Duffens, Co-Trustees  
of the Jane A. Duffens Trust u/a/d 01/13/2004  
7451 S.W. 41<sup>st</sup> St.  
Topeka, KS 66610

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

**Fee Simple:** The legal description is in the attached exhibit which is adopted herein and incorporated by reference.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the governing body of the City of Topeka, Kansas shall present a written application to the District Court

of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

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

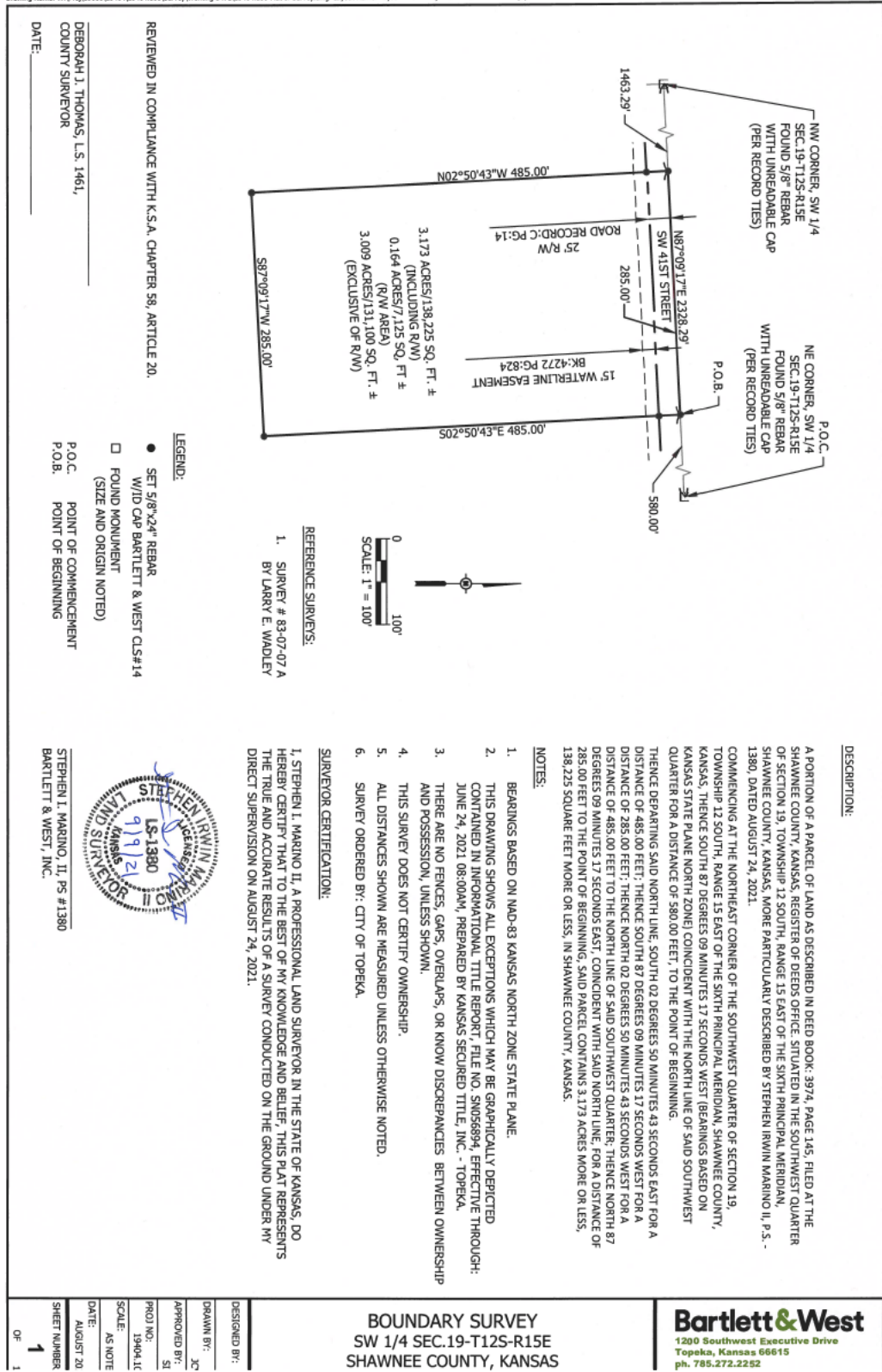
PASSED and APPROVED by the Governing Body \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

\_\_\_\_\_  
Michelle De La Isla, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk





City of Topeka  
Council Action Form  
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September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Mark Schreiner, Acting City Engineer DOCUMENT #:  
SECOND PARTY/SUBJECT: Aquarian Acres Sub No. 9 - Revised Project Budget PROJECT #: 601124.00  
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

RESOLUTION introduced by City Manager Brent Trout amending Resolution of Advisability and Authorization No. 9211 which provides street improvements for Aquarian Acres Subdivision No. 9 as more specifically described herein.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would increase the cost of the street improvements from \$520,000 to \$656,590 for the Aquarian Acres Subdivision No. 9)*

**VOTING REQUIREMENTS:**

At least six (6) votes of the Governing Body is required.

**POLICY ISSUE:**

Whether to increase the project budget.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the amended resolution of advisability.

**BACKGROUND:**

In February 2021, the Governing Body approved a street/storm sewer improvement project for Aquarian Acres Subdivision No. 9. The project will provide streets for 16 lots. At that time, project costs were estimated at \$520,000. Those costs have increased to \$657,000. This increase requires approval of the Governing Body in order for the project to proceed.

The developer and sole owner is Drippe Development LLC. All costs will be divided and assessed against each of the 16 lots. KSA 12-6a20 requires the seller to disclose to each buyer, in writing, that the property is subject to a special assessment and the estimated amount. Moreover, the amended resolution will be filed with the Register of Deeds to provide notice to any potential buyer.

**BUDGETARY IMPACT:**

The cost will be paid 100% by the property owners.

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

**Description**

Amended Resolution of Advisability

Amended Project Budget

Improvement Project Petition Revised (Aug 21, 2021)

Resolution No. 9211 (Approved Feb 16, 2021)

City of Topeka Special Benefit District Policy

RESOLUTION NO. \_\_\_\_\_

AMENDING RESOLUTION OF ADVISABILITY & AUTHORIZATION NO. 9211

A RESOLUTION introduced by City Manager Brent Trout amending Resolution of Advisability & Authorization No. 9211 which provides street improvements for Aquarian Acres Subdivision No. 9 as more specifically described herein.

WHEREAS, on February 16, 2021, the Governing Body adopted and approved Resolution of Advisability and Authorization No. 9211 authorizing Improvement Project No. T-601124.00 with an estimated probable cost of \$520,000.00; and

WHEREAS, the cost of the project has increased to \$657,000.00; and

WHEREAS, the City Clerk has received a revised petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signature of the sole owner of one hundred percent (100%) of the area in the improvement district – Drippe Development, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that Resolution of Advisability & Authorization No. 9211 is amended to increase the estimated or probable cost of the project from \$520,000 to \$657,000.

BE IT FURTHER RESOLVED that all other provisions of Resolution 9211 not in conflict with this Resolution remain in full force and effect. The City Clerk is directed to file a certified copy with the Register of Deeds.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by the Governing Body on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

ATTEST:

\_\_\_\_\_  
Michelle De La Isla, Mayor

\_\_\_\_\_  
Brenda Younger, City Clerk

**PROJECT BUDGET**  
**Project No. ( T-601124.00)**  
**SBB Engineering Project No. 20-254**

**Aquarian Acres Subdivision No. 9 Street Benefit District**

**LOCATION:**

Lots 10-15, Block E; Lots 2-5, Block F; Lots 2-7, Block I; in Aquarian Acres Subdivision No. 9,  
City of Topeka, Shawnee County, Kansas

**DESCRIPTION OF PROJECT:**

To construct paved street to serve 16 lots within Aquarian Acres Subdivision No. 9, along  
with concrete curb and gutters, storm sewer structures, piping, and engineering and all other  
contingencies required for a complete project.

**SOURCE OF FUNDS:**

Assessment District

**COST ESTIMATE:**

|                                   | City of Topeka   | Other Funds | Total            |
|-----------------------------------|------------------|-------------|------------------|
| Construction:                     | \$ 520,000       |             | \$520,000        |
| Design:                           | \$ 31,500        |             | \$31,500         |
| Geotech:                          | \$ 4,500         |             | \$4,500          |
| Utility Adjustments               | \$ -             |             | \$0              |
| Project Services Fees;            | \$ -             |             | \$0              |
| Construction Admin. & Inspection: | \$ 31,440        |             | \$31,440         |
| ``    Construction Staking        | \$ 7,900         |             | \$7,900          |
| Administrative Fees:              |                  |             |                  |
| Legal Dept. Admin.                | \$ 11,790        |             | \$11,790         |
| Engineering Admin.                | \$ 7,860         |             | \$7,860          |
| Right-of-Way Acquisition:         | \$ -             |             | \$0              |
| Contingency amount: 3%            | \$ 15,600        |             | \$15,600         |
| Interim Interest: 5%              | \$ 26,000        |             | \$26,000         |
|                                   | \$ -             |             | \$0              |
| <b>Total:</b>                     | <b>\$656,590</b> |             | <b>\$656,590</b> |

**PUBLIC HEARING:**

**PROJECT AUTHORITY:**

|                          |                              |      |
|--------------------------|------------------------------|------|
| a. Statutes:             | KSA 12-6a01 Petition Project |      |
| b. Ord.\Res. No.         |                              | Date |
| c. Improvement District: |                              |      |
| d. City at Large:        |                              |      |
| e. Method of Assessment: | Unit Basis                   |      |
|                          |                              |      |
|                          |                              |      |

**PROJECT ENGINEER:**

SBB Engineering  
101 S. Kansas Ave.  
Topeka, KS 66603

## IMPROVEMENT PROJECT

### PETITION

THE MAYOR AND COUNCILMEMBERS  
City of Topeka

We, the undersigned owners of record of real estate located within the Improvement District legally described herein, do hereby respectfully petition for the following street improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

STREET IMPROVEMENT - PROJECT NO. T-601124.00

A. GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 16 lots within Aquarian Acres Subdivision No. 9, along with concrete curb and gutters, storm sewer structures, piping, and engineering and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Lots 10 through 15, Block E;  
Lots 2 through 5, Block F;  
Lots 2 through 7, Block I;  
All in Aquarian Acres Subdivision No. 9, City of Topeka, Shawnee County, Kansas.

C. ESTIMATED OR PROBABLE COST:

**\$657,000**

This cost estimate has been prepared using the best information available, without benefit of a detailed engineering design. Variances may occur as the design details are developed. These costs should not be considered final.

D. METHOD OF ASSESSMENT:

Unit Basis.

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District.

F. CERTIFICATION OF SIGNERS OF THE PETITION:

We understand, agree and certify:

- (i) That we own 100% of the property or properties included in the Improvement District; and
- (ii) That this Petition is one submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto; and
- (iii) That the proposed Improvement District does not include all properties which may be deemed to benefit from the proposed improvements; and

- (iv) That we may not withdraw our signature(s) from this Petition after the Governing Body commences consideration of this Petition or later than seven (7) days after such filing, whichever occurs first; and
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. et seq. and Article 2 of TMC Chapter 3.45. Further we request that the City Council adopt a Resolution authorizing the above described improvement; and
- (vii) That the parcels of property contained within the Improvement District may not be altered by replatting or other means until assessments have been levied unless the developer submits a new Petition signed by all property owners with the changes or modifications to the parcels within the Improvement District. Provided, however, no new petition will be required if all owners of the parcel(s) to be altered provide the City Engineer written notice specifying the allocation of the project costs among the new parcels to be created through the replat. Said written notice of the allocation of project costs shall accompany the application for the replat and also shall be filed with the Register of Deeds and shall be a covenant running with the land and binding on the subsequent owners of said parcels; and
- (viii) That, in addition to the costs for the improvement, we will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management; and
- (ix) No signator to this petition has a financial interest in an existing development with delinquent tax obligations. (Resolution No. 8726); and
- (x) If the signator is a legal entity, no director, officer, or member of the entity has a financial interest in any property with delinquent special assessments, ad valorem/property taxes, or other federal or state tax liens anywhere within the State of Kansas (Resolution No. 8726); and
- (xi) That, if the property is not owned by an individual or individuals, we have disclosed the name of the company, partnership, trust corporation or other entity which owns the property along with our title, position or office, and we have been duly authorized to execute this Petition on behalf of the entity; and
- (xii) The signatories declare under penalty of perjury that the statements in this petition and certification are true and correct.

| <i>Name of Property Owner</i>                                            | <i>Name, Title and Signature of Person Executing Petition</i>                     | <i>Legal Description of Property Owned</i>                                                                                                                                       | <i>Date</i> |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
|                                                                          |  |                                                                                                                                                                                  | 8/18/21     |
| Drippe Development, LLC<br>919 E Jesuit Lane,<br>St. Mary's, KS<br>66536 |                                                                                   | Lots 10 through 15, Block E;<br>Lots 2 through 5, Block F;<br>Lots 2 through 7, Block I;<br>All in Aquarian Acres<br>Subdivision No. 9,<br>City of Topeka,<br>Shawnee County, KS |             |

#### **CERTIFICATION OF PERSON CARRYING PETITION AND WITNESSING SIGNATURES**

I, the undersigned, hereby certify that I have personally witnessed each and every person whose name appears on this document individually affix his or her signature and swear that the foregoing is true and correct to the best of my knowledge.

8/18/2021  
Date

  
Signature of Person Carrying Petition

#### **CERTIFICATION OF DEVELOPER**

I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (i) That I have reviewed the City's policy for special benefit districts in Resolution No. 8726 and will supply the information requested.
- (ii) That, as required by K.S.A. 12-6a20, I will notify, in writing, each and every purchaser of parcels of property within the Improvement District that the property is located in an improvement district and is subject to special assessments to pay for the Improvement; and
- (iii) That I will notify in writing each and every purchaser of parcels of property within the Improvement District that in addition to the costs for the Improvement, the property owners will be responsible for paying all applicable rates, fees or charges for municipal services such as water, sanitary sewer or storm water management.

8/18/21  
Date

  
Signature



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
www.topeka.org  
February 16, 2021

DATE: February 16, 2021

CONTACT PERSON: Brian Faust, City Engineer; Jessica Lamendola, Administrative and Financial Services Director

DOCUMENT #: 9211

SECOND PARTY/SUBJECT: Aquarian Acres No. 9 Street Improvements

PROJECT #: T-601124.00

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #: 2021

PAGE #: 76

Approved on 2/16/2021

**DOCUMENT DESCRIPTION:**

**RESOLUTION OF ADVISABILITY** introduced by City Manager Brent Trout, authorizing Improvement Project No. T-601124.00 which provides for street improvements in Aquarian Acres Subdivision No. 9 as more specifically described herein.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would establish a benefit district for Street Improvements in Aquarian Acres Subdivision No. 9. The estimated project cost is \$520,000 to be paid 100% by the property owners.)*

**VOTING REQUIREMENTS:**

At least six (6) votes of the Governing Body is required.

**POLICY ISSUE:**

Whether to establish a benefit improvement district for street improvements in the Aquarian Acres Subdivision No. 9 which will be financed by the City through general obligation bonds.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution of advisability.

**BACKGROUND:**

The owner of the property located at Aquarian Acres Subdivision No. 9 - Drippe Development LLC - has petitioned the governing body to establish a benefit improvement district pursuant to K.S.A. 12 6a01. Drippe owns 100% of the property within the proposed district and, therefore, no public hearing is required.

The total cost is estimated at \$520,000 which will serve 16 lots. If the governing body establishes the district, construction will commence and, upon completion, special assessments covering the project cost will be imposed on the property owner(s) over the bond period of 20 years.

The governing body, in 2018, previously approved a benefit district in this subdivision to construct streets serving 14 lots at an estimated cost of \$465,000. Upon completion, assessments were imposed by the governing body in 2020.

Pursuant to the policy for considering the establishment of benefit districts, the benefit district committee met on February 8, 2021 and approved the recommendation of this project to the governing body.

**BUDGETARY IMPACT:**

The projects within the proposed benefit improvement district have an estimated cost of \$520,000. The City of Topeka would finance the cost of the projects through general obligation bonds. This cost would be repaid through assessment on a unit basis for all lots which are included in the improvement district.

**SOURCE OF FUNDING:**

100% of the costs will be paid by the owners of property within the improvement district.

**ATTACHMENTS:**

**Description**

Proposed Resolution  
Improvement Project Petition  
Project Budget  
Map  
Combined Cost Benefit Analysis  
Cost Estimate  
Bank Support Letter  
Certification No delinquent taxes  
Realtor Support Letter  
Resolution No. 8726 - Special Assessment Policy

2021R03678

SHAWNEE COUNTY, KANSAS  
REGISTER OF DEEDS  
REBECCA J. NIOCE  
DATE RECORDED:  
02/23/2021 10:27:00 AM

(Published in the Topeka Metro News March 1, 2021)

1                   **RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 9212**

2  
3           A RESOLUTION     introduced by City Manager Brent Trout, authorizing Improvement  
4                               Project No. T-601123.00 which provides for street improvement for  
5                               Misty Harbor Estates No. 5 as more specifically described herein.  
6

7           WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a04(c), as  
8           amended, containing the signature of the property owner of 100% of the area in the improvement  
9           district hereinafter described; and

10           WHEREAS, the property owner, having waived the notice and hearing requirements of  
11           K.S.A. 12-6a04 and TMC 3.45, has agreed to pay all of the costs for the proposed improvement  
12           which the property owner is requesting be constructed by the City.

13           NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka,  
14           Kansas, that it finds Improvement Project No. T-601123.00, hereinafter described, to be advisable  
15           and does hereby authorize and order said improvement to be made in accordance with its findings as  
16           follows:

17           A.     GENERAL NATURE OF IMPROVEMENT:

18                   To construct paved street to serve 26 lots within Misty Harbor Estates No. 5,  
19                   along with concrete curb and gutters, storm sewer structures, stormwater  
20                   management, piping, and engineering and all other contingencies required for  
21                   a complete project.  
22

23           B.     PROPOSED IMPROVEMENT DISTRICT:

24                   Misty Harbor Estates No. 5  
25                   Lots 5 through 14, Block C  
26                   Lots 3 through 12, Block D  
27                   Lots 1 through 6, Block E  
28  
29  
30

31           C.     ESTIMATED OR PROBABLE COST:

32                   \$745,000  
33

34                   This cost estimate has been prepared using the best information available, without  
35                   benefit of a detailed engineering design. Variances may occur as the design details  
36                   are developed. These costs should not be considered final.  
37

On a unit basis for all lots which are included in the improvement district.  
(16 Lots)

E. APPORTIONMENT OF COSTS:

100% of the costs will be paid by the property owners within the Improvement District.

BE IT FURTHER RESOLVED THAT:

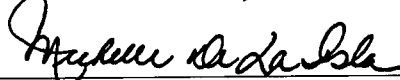
1. The City Clerk is directed to file a certified copy of this Resolution with the Register  
of Deeds.

2. Upon completion of the project described herein, the City Clerk is directed to provide  
all assessment notices in accordance with the provisions of K.S.A. 12- 6a09, as amended.

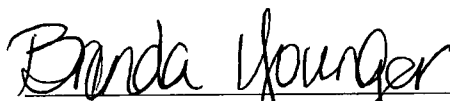
THIS RESOLUTION shall become effective upon one publication in the official city  
newspaper.

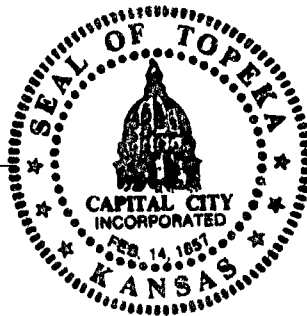
ADOPTED and APPROVED by the Governing Body on February 16, 2021.

CITY OF TOPEKA, KANSAS

  
Michelle De La Isla, Mayor

ATTEST:

  
Brenda Younger, City Clerk



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WHEREAS, the Governing Body of the City of Topeka, Kansas, is authorized to construct public improvements that confer a special benefit upon real property within a definable area of the City in accordance with K.S.A. 12-6a01 *et. seq.*, and to levy special assessments upon the benefited property to pay all or any part of the costs of making such improvements (“benefit district financing”); and

WHEREAS, the City entrusts its Benefit District Committee, comprised of City staff representing all departments involved in the benefit district process, to determine conformance with its benefit district policy, the level of completeness of benefit district petitions, and to provide recommendations to the Governing Body regarding proposed benefit districts; and

WHEREAS, the use of benefit district financing is discretionary with the City, and the Governing Body is under no obligation to approve any petitioned improvements, nor is it relinquishing its authority to initiate improvements by resolution as may be necessary to promote the general welfare of the community.

SECTION 1: GENERAL POLICIES. The following general policies and practices apply to benefit district financing in Topeka.

- 1

storm water sewer improvements without a petition or notice and public hearing, as set forth in K.S.A. 12-6a04.

c. Petition Information. Should a benefit district be initiated by petition, all benefit district petitions submitted for consideration shall contain the information required by K.S.A. 12-6a04 or K.S.A. 12-6a19 if applicable.

d. Costs and Methods of Assessment. Benefit district project costs shall include all required reports and studies, preliminary and final engineering, design, land acquisition, construction, inspection, financing, professional analysis, and administrative costs. Determination of all benefit district costs shall occur prior to construction of any benefit district improvements. All petitions for creation of a benefit district must utilize one of the following methods of assessment in accordance with K.S.A. 12-6a08.

1. Unit. If the assessments are to be determined by unit, the total number of lots included in the district will be assigned a number of units per lot. The total cost to be assessed is then divided by the total units. This figure multiplied by the number of units per lot or parcel would determine the assessment costs.

2. Frontage. If the assessments are to be determined by front foot along the improvement, the footage of each lot or parcel must be determined. The total cost to be assessed is then divided by the total footage to fix the amount per foot. This figure multiplied by the footage of the lot or parcel determines the assessment on the lot or parcel.

3. Area. If the assessments are to be determined according to area, the total number of square feet in the benefit district and the number of square feet of each lot and parcel must be determined. The total cost to be assessed divided by the total number of square feet of the district gives the charge per square foot. This amount multiplied by the square foot of a lot or parcel gives the assessment to be charged.

4. Value. If the assessments are to be determined according to appraised value or assessed value, the values of all the lots and parcels are added to get the total value of property within the benefit district. The total cost to be assessed divided by the total appraised or assessed value of the benefit district gives the amount to be paid per dollar value. This amount multiplied by the appraised or assessed value of each lot or parcel gives the amount of the assessment.

5. Other Method. If some other method is used, the assessment method must meet the standard of reasonableness. Examples of alternative assessment plans include determining the assessments according to zoning classifications or decreasing the assessment levels on the basis of proximity from the improvement on the theory that the land nearest to the improvement receives the greatest benefit from the improvement.

The Governing Body, upon the recommendation of the City's Benefit District Committee, may determine the proper method of assessment for a benefit district improvement.

- e. Petitions. The City may facilitate new development by providing for the installation of public improvements upon submission of a sufficient petition of the property owners.
- f. Signatures of Owners. The City favors benefit districts that have the signature of 100% of the property owners within a proposed district and are funded 100% by the landowners in the proposed district. Pursuant to K.S.A. 12-6a01, the City at-large may, at its sole discretion, pay up to 95% of the benefit district cost. However, the City will, at its sole discretion, give preference to benefit district projects that either are funded entirely by the benefit district or by no more than 5% from the City at-large, subject to the limitations of the City's debt management policy and availability of funds allocated within the City's annual Capital Improvements Program ("CIP").
- g. Benefit District Committee. A Benefit District Committee comprised of the City Manager or their appointee, Finance Director, Planning Director, Public Works Director, Neighborhood Relations Director and the City Engineer, will meet to review and make recommendations to the Governing Body consistent with this policy.
- h. Maximum Term. General Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of general obligation bonds to finance benefit district improvements. The general obligation bond term cannot exceed twenty (20) years. The Benefit District Committee shall review the impact of each proposed benefit district in light of the debt management policy.
- i. Maximum Term. Special Obligation Bonds. Pursuant to K.S.A. 12-6a01 *et. seq.*, the Governing Body may authorize the financing of benefit district improvements by the issuance of special obligation bonds to finance benefit district improvements. The special obligation bond term may extend up to twenty (20) years. The Benefit District Committee shall review the financial feasibility of each benefit district proposed to be financed by special obligation bonds.
- j. Financial Due Diligence. The Benefit District Committee will conduct due diligence on developer finances in order to ensure developers have the financial capacity and wherewithal to support the development. Financial due diligence will include:
  - 1. Delinquent Tax Obligations. Benefit district financing will not be approved if any signator to a petition has a financial interest in an existing development with delinquent tax obligations. All petitioners for new development (including anyone with a material ownership interest in the Developer's parent organization or any single purpose entity created for the subject development)

will be required to certify, under oath, that they have no financial interest in any property with delinquent special assessments, ad valorem taxes, or other federal or state tax liens anywhere within the State of Kansas.

2. Review of Finances. Developers desiring to create benefit districts for new housing developments shall be required to provide financial statements and shall be required to document ownership or control of the land. The City recognizes that many developments are constructed under single-purpose legal entities; the City requires financial statements to demonstrate the ability of the Developer, its single-purpose entity or any of its members or shareholders to complete the project as proposed and to make special assessment payments in full and on time, should development not materialize according to the development plan.
3. Special Assessment Monthly Payments. The developer shall provide a certification from a reputable real estate broker with knowledge of the Topeka market that the anticipated annual assessments for the development for which special assessments are granted are not inconsistent with assessments imposed on comparable properties in the market and will not materially impair the salability of the properties benefitted in the current real estate market.
4. Cost Benefit Analysis. A cost-benefit analysis shall be prepared by the Department of Finance to ensure that a public benefit exists for utilizing special assessment financing.

- k. Financial Sureties. Any petitioner requesting the creation of a benefit district shall pledge financial commitments guaranteeing payment of assessments levied to pay principal and interest on bonds issued for the improvement project. Financial guarantees shall be in place with the City prior to the construction contract being awarded. Financial guarantees shall equal at least 30% of the estimated costs of the project, except for items i through iii, which would require 20%.

1. A financial guarantee may consist of:
  - i. Cash
  - ii. Cashier's Check
  - iii. Escrow Account, held in trust for the City's benefit by a financial institution approved by the City in its sole discretion, funded with high quality securities approved at the discretion of the City's Director of Finance, where the principal balance along with the project interest is sufficient to satisfy the full amount of the guarantee.
  - iv. Irrevocable letter of credit for up to ten (10) years from a reputable bank, subject to the City's Director of Finance approval.
  - v. Surety bond. Surety bonds will be on a form approved by the City, from a company authorized to sell insurance in the State of Kansas, and have a rating of at least A – (excellent) from A&M Best. Developers will be responsible for costs incurred by the City to verify the rating for the proposed surety provider.

Project costs shall include, but not be limited to, engineering design, construction, inspection, temporary note interest (which will be calculated by the City), and the City's administrative cost in creating and administering the district. In the event that any special assessment is not paid when due, the financial guarantee will be applied by July 1 of each year to satisfy the principal and interest costs and any additional costs, such as penalties, occasioned by delinquent payment of the bonded public improvements.

Upon request of the developer, the financial guarantee shall be released on the following conditions:

1. Improvements on at least thirty (30%) of the properties (by lot) within the benefit district have been completed and issued an occupancy permit; or
2. The appraised value of improvements located within the benefit district is equal to seven (7) times the amount of the special assessments.

The Director of Finance or designee will approve the release, when the above conditions have been met and proof of evidence has been provided.

- l. Phase of Lots. In order to ensure orderly development and limit the potential of too many lots on the market at any given time, the maximum number will be 45 lots per development. Consideration also will be given to the accumulation of lots resulting from multiple benefit districts; and therefore, the City reserves the right to withhold approval of a benefit district if the lots created by said benefit district are anticipated to result in excess market supply. The City may give preference to the use of benefit districts as an incentive to support infill and redevelopment of existing neighborhoods in order to implement the goals and policies of the City's Land Use and Growth Management Plan.
- m. Termination. Benefit districts may be terminated by the Governing Body at the Governing Body's sole discretion at any time prior to the issuance of temporary notes in support of the project. Prior to termination, the Governing Body will endeavor to provide regular mail notice to all property owners within the district. The Governing Body may consider the following factors when considering whether to terminate a benefit district:
  1. Construction of the improvements described in the petition have not commenced within five (5) years after approval of the petition, or acquisition of all rights-of-way and/or easements necessary for construction of the improvements has not been secured within five (5) years of approval of the petition;
  2. Changes in ownership and/or land development patterns in the area have reduced or eliminated the need for the improvements described in the petition; and/or
  3. The City's share of the total costs to construct the improvements in the benefit area exceeds the amount described in the resolution creating the benefit district.

n. Development Agreement. Upon submission of a sufficient petition, which is approved by the Governing Body, a development agreement will be submitted acknowledging the terms of this policy by the developer.

o. Foreclosure. Properties with special assessments that are delinquent for a period of at least three years will be subject to a judicial tax foreclosure sale.

## SECTION 2: COST DISTRIBUTION POLICIES.

### a. Cost Distribution Policies for Streets.

1. Benefit district financing is allowable for the construction of arterial streets, collector streets and local streets in commercial or industrial developments and new residential developments.
2. All streets shall be designed in accordance with the City's technical design criteria for public improvements.
3. One hundred percent (100%) of the construction costs of local streets, including related drainage facilities and sidewalks, shall be funded by the developer or, if by benefit district, shall be assessed to property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but that was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.
5. Pursuant to K.S.A. 12-692, the owner or owners or predecessors with title to all lots or tracts of land abutting upon any existing or proposed street or highway that have dedicated or conveyed property necessary for the opening, widening or extending of such street or highway, may, at the discretion of the Governing Body, be exempt, in whole or in part, from the payment of special assessment to pay the cost of acquiring land necessary for such opening, widening or extension from owners of lots or tracts of land abutting upon such existing or proposed street or highway and failing or refusing to dedicate or convey such property.

### b. Cost Distribution Policies for Water Lines

1. Benefit district financing shall generally be limited to the construction or extension of water mains along arterial, collector and local streets within commercial and industrial developments.
2. Benefit districts shall not be established for the purpose of financing distribution or service line improvements in residential subdivisions.
3. Water main sizes shall be determined in accordance with the City's technical design criteria for public improvements.
4. Construction costs of all water mains up to and including 12" diameter shall be assessed 100% to the property within the benefit district. However, if water

demands caused by the development to be served by the benefit district or unique hydraulic or topographic conditions require construction of a distribution main in excess of 12" to meet building and fire codes, the Governing Body, at its sole discretion, may require all costs of the main in excess of 12" to be assessed and paid 100% by the benefit district.

5. When the City determines that a water transmission main in excess of the size determined in Subsection b. 4., above, is needed to benefit the overall water transmission system, construction costs shall be distributed so that property within the benefit district pays the cost equivalent of the required distribution main and the City-at-large pays the cost differential between the transmission and distribution sized main.
6. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

c. Cost Distribution Policies for Sanitary and Storm Sewers.

1. Benefit district financing is available for the construction or extension of sewer main and sub-main district lines, as well as lateral lines within commercial and industrial developments and new residential subdivisions.
2. Sanitary sewer mains shall be sized to carry flows from the ultimate tributary population in accordance with the City's technical design criteria for public improvements. At the discretion of the Governing Body, if improvements are required to downstream receiving sewers, the cost of paralleling or upsizing existing downstream sewer mains may be included in the benefit district.
3. Construction costs of all sanitary sewer improvements shall be assessed 100% to the property within the benefit district.
4. Pursuant to K.S.A. 12-6a19, the Governing Body of the City may require the owners of property that benefits from such improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, will be served by such improvement.

d. Cost Distribution Policies for Other Improvements.

In addition to the public improvements described above in this Section, the Governing Body may use benefit district financing for other types of public improvements as authorized by law. The Governing Body shall distribute the costs of these improvements to the benefit district in accordance with its determination of the special benefits accruing to the district from the improvement.

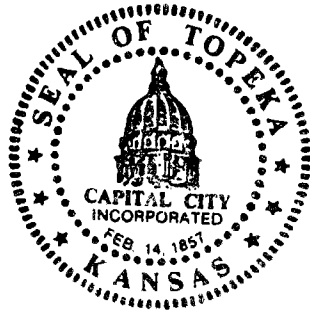
SECTION 3: FEES. City may charge up to 5% of the total costs of an improvement or the cost of work done by the City to reimburse for administration and supervision of the improvement by its employees.

310 SECTION 4: NOTICE. Except in the case of a benefit district petition proposed by a single  
311 owner, the Governing Body shall notify all property owners within a proposed benefit district  
312 that certain improvements have been proposed, and the date, time, and place the Governing Body  
313 will consider authorizing said improvements. In the case of improvements proposed by petition,  
314 the petitioner shall provide the City with a current mailing list of property owners within the  
315 proposed benefit district, including those not signing the petition.

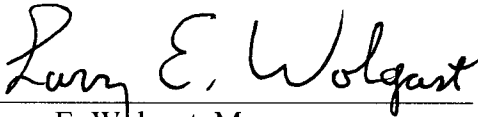
316  
317 SECTION 5: AUTHORITY OF GOVERNING BODY. The Governing Body reserves the right  
318 to deviate from any policy or practice set forth in this Resolution when it considers such action to  
319 be in the best interests of the City.

320  
321 SECTION 6: EFFECTIVE DATE. This Resolution shall take effect upon passage.

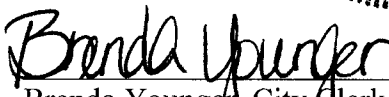
322  
323 ADOPTED and APPROVED by the Governing Body on this 13<sup>th</sup> day of October, 2015.



CITY OF TOPEKA, KANSAS

  
Larry E. Wolgast, Mayor

331 ATTEST:

332  
333   
334 Brenda Younger, City Clerk  
335



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 21, 2021

---

**DATE:** September 21, 2021  
**CONTACT PERSON:** Bill Fiander - Planning and Development Director  
**DOCUMENT #:**  
**SECOND PARTY/SUBJECT:** Neighborhood Revitalization Program 2022 - 2024  
**PROJECT #:**  
**CATEGORY/SUBCATEGORY** 020 Resolutions / 005 Miscellaneous  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**JOURNAL #:**  
**PAGE #:**

---

**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Brent Trout, establishing a date for a public hearing concerning the adoption of a plan pursuant to the Neighborhood Revitalization Act K.S.A. 12-17, 114 et seq.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would set the public hearing date of October 12, 2021, to consider renewal of the City's Neighborhood Revitalization Plan for years 2022-2024.)*

**VOTING REQUIREMENTS:**

At least six (6) votes of the Governing Body is required.

**POLICY ISSUE:**

The current Neighborhood Revitalization Plan (NRP) is set to expire on December 31, 2021. The NRP boundary is based on the recently updated 2020 Neighborhood Health Map. Future NRP renewals should occur every three years in sync with the update of the Health Map.

Other taxing entities that participate in the NRP through an interlocal agreement include Unified School Districts 345, 450, 437 and 501; the Shawnee County Board of Commissioners; Topeka Metro Transit Authority (TMTA); Metro Topeka Airport Authority (MTAA); Topeka and Shawnee County Public Library and Washburn University.

Each of the taxing entities will also have to approve the renewal of the current NRP program and sign a revised

interlocal agreement.

Approval of the resolution sets October 12, 2021, as the public hearing to consider the renewal of the NRP until December 31, 2024.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution.

**BACKGROUND:**

Topeka's Neighborhood Revitalization Plan began in 1994. The State of Kansas authorized the program through the Neighborhood Revitalization Act. Topeka was the first city in Kansas to adopt a local plan.

All taxing entities participate with an interlocal agreement. Staff met with all potential participation tax entities this summer including: Unified School Districts 345, 437, 450, and 501; the Shawnee County Board of Commissioners; Topeka Metro Transit Authority (TMTA); Metro Topeka Airport Authority (MTAA); Topeka and Shawnee County Public Library and Washburn University. There have been 8 plan renewals (every 3-5 years). The current plan expires on December 31, 2021.

The current program (2019 - 2021) rebates 95% of the new property taxes for the first 5 years and 50% for years 6 through 10. Intensive Care, Historic properties, and new residential units are eligible for a 95% rebate for 10 years. Applicants have 60 days to apply and up to 1-year to show prior intent if they miss the 60-day deadline. The current boundary contains 14.31 square miles (23% of city). The proposed boundary (2019 - 2021) contains 13.31 square miles (21% of the city).

The proposed Program shrinks the boundary to align with the 2020 Health Map's Intensive Care and At Risk areas, continues to provide the 95% rebate for all new single and multiple family housing, includes the provision of an extended rebate period within Tax Increment Finance (TIF) areas (up to 20 years), and makes the Menninger Clock Tower building eligible for the property tax rebate.

**Program Highlights:**

- Approximately \$464 million of private investment (1995 - 2021)
- Approximately \$53.5 million of total rebates paid (1996 - 2021)
- Approximately \$149 million invested in the Downtown area (1995 - 2021)
- Approximately \$29.6 million of new tax generated (2006 - 2021) For every dollar rebated by the program \$8.2 is invested

**BUDGETARY IMPACT:**

Cost to publish in the Topeka Metro Newspaper for two (2) consecutive weeks.

**SOURCE OF FUNDING:**

General Fund

**ATTACHMENTS:**

**Description**

Resolution

Neighborhood Revitalization Plan (NRP) 2022 - 2024 (DRAFT)

Neighborhood Revitalization Area Map 2022 - 2024

NRP Infographic

Neighborhood Revitalization Program Investment per Application Map (January 2019 to May 2021)

1 (Published in the Topeka Metro News on \_\_\_\_\_ and \_\_\_\_\_)  
2

3 RESOLUTION NO. \_\_\_\_\_  
4

5 A RESOLUTION introduced by City Manager Brent Trout establishing a date for a public hearing  
6 concerning the adoption of a Neighborhood Revitalization Plan pursuant to  
7 K.S.A. 12-17,114 *et seq.*  
8

9 WHEREAS, the City of Topeka, Kansas, may pursuant to K.S.A. 12-17,114 *et seq.* adopt a  
10 plan to assist in the rehabilitation, conservation or redevelopment of any area within the City of  
11 Topeka which meets the conditions provided in said law; and

12 WHEREAS, the City of Topeka is desirous of exercising the authority provided in K.S.A. 12-  
13 17,114 *et seq.* in order to rehabilitate, conserve or redevelop certain designated areas in the City of  
14 Topeka; and

15 WHEREAS, the current Neighborhood Revitalization Plan (NR Plan) expires on December  
16 31, 2021; and

17 WHEREAS, K.S.A. 12-17,117(c) requires that the Governing Body hold a public hearing  
18 before adopting an NR Plan.

19 NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, that the following notice  
20 is hereby given:

21 NOTICE

22 The Governing Body will consider the adoption of a Neighborhood Revitalization Plan,  
23 pursuant to K.S.A. 12-17,114 *et seq.*, at a public hearing at 6:00 p.m. on October 12, 2021 in the  
24 City Council Chambers, 214 E 8th Street, Topeka, Kansas.

25 The proposed Neighborhood Revitalization Plan and a description of the boundaries of the  
26 proposed Neighborhood Revitalization Area are available for inspection during the hours of 8:00

27 a.m. to 5:00 p.m. in the office of City Clerk, 215 E 7th Street, Room 166, Topeka, Kansas. The Plan  
28 is also accessible at: <https://www.topeka.org/planning/neighborhood-revitalization-plan/>

29 At the conclusion of the hearing, the Governing Body will consider findings necessary for the  
30 adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed  
31 Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17,114 *et seq.*

32 BE IT RESOLVED that the City Clerk shall cause a copy of this Resolution to be mailed to  
33 the following taxing entities within Shawnee County, Kansas:

34 Unified School Districts Nos. 345 (Seaman), 437 (Auburn-Washburn) 450 (Shawnee Heights), and  
35 501 (Topeka); the Board of County Commissioners of Shawnee County; Topeka Metro Transit  
36 Authority; Metro Topeka Airport Authority; Topeka & Shawnee County Library and Washburn  
37 University.

38 BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published  
39 in the official City newspaper at least once a week for two (2) consecutive weeks prior to the hearing.

40 ADOPTED and APPROVED by the Governing Body \_\_\_\_\_.

41 CITY OF TOPEKA, KANSAS  
42  
43

44 \_\_\_\_\_  
45 Michelle De La Isla, Mayor  
46

47 ATTEST:  
48  
49

50 \_\_\_\_\_  
51 Brenda Younger, City Clerk

# DRAFT



2022-2024

***City of Topeka, Kansas***

Effective January 1, 2022

ADOPTED BY THE CITY OF TOPEKA GIVERNING BODY:

ENTER DATE

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## Introduction

This Plan is intended to promote the revitalization of the inner urban area hereinafter described as the Neighborhood Revitalization Area (NRA) of the City of Topeka through the rehabilitation, conservation and redevelopment of the area in order to protect the public health, safety welfare of the residents of the City. More specifically, in accordance with KSA 12-17, 118 (d), a tax rebate incentive will be available to property owners for certain improvements that raise the appraised value of residential property 10% and commercial property 20%.

In accordance with KSA 12-17, 114 et. seq., the Governing Body has held a public hearing and considered the existing conditions and alternatives with respect to the described area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units (City of Topeka, Shawnee County, USD 501 (Topeka), USD 345 (Seaman), USD 450 (Shawnee Heights), USD 437 (Auburn-Washburn Rural), Washburn University, Topeka-Shawnee County Public Library, Topeka Metropolitan Transit Authority (TMTA), Metropolitan Topeka Airport Authority (MTAA). Accordingly, the Governing Body has reviewed, evaluated, and found that the described area meets one or more of the conditions contained in KSA 12-17,115 (c).

1. An area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

Furthermore, the Governing Body may declare a building outside of a NRA to be a “dilapidated structure” if the structure satisfies the following definition KSA 12-17,115(a): “Dilapidated structure” means a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worthy of preservation.

The boundary of the proposed NRA is intended to reflect the City’s most investment-challenged and deteriorated areas as determined by the City’s Neighborhood Health Map. The NRA includes all designated “Intensive Care” and “At Risk” Census block groups based on the most recent update of the health map in 2017. These areas are deemed to qualify under all of the above criteria (KSA 12-17, 115 (c)).

In addition, some parts of the proposed NRA are outside At Risk/Intensive Care designations. Those areas are included because they either: 1) have been historically “At Risk” since 2000, 2) are part of infill subdivisions or redevelopment areas that were dependent upon and approved under the City’s past Neighborhood Revitalization Plans, 3) are part of minor boundary rounding to make the NRA as contiguous and orderly as possible, or 4) otherwise would qualify under the above criteria (KSA 12-17, 115 (c)). Taken as a whole, the proposed NRA meets legislative and statutory intent of KSA 12-17, 115 (c).

Any boundary expansions should be consistent with the above criteria and the State’s Attorney General’s opinion issued in 1996 which determined that the intent of the legislation was aimed at neighborhood stabilization and preventing deterioration in the central section of the city or more specifically, neighborhoods. The opinion concludes that the governing body must make a finding that the area meets one of the conditions listed in KSA 12-17, 115 (c), that rehabilitation of the

area is necessary to protect the welfare of the municipalities' residents, and that the area should not include the entire municipality.

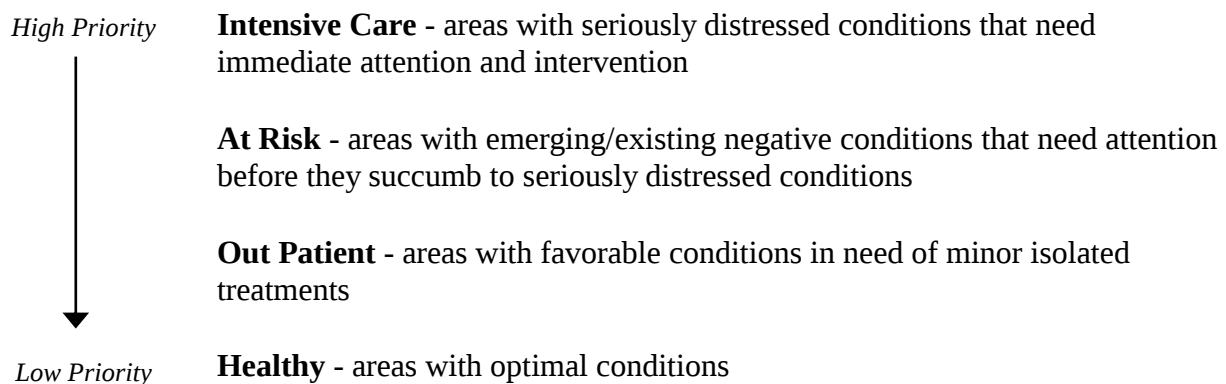
As a matter of policy, the City of Topeka's NRA is also proposed to be limited in scope to the above areas in order to promote a streamlined and administrative "but for" policy. The inherent presumption of this Plan is that necessary private investments would not occur in these areas "but for" the incentives offered under the Plan. Incentives are approved administratively by City of Topeka staff upon application by the property owner without further proof of need for the incentives. In order to enforce this assumption, the Plan puts forth thresholds for application deadlines to ensure the applicant knew about the program prior to construction and that the investment must create an impactful value increase.

Therefore, this Plan finds the proposed areas are most legally justifiable under State law and provides for a streamlined "but for" test to revitalize the City's most deteriorated sections.

## PART 1

### DESCRIPTION OF NEIGHBORHOOD REVITALIZATION AREA

The Neighborhood Revitalization Area (Map #1) in general follows the boundaries of *Intensive Care* and *At Risk* neighborhoods as identified in the City of Topeka Neighborhood Health Map. This map most recently updated in 2017, establishes four (4) health classifications for neighborhoods (intensive care, at risk, out patient, and healthy) to determine priorities for re-investment and planning assistance. They are described below in order of priority:



The four health classifications were based on five (5) vital signs that measured the relative health of all neighborhood areas in Topeka. This neighborhood health assessment was used to develop a “triage” approach to revitalization. Those areas that had more “life-threatening” or urgent needs as measured by the vital signs should receive higher priority for treatment over those areas with less urgent needs. These higher priority areas (*intensive care/at risk*) are the focus for neighborhood planning efforts and public re-investment. A summary of the vital signs include:

**Poverty (2015-2019 American Community Survey 5-Year Estimates, U.S Census)** - High concentrations of poverty are one of the most reliable indicators of performance in school, crime rates, family fragmentation, job readiness, housing conditions, etc.

**Public Safety (January 2019 – December 2020, Topeka Police Dept.)** – Public Safety, as measured by number of Part 1 crimes reported for the last two full years, is a symptom indicating the local environmental conditions conducive to crime and how well a neighborhood is organized to prevent crime from occurring.

**Residential Property Values (April 2020, Shawnee County Appraisers Office)** – Property values are in part a reflection of the quality of housing supply and the image of a neighborhood. The median value of a house purchased in Shawnee County was \$122,000 in 2018 (Topeka Association of Realtors).

**Single Family Housing Tenure (April 2020 Shawnee County Appraisers Office)**

The percentage of homeowners residing in a neighborhood can be an indication of the willingness (or confidence) to invest in the area. The most relevant measure of this is how many single-family dwellings are owner-occupied since these homes were primarily built for individual ownership.

**Secured Houses & Unsafe Structures (2020 City of Topeka Special Structures Unit)** - A secured house is one of the most evident physical displays that will undermine confidence in an area for investment and precipitates a downward spiral for the block and/or neighborhood.

**Vital Sign Ranges (2021)**

| Neighborhood Health Composite<br>(avg. score) | % of Persons Below Poverty Level<br>(score) | Part 1 Crimes per 100 Persons<br>(score) | Average Residential Property Values<br>(score) | % Owner Occupied Housing Units<br>(score) | Number of Secured and Unsafe Structures Per 100 Properties<br>(score) |
|-----------------------------------------------|---------------------------------------------|------------------------------------------|------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------|
| <b>Healthy</b><br>(3.3 - 4.0)                 | 2020: 0 - 9%<br>(4)                         | 0 - 12<br>(4)                            | 2020: \$111,872 and ↑<br>(4)                   | 70 - 100%<br>(4)                          | 2020: 0 - .25<br>(4)                                                  |
| <b>Out Patient</b><br>(2.7 - 3.2)             | 2020: 10 - 18%<br>(3)                       | 13 - 18<br>(3)                           | 2020: \$72,694 - \$111,871<br>(3)              | 50 - 69%<br>(3)                           | 2020: 0.26 - 0.75<br>(3)                                              |
| <b>At Risk</b><br>(1.9 - 2.6)                 | 2020: 19 - 30%<br>(2)                       | 19 - 28<br>(2)                           | 2020: \$43,195 - \$72,693<br>(2)               | 34 - 49%<br>(2)                           | 2020: 0.76 - 1.75<br>(2)                                              |
| <b>Intensive Care</b><br>(1.0 - 1.8)          | 2020: 31 - 100%<br>(1)                      | 29 +<br>(1)                              | 2020: \$43,194 and ↓<br>(1)                    | 0 - 33%<br>(1)                            | 2020: 1.76 and ↑<br>(1)                                               |

**Area Profile**

Health rankings are determined by averaging all vital sign levels for each neighborhood area. *Intensive care* and *at risk* neighborhoods have the lowest vital sign measurements, and hence are the primary focus of the Neighborhood Revitalization (NR) Area. Below is a comparison profile of the NR Area and non-NR Area

Total Primary Neighborhood Revitalization Area 2020

| Health Rating         | Part 1 Crimes per 100 persons | % of Persons Below Poverty Level | % Owner Occupied Single Family Housing units | Secured & Unsafe Structures | Average Residential Property Values |
|-----------------------|-------------------------------|----------------------------------|----------------------------------------------|-----------------------------|-------------------------------------|
| Intensive Care        | 34                            | 36%                              | 40.1%                                        | 1.81                        | \$43,094                            |
| At Risk               | 16                            | 23.5%                            | 48.6%                                        | 1.22                        | \$63,667                            |
| Out Patient           | 15                            | 11.3%                            | 52.5%                                        | 0.4                         | \$63,765                            |
| Total Primary NR Area | 20                            | 24.2%                            | 47.3%                                        | 1.21                        | \$58,813                            |

**Total Non Neighborhood Revitalization Area 2020**

| <b>Health Rating</b> | <b>Part 1 Crimes per 100 persons</b> | <b>% of Persons Below Poverty Level</b> | <b>% Owner Occupied Single Family Housing units</b> | <b>Secured &amp; Unsafe Structures</b> | <b>Average Residential Property Values</b> |
|----------------------|--------------------------------------|-----------------------------------------|-----------------------------------------------------|----------------------------------------|--------------------------------------------|
| Out Patient          | 15                                   | 13%                                     | 59.30%                                              | 0.53                                   | \$148,709                                  |
| Healthy              | 6                                    | 8%                                      | 81.60%                                              | 0.14                                   | \$221,810                                  |
| Total Non NR Area    | 9                                    | 9.60%                                   | 74.3                                                | 0.26                                   | \$198,380                                  |

**General Characteristics 2020**

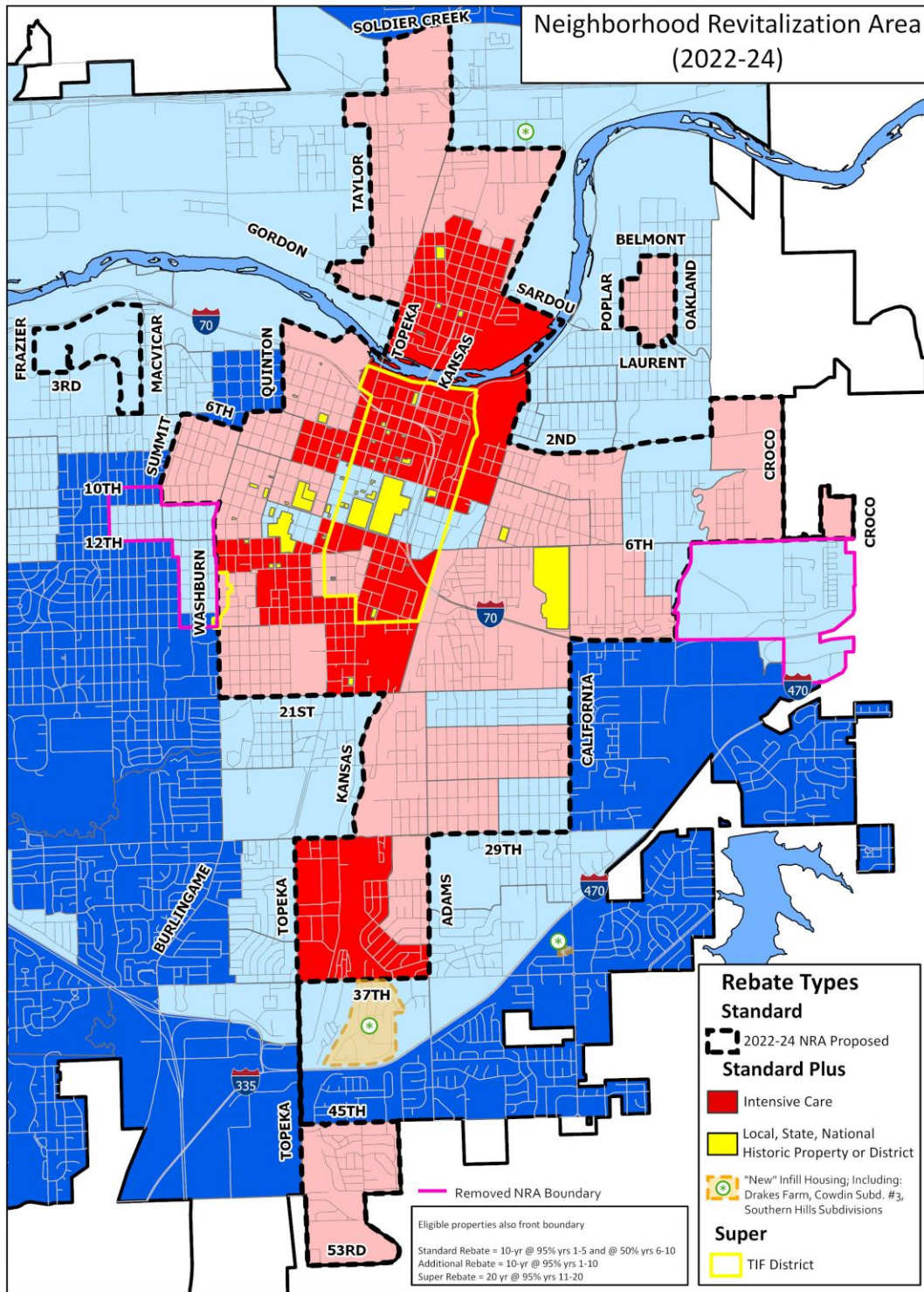
| <b>Area</b>        | <b>Square Miles</b> | <b>% of Total</b> | <b>#of Parcels</b> | <b>% Total</b> | <b>Vacant Parcels</b> | <b>% Total</b> |
|--------------------|---------------------|-------------------|--------------------|----------------|-----------------------|----------------|
| Intensive Care     | 3.6                 | 6%                | 3,715              | 7.3%           | 592                   | 14.1%          |
| At Risk            | 7.8                 | 12%               | 8,640              | 16.9%          | 1,305                 | 31.0%          |
| Out Patient        | 1.47                | 2%                | 1,731              | 3.4%           | 201                   | 4.8%           |
| Kanza/ USD 501     | 0.31                | 0%                | 27                 | 0.1%           | 4                     | 0.1%           |
| Total NR AREA      | 13.2                | 21%               | 14,113             | 27.7%          | 2,102                 | 49.9%          |
| Non-NR Area        | 49.55               | 79%               | 36,895             | 72.3%          | 2,111                 | 50.1%          |
| Total (All Topeka) | 62.75               | 100%              | 51,008             | 100%           | 4,213                 | 100.0%         |

**General Characteristics 2020**

| <b>Area</b>              | <b>2019 Population</b> | <b>% of Total</b> | <b>Total Housing Units (2015 - 2019 ACS)</b> | <b>% of Total</b> | <b>Real Property Valuation (2020)</b> | <b>% of Total</b> |
|--------------------------|------------------------|-------------------|----------------------------------------------|-------------------|---------------------------------------|-------------------|
| Intensive Care (Primary) | 6,071                  | 4.8%              | 3,143                                        | 4.7%              | \$467,668,280                         | 5.2%              |
| At Risk (Primary)        | 20,807                 | 16.5%             | 9,938                                        | 14.8%             | \$972,567,170                         | 10.8%             |
| Out Patient (Primary)    | 6,773                  | 5.4%              | 2,993                                        | 4.5%              | \$700,763,830                         | 7.8%              |
| Total NR Area            | 33,651                 | 26.6%             | 16,074                                       | 23.9%             | \$2,140,999,280                       | 23.8%             |
| Non-NR Area              | 92,746                 | 73.4%             | 51,179                                       | 76.1%             | \$6,841,428,970                       | 76.2%             |
| Total (All Topeka)       | 126,397                | 100%              | 67,253                                       | 100%              | \$8,982,428,250                       | 100.0%            |

## Summary

- The primary NR Area comprises only 21% of the land area of Topeka, but contains approximately 50% of all vacant parcels in the City.
- The poverty rate in the primary NR Area is two and a half times the poverty rate of the non-NR Area.
- Average residential property values are nearly 340% greater outside of the NR Area than within its boundaries.
- The homeownership rate is substantially greater outside of the primary NR Area boundary (74% versus 47%).
- 64% of all secured and unsafe structures in the City are located within the NR Area boundary yet only constitute 26% of all housing units in the city



## LEGAL DESCRIPTION OF Neighborhood Revitalization Area

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## PRIMARY AREA

Beginning at the intersection of the Centerline of US Highway 24 with the Centerline of NW Clay Street; thence easterly, on the Centerline of US Highway 24, to an intersection with the Centerline of NW Rochester Road; thence northerly on the Centerline of NW Rochester Road to an intersection with the Centerline of Soldier Creek; thence easterly on the Centerline of Soldier Creek to an intersection with the Centerline of NW Topeka Boulevard; thence southerly, on the Centerline of NW Topeka Boulevard to an intersection with the Centerline of Soldier Creek; thence easterly down the Centerline of Soldier Creek to an intersection with the Centerline of the Mainline Track of the Union Pacific Railroad; thence southerly, on the centerline of said mainline track, to an intersection with the Centerline of the West Approach to the Sardou Bridge over the Kansas River; thence east-southeasterly on the centerline of said approach and the Centerline of the Sardou Bridge to an intersection with the Centerline of the Kansas River; thence southwesterly up the Centerline of the Kansas River to an intersection with an extension of the Centerline of NE Chandler Street; thence southerly on the Centerline of NE Chandler Street to an intersection with the Centerline of NE Seward Avenue; thence westerly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Branner Street; thence south-southwesterly on the Centerline of Branner Street to an intersection with the Centerline of the Mainline Track of the Burlington Northern - Santa Fe Railway; thence easterly on the centerline of said mainline track to an intersection with the East line of the Northeast Quarter of Section 33, Township 11 South, Range 16 east of the 6<sup>th</sup> P.M.; thence northerly on the East line of the Northeast Quarter to an intersection with the Centerline of NE Seward Avenue; thence easterly on the Centerline of NE Seward Avenue to an intersection with the Centerline of NE Rice Road; thence southerly on the Centerline of NE Rice Road and on the Centerline of SE Rice Road to an intersection with the Centerline on SE Sixth Street; thence easterly on the Centerline of SE Sixth Street to the extended West line of Reser's Croco Subdivision No. 2; thence on the boundary of Reser's Croco Subdivision No. 2 the following five courses: northerly, 300.00 feet; westerly, 100.00 feet; northerly, 1642.97 feet; easterly, 300.00 feet; southerly, 399.26 feet; thence easterly on the North line of Reser's Croco Subdivision No. 2 and its extension to an intersection with the East line of the Southeast Quarter of Section 34, Township 11 South, Range 16 East of the Sixth P.M.; thence southerly to the Northeast corner of Section 3, Township 12 South, Range 16 East of the 6<sup>th</sup> P.M., also being the Centerline of said SE Sixth Street; thence westerly on the Centerline of said SE Sixth Street to the intersection with SE Deer Creek Parkway; thence South on the Centerline of said SE Deer Creek Parkway to the intersection with the Centerline of Interstate Highway 70; thence westerly on the Centerline of Interstate Highway 70 to the intersection with the Centerline of SE California Avenue; thence southerly on the Centerline of SE California Avenue to an intersection with the Centerline of SE 29<sup>th</sup> Street; thence westerly on the Centerline of SE 29<sup>th</sup> Street to an intersection with the Centerline of SE Adams Street; thence southerly on the Centerline of SE Adams Street to an intersection with the Centerline of 37<sup>th</sup> Street; thence westerly on the Centerline of said 37<sup>th</sup> Street to an intersection with the Centerline of SW Topeka Boulevard; thence northerly on the Centerline of SW Topeka Boulevard to an intersection with the Centerline of 29<sup>th</sup> Street; thence easterly on the Centerline of said 29<sup>th</sup> Street to an intersection with the Centerline of the right of way of the Landon Trail, formerly the right of way of the Missouri Pacific Railway; thence northerly on the Centerline of the right of way of the Landon Trail to an intersection with the Centerline of 21<sup>st</sup> Street; thence westerly on the Centerline of said 21<sup>st</sup> Street to the intersection with the Centerline of SW Washburn Avenue; thence northerly on the Centerline of said SW Washburn Avenue to the intersection with the Centerline of SW 11<sup>th</sup> Street; thence westerly on the Centerline of said SW 11<sup>th</sup> Street to the intersection with the Centerline of SW Woodward Avenue; thence northerly on the Centerline of said SW Woodward Avenue to an intersection with the Centerline of SW 10<sup>th</sup> Avenue; thence westerly on the Centerline of said SW 10<sup>th</sup> Avenue to an intersection with the Centerline of SW Summit Avenue; thence north-northeasterly on the Centerline of said SW Summit Avenue to an intersection with the Centerline of SW Sixth Avenue; thence easterly and east-southeasterly on the Centerline of SW Sixth Avenue to an intersection with the Centerline of SW Washburn Avenue; thence north-northeasterly on the Centerline of SW Washburn Avenue to an intersection with the Centerline of SW Willow Avenue; thence easterly, on the Centerline of SW Willow Avenue to an intersection with the Centerline of Quinton Avenue; thence northerly on the Centerline of Quinton Avenue to an intersection with the Centerline of SW 1<sup>st</sup> Street; thence east-southeasterly on the Centerline of SW 1<sup>st</sup> Street to the West line of Section 30, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M.; thence northerly on the West line of Section 30 to an intersection with the Centerline of the Kansas River; thence southeasterly down the Kansas River to an intersection with the Centerline of SW Topeka Boulevard; thence north-northeasterly on the Centerline of Topeka Boulevard to an intersection with the Centerline of NW Laurent Street; thence west-northwesterly on the Centerline

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of NW Laurent Street to an intersection with the Centerline of NW Norris Street; thence west-northwesterly on the Centerline of NW Norris Street to an intersection with the Centerline of NW Lane Street; thence north-northeasterly on the Centerline of NW Lane Street to an intersection with the Centerline of NW Gordon Street; thence east-southeasterly on the Centerline of NW Gordon Street to an intersection with the Centerline of NW Buchanan Street; thence northerly on the Centerline of NW Buchanan Street to an intersection with the Centerline of NW Grant Street; thence easterly, on the Centerline of NW Grant Street to an intersection with the Centerline of NW Western Avenue; thence northerly on the Centerline of NW Western Avenue to an intersection with the Centerline of NW St. John Street; thence easterly on the Centerline of NW St. John Street to an intersection with the Centerline of NW Taylor Street; thence northerly on the Centerline of NW Taylor Street to an intersection with the Centerline of NW Lyman Road; thence westerly on the Centerline of NW Lyman Road to an intersection with the Centerline of NW Clay Street; thence northerly on the Centerline of NW Clay Street to the point of beginning.

(AND IN ADDITION)

#### **KANZA BUSINESS AND TECHNOLOGY PARK (OVERALL PUD BOUNDARY)**

A TRACT OF LAND IN THE SOUTHEAST QUARTER, THE EAST HALF OF THE SOUTHWEST QUARTER, LOT 3 OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER, ALL IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF NORTH 00°00'22" EAST, 30.00 FEET, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°36'04" WEST, 23.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°36'04" WEST, 2611.74 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER, 30.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°06'23" WEST, 1118.90 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 86°16'38" EAST, 130.48 FEET; THENCE NORTH 42°55'39" EAST, 233.28 FEET; THENCE NORTH 01°25'17" WEST, 497.95 FEET; THENCE SOUTH 88°46'41" WEST, 278.01 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°06'23" EAST, 120.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF ARLINGTON HEIGHTS SUBDIVISION; THENCE SOUTH 89°54'32" WEST, 1309.28 FEET ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°11'27" EAST, 953.94 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°18'11" EAST, 663.92 FEET ALONG THE WEST LINE OF SAID LOT 3 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 70; THENCE NORTH 88°53'30" EAST, 883.63 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE ON A CURVE TO THE LEFT, ALONG SAID RIGHT-OF-WAY LINE, A RADIUS OF 1579.22 FEET, AN ARC DISTANCE OF 683.95 FEET, WITH A CHORD WHICH BEARS NORTH 76°29'04" EAST, 678.62 FEET; THENCE NORTH 64°04'38" EAST, 1046.28 FEET, ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°08'08" WEST, 213.32 FEET; THENCE SOUTH 78°48'28" EAST, 1483.53 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°08'53" EAST, 87.25 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 16°33'51" WEST, 156.49 FEET; THENCE SOUTH 00°08'53" EAST, 539.57 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, 45.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00°00'22" WEST, 35.43 FEET; THENCE SOUTH 89°59'38" EAST, 21.50 FEET; THENCE SOUTH 00°00'22" WEST, 2570.01 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 258.943 ACRES, MORE OR LESS.

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE ALONG THE SOUTH LINE OF SAID QUARTER ON AN ASSUMED BEARING OF SOUTH 89°35'38" WEST, A DISTANCE OF 825.36 FEET; THENCE ON A BEARING OF NORTH 00°24'22" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE PARALLEL WITH THE SOUTH LINE OF SAID QUARTER ON A BEARING OF SOUTH 89°35'38"

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WEST, A DISTANCE OF 515.96 FEET; THENCE ON A BEARING NORTH 00°25'19" WEST, A DISTANCE OF 2033.61 FEET; THENCE ON A BEARING OF NORTH 44°27'37" EAST, A DISTANCE OF 68.73 FEET; THENCE ON A BEARING OF SOUTH 63°56'06" EAST, A DISTANCE OF 18.56 FEET; THENCE ON A BEARING OF NORTH 19°56'13" EAST, A DISTANCE OF 44.30 FEET; THENCE ON A BEARING OF NORTH 34°34'08" EAST, A DISTANCE OF 25.22 FEET; THENCE ON A BEARING OF NORTH 72°13'53" EAST, A DISTANCE OF 27.65 FEET; THENCE ON A BEARING OF SOUTH 37°05'32" EAST, A DISTANCE OF 14.75 FEET; THENCE ON A BEARING OF SOUTH 54°25'19" EAST, A DISTANCE OF 16.30 FEET; THENCE ON A BEARING OF SOUTH 80°46'21" EAST, A DISTANCE OF 23.15 FEET; THENCE ON A BEARING OF SOUTH 87°13'11" EAST, A DISTANCE OF 11.70 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 74°03'00" EAST, AND A CHORD DISTANCE OF 34.18 FEET) A DISTANCE OF 34.48 FEET; THENCE ON A BEARING OF SOUTH 60°52'49" EAST, A DISTANCE OF 42.96 FEET; THENCE ON A BEARING OF SOUTH 53°28'55" EAST, A DISTANCE OF 108.90 FEET; THENCE ON A BEARING OF SOUTH 31°54'18" EAST, A DISTANCE OF 87.45 FEET; THENCE ON A BEARING OF SOUTH 26°44'08" EAST, A DISTANCE OF 158.72 FEET; THENCE ON A BEARING OF SOUTH 28°30'48" EAST, A DISTANCE OF 137.12 FEET; THENCE ON A BEARING OF SOUTH 35°51'47" EAST, A DISTANCE OF 63.86 FEET; THENCE ON A BEARING OF SOUTH 44°53'50" EAST, A DISTANCE OF 71.01 FEET; THENCE ON A BEARING OF SOUTH 00°10'26" EAST, A DISTANCE OF 305.26 FEET; THENCE ON A BEARING OF SOUTH 41°48'53" WEST, A DISTANCE OF 216.94 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 75.00 FEET, A CHORD BEARING OF SOUTH 19°54'50" EAST, AND A CHORD DISTANCE OF 97.23 FEET) A DISTANCE OF 105.78 FEET; THENCE ON A BEARING OF SOUTH 00°01'58" EAST, A DISTANCE OF 78.63 FEET; THENCE ON A BEARING OF SOUTH 34°02'36" EAST, A DISTANCE OF 118.96 FEET; THENCE ON A BEARING OF SOUTH 00°17'22" WEST, A DISTANCE OF 227.41 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 45°46'21" WEST, AND A CHORD DISTANCE OF 77.15 FEET) A DISTANCE OF 83.79 FEET; THENCE ON A BEARING OF SOUTH 00°06'58" EAST, A DISTANCE OF 142.97 FEET; THENCE ON A BEARING OF SOUTH 86°22'32" WEST, A DISTANCE OF 30.69 FEET; THENCE ON A BEARING OF SOUTH 01°46'13" EAST, A DISTANCE OF 80.18 FEET; THENCE ON A BEARING OF SOUTH 89°57'22" WEST, A DISTANCE OF 20.82 FEET; THENCE ON A BEARING OF SOUTH 00°15'55" WEST, A DISTANCE OF 130.86 FEET; THENCE ON A BEARING OF SOUTH 89°40'17" EAST, A DISTANCE OF 21.15 FEET; THENCE ON A BEARING OF SOUTH 00°20'17" WEST, A DISTANCE OF 28.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 118.49 FEET, A CHORD BEARING OF SOUTH 21°22'45" EAST, A CHORD DISTANCE OF 60.15 FEET) A DISTANCE OF 60.82 FEET; THENCE ON A BEARING OF SOUTH 32°29'33" EAST, A DISTANCE OF 24.43 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 194.67 FEET, A CHORD BEARING OF SOUTH 12°51'45" EAST, AND A CHORD DISTANCE OF 80.56 FEET) A DISTANCE OF 81.15 FEET; THENCE ON A BEARING OF SOUTH 01°52'31" EAST, A DISTANCE OF 26.20 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 24.081 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS OF RECORD, IF ANY.

(AND IN ADDITION)

**KANZA BUSINESS AND TECHNOLOGY PARK SUBDIVISION.** CONTAINS APPROXIMATELY 10.39-ACRES, MORE OR LESS.

EXCEPT

The property commonly known as the 501 Sports Complex and legally described as follows: A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the Sixth Principal Meridian, described as follows: Beginning at a point on the West line, 30.00-feet North of the Southwest Corner of said Quarter Section (said point being on the North right-of-way line of West Sixth Street); thence North 00 degrees, 06 minutes, 40 seconds West, along said West Line, 1,118.79-feet; thence South 86 degrees, 14 minutes, 23 seconds East, 130.46-

feet; thence North 42 degrees, 56 minutes, 08 seconds East, 233.28-feet; thence North 01 degrees, 24 minutes, 28 seconds West, 497.95-feet; thence North 88 degrees, 48 minutes, 04 seconds East, 120.98-feet; thence on a 302.50-foot radius curve to the left, with a 170.62-foot chord bearing North 72 degrees, 25 minutes, 13 seconds East, an arc distance of 172.97-feet; thence North 56 degrees, 02 minutes, 21 seconds East, 399.91-feet; thence South 20 degrees, 26 minutes, 15 seconds East 750.52-feet; thence South 00 degrees, 24 minutes, 53 seconds East, 1, 344.97-feet to the North right-of-way line of West Sixth Street; thence South 89 degrees, 36 minutes, 04 seconds West, along said North right-of-way line, 1,162.82-feet to the Point of Beginning. The above contains 44.001-acres, more or less, all in the City of Topeka, Shawnee County, Kansas.

(AND IN ADDITION)

Cowdin Subdivision No. 3, according to the recorded plat thereof.

(AND IN ADDITION)

#### OAKLAND AREA

Begin at the intersection of the centerline of NE Poplar Street with the centerline of NE Laurent Street in the City of Topeka, Shawnee County, Kansas; thence northerly along the centerline of NE Poplar Street to the centerline of NE Grant Street; thence easterly along the centerline of NE Grant Street to the centerline of NE Chester Avenue; thence northerly along the centerline of NE Chester Avenue to the centerline of NE Belmont Avenue; thence easterly on the centerline of NE Belmont Avenue to the centerline of NE Oakland Avenue; thence southerly along the centerline of NE Oakland Avenue to the Northeasterly line of the Doran Avenue lots, in Garden Park Addition; thence northwesterly along the North line of the Doran Avenue lots to a point on the East line of Lot 10 on Doran Avenue, as described in Book 4208, page 873; thence southwesterly along the West line of the parcel described in Book 4208, page 873 and its extension to the centerline of NE Laurent Street; thence westerly along the centerline of NE Laurent Street to the Point of Beginning.

(AND IN ADDITION)

A tract of land in Section 30, Township 12 South, Range 16 East of the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas, described as follows: Begin at the Southwest corner of Section 30; thence northerly along the West line of Section 30 to the North line of said Section 30; thence easterly along the North line of Section 30 to the extended East line of South Village Subdivision; thence southerly along the East line of South Village Subdivision to the South line of South Village Subdivision; thence westerly along the South line of South Village Subdivision to the East line of Terra Heights Subdivision; thence southerly along the East line of Terra Heights Subdivision to the Southwesterly right of way line of the Missouri Pacific Railroad, as recorded in Book 4251, page 621; thence South 54 degrees 38 minutes 32 seconds East, 1304.94 feet along said right of way line; thence southeasterly and southwesterly along said right of way line, 1020.98 feet along the arc of a curve to the right, having a radius of 419.28 feet with a chord which bears South 21 degrees 57 minutes 15 seconds West, 786.78 feet; thence South 89 degrees 35 minutes 28 seconds West, 132.83 feet along said right of way line; thence westerly along said right of way line, 249.10 feet along the arc of a curve to the left, having a radius of 613.69 feet with a chord which bears South 77 degrees 55 minutes 31 seconds West, 247.40 feet to the North right of way line of SE 53<sup>rd</sup> Street; thence South 89 degrees 35 minutes 28 seconds West, 368.63 feet along the North right of way of SE 53<sup>rd</sup> Street; thence southerly to the South line of Section 30; thence westerly along the South line of Section 30 to the Point of Beginning.

(AND IN ADDITION)

Southern Hills Subdivision "A", Southern Hills Subdivision "B", and Southern Hills Subdivision "C" according to the recorded plats thereof. Contains approximately 110.8 acres.

(AND IN ADDITION)

Drakes Farm Subdivision, according to the recorded plat thereof.

#### **OUTSIDE REVITALIZATION AREA; 'DILAPIDATED STRUCTURE':**

(Menninger Clock Tower Building)

A portion of Lot 1, Block A, Menninger Foundation Subdivision, being situated in the Southwest Quarter of Section 28, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter, being a point on the West line of Menninger Foundation Subdivision; thence on an assumed Azimuth of 179 degrees 17 minutes 46 seconds coincident with the West line of said Menninger Foundation Subdivision, a distance of 638.96 feet; then on Azimuth 89 degrees 17 minutes 46 seconds, perpendicular to the West line of Menninger Foundation Subdivision, a distance of 898.87 feet to the Point of Beginning; thence on Azimuth 88 degrees 07 minutes 19 seconds, a distance of 329.86 feet; thence on Azimuth 177 degrees 11 minutes 06 seconds, a distance of 250.36 feet; thence on Azimuth 183 degrees 05 minutes 12 seconds, a distance of 141.29 feet; thence on Azimuth 194 degrees 58 minutes 13 seconds, a distance of 66.17 feet; thence on Azimuth 177 degrees 47 minutes 10 seconds, a distance of 178.14 feet; thence on Azimuth 267 degrees 50 minutes 09 seconds, a distance of 275.83 feet; thence on Azimuth 357 degrees 50 minutes 17 seconds, coincident with centerline of an existing access road recorded in Book 4314, Page 099 in the Register of Deeds Office for Shawnee County, a distance of 431.62 feet; thence on Azimuth 317 degrees 14 minutes 41 seconds, a distance of 39.39 feet; thence on Azimuth 358 degrees 10 minutes 19 seconds, a distance of 172.54 feet to the Point of Beginning.

## PART 2

### APPRAISED VALUATION OF REAL PROPERTY

The appraised valuation of the Menninger Clock Tower and the real estate contained in the Neighborhood Revitalization Area as of June 14, 2020 for each parcel by land and building values is on file in the office of the Shawnee County Appraiser. The 2020 appraised valuation for the 14,108 parcels contained in the area is:

|                           |                        |
|---------------------------|------------------------|
| Land                      | \$262,450,850          |
| <u>Improvements</u>       | <u>\$1,624,280,390</u> |
| Total Appraised Valuation | \$1,886,731,240        |

## PART 3

### LISTING OF OWNERS OF RECORD IN AREA

Each owner of record of the Menninger Clock Tower and each parcel of land is listed together with the corresponding address on file in the office of the Shawnee County Appraiser (<http://www.snco.us/ap/>).

**PART 4**  
**EXISTING ZONING BOUNDARIES**  
**&**  
**EXISTING/PROPOSED LAND USES**

Descriptions of zoning districts, current boundaries, existing land uses, and future land use maps within the Neighborhood Revitalization Area are all found on file in the Topeka Planning Department or at [www.topeka.org/planning](http://www.topeka.org/planning)

**PART 5**  
**MAJOR IMPROVEMENTS**  
**PROPOSED FOR NEIGHBORHOOD REVITALIZATION AREA**

A list of the proposed major improvements within the Neighborhood Revitalization Area are identified within the adopted neighborhood and area plans of the City's Comprehensive Plan. Copies of those plans are on file with the Topeka Planning Department and on-line at [www.topeka.org/planning](http://www.topeka.org/planning)

- Topeka Land Use and Growth Management Plan (2015)
- Central Highland Park Neighborhood Plan (2010)
- Ward-Meade Neighborhood Plan (2001/2010)
- Chesney Park Neighborhood Plan (1998/2009)
- Central Park Neighborhood Plan (1998/2008/2019)
- Hi-Crest Neighborhood Plan (2015)
- North Topeka West (2016)
- Historic North Topeka East (2013)
- Holliday Park Neighborhood Plan (1998/2008)
- Oakland Neighborhood Plan (2004/2014)
- Hi-Crest Neighborhood Plan (2003)
- Old Town Neighborhood Plan (2003)
- East Topeka Neighborhood Revitalization Plan (2002)
- Downtown Topeka Redevelopment Plan (2001)
- Elmhurst Neighborhood Plan (2001)
- Tennessee Town (2001/2017)
- Washburn-Lane Parkway Plan (2001)
- Quinton Heights Neighborhood Plan (2018)
- East Topeka North Neighborhood Plan (2020)
- Downtown Master Plan (2021)

Proposed housing, infrastructure, and public facility improvements within these plans are intended to guide the City's future resource allocation as targeted within the Neighborhood Revitalization Area. Actual approved resource allocations are found with the City's Capital Improvement Budget and Consolidated Plan.

**PART 6**  
**STATEMENT SPECIFYING THE ELIGIBILITY REQUIREMENTS**  
**FOR A TAX REBATE**

**Residential New Construction/Rehabilitation**

All properties with residential improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 10%.

**Commercial New Construction/Rehabilitation**

All properties with commercial, office and institutional, and industrial improvements legally permitted by applicable zoning regulations and building codes within, or that fronts a public street boundary of the designated Neighborhood Revitalization Area are eligible for the specified tax rebate provided the new appraised valuation is increased by a minimum of 20%.

## **PART 7**

### **CRITERIA FOR DETERMINATION OF ELIGIBILITY**

- (a) Construction of an improvement must have begun on or after January 1, 2022. Such improvement project shall remain eligible in the event the neighborhood revitalization plan is extended beyond 2024 by a subsequent ordinance. An improvement project constructed pursuant to a building permit and an application for tax rebate filed before January 1, 2022, may be eligible for a rebate under the Neighborhood Revitalization Program created by City Ordinance No. 20149
- (b) A rebate application must be filed prior to or within sixty (60) days of the issuance of a building permit or initiation of work (if no building permit is required) as determined by the Planning Director. An application determined to be “out-of-time” shall be accepted by the Planning Director if the applicant can demonstrate that prior to commencing the improvements, he or she intended to use the program’s benefits for the specific improvement proposed in the application. Some factors that may be used to determine the intent and prior knowledge of the program include previous written or verbal communication with city staff, contractors, or other interested parties in the project. The fact that the applicant was not made aware of the program by city staff shall not be used as a factor in this determination. An application shall not be accepted “out-of-time” if the building permit was issued to correct a past zoning or building code violation. The applicant must submit all evidence in writing that supports the above criteria to the Planning Department within one (1) year of the issuance of the building permit. The applicant may appeal the Planning Director’s decision to the City Manager who has final authority over the matter.
- (c) The improvements must conform with the Comprehensive Plan, design guidelines within applicable elements of the Comprehensive Plan and Title 18 Comprehensive Zoning Regulations, including adopted Neighborhood Conservation Districts in effect at the time the improvements are made.
- (d) New and existing improvements on the property must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.
- (f) Commercial or industrial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and Topeka's existing tax abatement program pursuant

to Article 11, Section 13 of the Kansas Constitution and TMC Chapter 3.55, may receive one exemption/rebate per project from the City as a tax incentive.

- (g) Any property that fronts a public street boundary of the Neighborhood Revitalization Area shall be eligible for the rebate, except those properties that front a public highway.

## **PART 8**

### **CONTENTS OF APPLICATION FOR TAX REBATE**

#### **Part 1 - General Information (Completed by applicant)**

- (a) Owner's Name and applicant's name
- (b) Owner's Mailing Address.
- (c) School District No.
- (d) Parcel I.D. No.
- (e) Building Permit No. and copy of permit
- (f) Address of Property.
- (g) Legal Description of Property
- (h) Day Phone Number.
- (i) Proposed Property Use.
- (j) Improvements (Attach itemized list of improvements)
- (k) Estimated Cost of Improvements
- (l) Proof of Historical Register Listing or nomination.
- (m) List of Buildings proposed to be or actually demolished.
- (n) Date of commencement of construction.
- (o) Estimated date of completion of construction.

#### **Part 2 - Status of Construction/Completion**

- (a) County Appraiser's Statement of Percentage Test.
- (b) County Clerk's Statement of Tax Status.
- (c) Planning's Statement of Application Conformance for Tax Rebate.

**PART 9**  
**APPLICATION PROCEDURE**

- (a) The owner/applicant shall obtain an Application for Tax Rebate from Topeka Planning Department, or concurrent with obtaining a building permit application.
- (b) The applicant shall complete and sign the application and file the original with Planning, prior to or within sixty (60) days of issuance of the building permit or as permitted under Part 7(b).
- (c) Planning shall forward the application to the Shawnee County Appraiser's Office for determination of the appraised valuation of the improvements and when necessary for designated historic properties, shall indicate the base tax year in order to determine the property's pre-demolition value for historic resources or landmarks that were demolished to make way for the improvements.
- (d) On or about January 1, the County Appraiser shall conduct an on-site inspection of the construction project, determine the new valuation of the real-estate, complete his portion of the application, and report the new valuation to the Shawnee County Clerk by June 1 of that same year. The tax records on the project shall be revised by the County Clerk's Office.
- (e) Upon determination by the Appraiser's office that the improvements meet the percentage test for rebate and the Clerk's office has determined the status of the taxes on the property, Planning shall certify to the County Clerk the project and application does or does not meet the requirements for a tax rebate and shall notify the applicant.
- (f) Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Shawnee County to the other taxing units, a tax rebate in the amount of the tax increment (less any fees as specified in the Interlocal Agreement) shall be made to the applicant.

The tax rebate amount will be based on the appraised property value increment between the application year and the completion year directly attributable to the improvement itself. The actual rebate may vary year to year depending upon the approved mill levy for all participating taxing jurisdictions. The tax rebate shall be made by Audit and Finance, Shawnee County through the Neighborhood Revitalization Fund established in conjunction with the City of Topeka and the other taxing units participating in an Interlocal Agreement.

**PART 10**  
**STANDARDS AND CRITERIA FOR APPROVAL**

- (a) Project improvements shall be 100% complete within two years of building permit issuance or within two years of beginning construction on the listed improvements.
- (b) The appraised value of residential property must be increased by a minimum of 10%.
- (c) The appraised value of commercial and industrial property must be increased by a minimum of 20%.
- (d) New improvements must conform with all applicable codes, rules, and regulations in effect at the time the improvements are made, including zoning regulations and design guidelines adopted by the Governing Body, for the length of the rebate.
- (e) Any property that is delinquent in any real property tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all real property taxes and special assessments have been paid. Additionally, taxes on all real property owned by the applicant must be current.

## PART 11

### STATEMENT SPECIFYING REBATE FORMULA

#### Program Period:

The Neighborhood Revitalization Fund and tax rebate incentive program shall expire on December 31, 2024.

#### Rebate Period:

|                                             |             |
|---------------------------------------------|-------------|
| All Eligible Uses – Administrative Approval | 10 years    |
| All Eligible Uses – Governing Body Approval | 11-20 years |

#### Rebate Amount\*:

|                                                                                                                                                                     |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Standard Rebate:                                                                                                                                                    |                                     |
| - All Eligible Uses Not Specified In Areas Below                                                                                                                    | 95% (years 1-5)<br>50% (years 6-10) |
| Standard Plus Rebate:                                                                                                                                               |                                     |
| - “Intensive Care” areas (2020 Neighborhood Health Map)                                                                                                             | 95%                                 |
| - National/State Register/Properties and Districts and<br>Local Historic Properties/Districts                                                                       | 95%                                 |
| - “New” Infill Housing (Single and Multi-Family); including:<br>Single-family in Cowdin Subd. #3, Southern Hills Subd. A, B, and C,<br>and Drakes Farm Subdivisions | 95%                                 |
| Super Rebate:                                                                                                                                                       |                                     |
| - TIF District                                                                                                                                                      |                                     |
| - Minimum \$10,000,000 investment                                                                                                                                   |                                     |
| - Primary use is residential                                                                                                                                        |                                     |
| - “But-For” Test/Study                                                                                                                                              |                                     |
| - Governing Body Approval                                                                                                                                           | 95%                                 |

\*5 % to remain in Neighborhood Revitalization Fund for administrative costs.

## **Part 12**

### **OTHER MATTERS**

1. The governing body may declare a building outside of a neighborhood revitalization area to be a “dilapidated structure” if it satisfies the conditions set forth in subsection (a) of KSA 12-17, 115. A “dilapidated structure” is defined as a residence or other building which is in deteriorating condition by reason of obsolescence, inadequate provision of ventilation, light, air or structural integrity or is otherwise in a condition detrimental to the health, safety or welfare of its inhabitants or a residence or other building which is in deteriorating condition and because of age, architecture, history or significance is worth of preservation. Pursuant to K.S.A. 12-17,117(b), the governing body has determined the the Menninger Clock Tower building located at 5800 SW 6<sup>th</sup> Avenue is a ‘dilapidated structure’ and, as such, is eligible for consideration of a property tax rebate for the following reasons:

- The building is a dilapidated structure due to its long vacancy and current boarded condition,
- The building is historic and is listed on the National Register of Historic Places and is worthy of preservation.

Prior to acceptance of a tax rebate application for projects involving a ‘dilapidated structure’, the applicant must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

2. The governing body may designate certain projects to have up to a 20-year rebate period, provided all of the following criteria are satisfied:
  - The project is located within an existing Tax Increment Financing District (TIF) within the NRP Area

- The primary use is residential
- The project has a minimum investment of \$10,000,000
- The project submits a but-for analysis that demonstrates the need for the longer rebate period.

Should the governing body determine that the project meets the criteria, the property will be removed from the TIF in accordance with Ordinance No. 20228. Prior to acceptance of a tax rebate application, projects must submit a “but-for” test/study to be approved by the City Manager that demonstrates the need for a rebate.

3. The remaining funds in the Special Fund identified in the Neighborhood Revitalization Plan adopted in Ordinance No. 18222 shall be transferred to the City of Topeka’s Housing Trust Fund as a match to support affordable housing development.

## SHAWNEE COUNTY TAX LEVY SCHEDULE 2020

### Tax Levies per \$1,000 Assessed Valuation

|    | <b><u>Taxing Jurisdiction (within USD 501 area)</u></b> | <b><u>Mill Levy</u></b> | <b><u>% of Total Levy</u></b> |
|----|---------------------------------------------------------|-------------------------|-------------------------------|
| 1. | Shawnee County                                          | 48.157                  | 30.71%                        |
| 2. | City of Topeka                                          | 39.687                  | 25.31%                        |
| 3. | USD 501 (Topeka)                                        | 49.716                  | 31.70%                        |
| 4. | Washburn University                                     | 3.249                   | 2.07%                         |
| 5. | Topeka-Shawnee County Public Library                    | 9.786                   | 6.24%                         |
| 6. | TMTA (Transit)                                          | 4.200                   | 2.68%                         |
| 7. | MTAA (Airport)                                          | <u>2.032</u>            | <u>1.30%</u>                  |
|    | <b>Total</b>                                            | <b>156.827</b>          | <b>100%</b>                   |

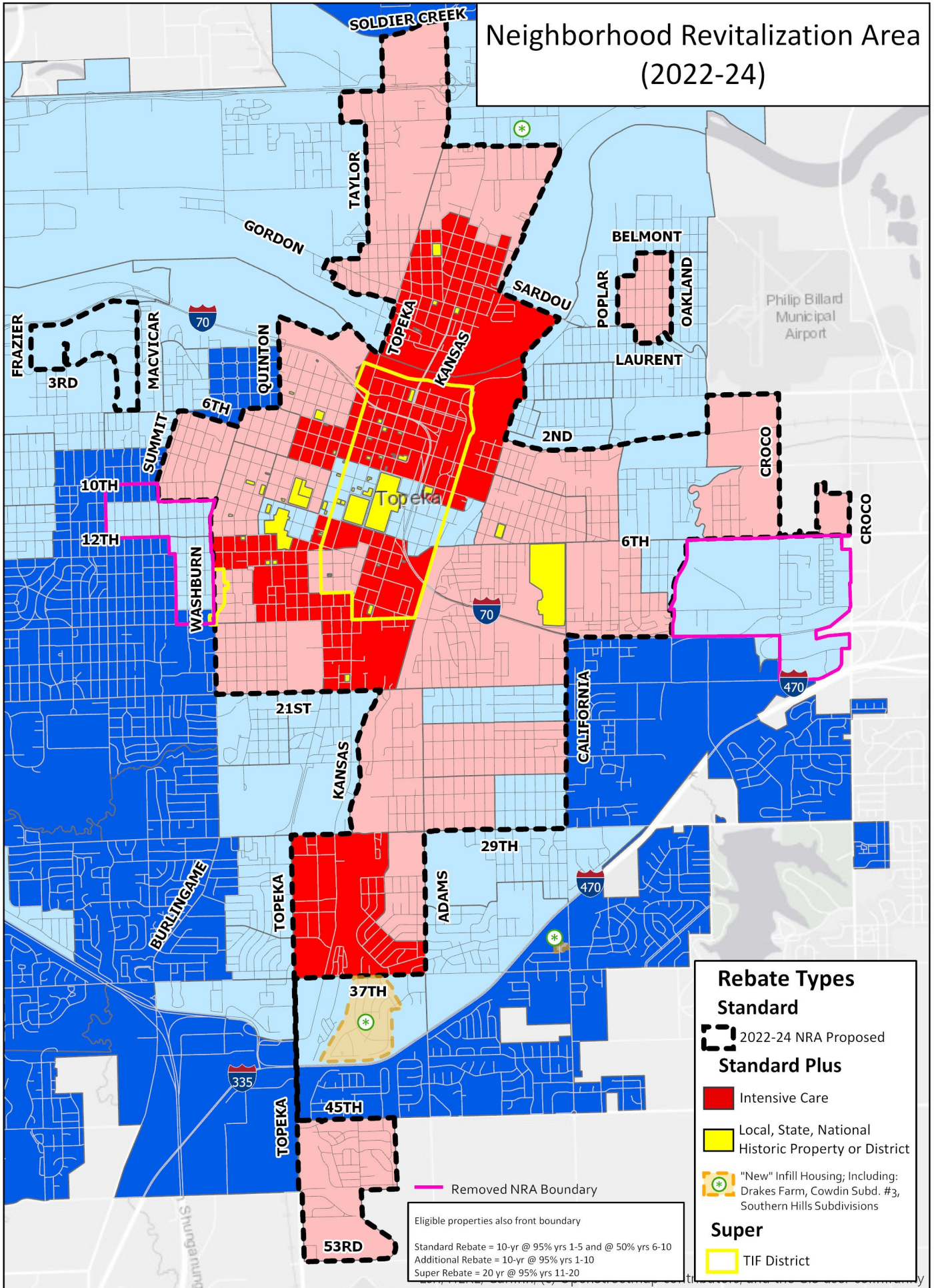
|    | <b><u>Taxing Jurisdiction (within USD 345 area)</u></b> | <b><u>Mill Levy</u></b> | <b><u>% of Total Levy</u></b> |
|----|---------------------------------------------------------|-------------------------|-------------------------------|
| 1. | Shawnee County                                          | 48.157                  | 30.0%                         |
| 2. | City of Topeka                                          | 39.687                  | 25.11%                        |
| 3. | USD 345 (Seaman)                                        | 50.925                  | 32.22%                        |
| 4. | Washburn University                                     | 3.249                   | 2.06%                         |
| 5. | Topeka-Shawnee County Public Library                    | 9.786                   | 6.16%                         |
| 6. | TMTA (Transit)                                          | 4.200                   | 2.66%                         |
| 7. | MTAA (Airport)                                          | <u>2.032</u>            | <u>1.29%</u>                  |
|    | <b>Total</b>                                            | <b>158.036</b>          | <b>100%</b>                   |

|    | <b><u>Taxing Jurisdiction (within USD 450 area)</u></b> | <b><u>Mill Levy</u></b> | <b><u>% of Total Levy</u></b> |
|----|---------------------------------------------------------|-------------------------|-------------------------------|
| 1. | Shawnee County                                          | 48.157                  | 30.30%                        |
| 2. | City of Topeka                                          | 39.687                  | 24.97%                        |
| 3. | USD 450 (Shawnee Heights)                               | 51.83                   | 32.61%                        |
| 4. | Washburn University                                     | 3.249                   | 2.04%                         |
| 5. | Topeka-Shawnee County Public Library                    | 9.786                   | 6.16%                         |
| 6. | TMTA (Transit)                                          | 4.200                   | 2.64%                         |
| 7. | MTAA (Airport)                                          | <u>2.032</u>            | <u>1.28%</u>                  |
|    | <b>Total</b>                                            | <b>158.941</b>          | <b>100%</b>                   |

|    | <b><u>Taxing Jurisdiction (within USD 437 area)</u></b> | <b><u>Mill Levy</u></b> | <b><u>% of Total Levy</u></b> |
|----|---------------------------------------------------------|-------------------------|-------------------------------|
| 1. | Shawnee County                                          | 48.157                  | 30.65%                        |
| 2. | City of Topeka                                          | 32.687                  | 25.26%                        |
| 3. | USD 437 (Auburn Washburn Rural)                         | 50.0                    | 31.82%                        |
| 4. | Washburn University                                     | 3.249                   | 2.07%                         |
| 5. | Topeka-Shawnee County Public Library                    | 9.786                   | 6.23%                         |
| 6. | TMTA (Transit)                                          | 4.200                   | 2.67%                         |
| 7. | MTAA (Airport)                                          | <u>2.032</u>            | <u>1.29%</u>                  |
|    | <b>Total</b>                                            | <b>157.111</b>          | <b>100%</b>                   |

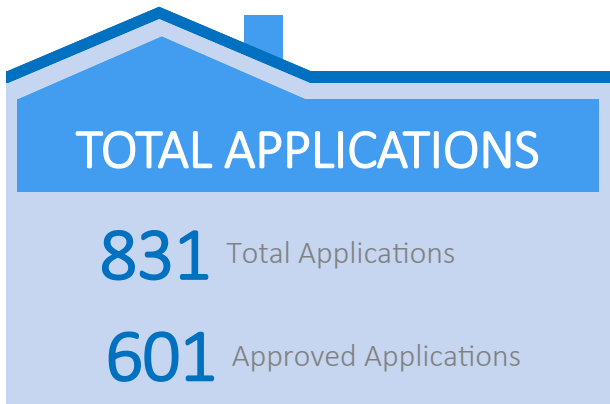
Source: Shawnee County Clerk's Office, 2020

# Neighborhood Revitalization Area (2022-24)



# Neighborhood Revitalization Program

## Term Years 1995-2021



**TOTAL INVESTED**

**464** MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

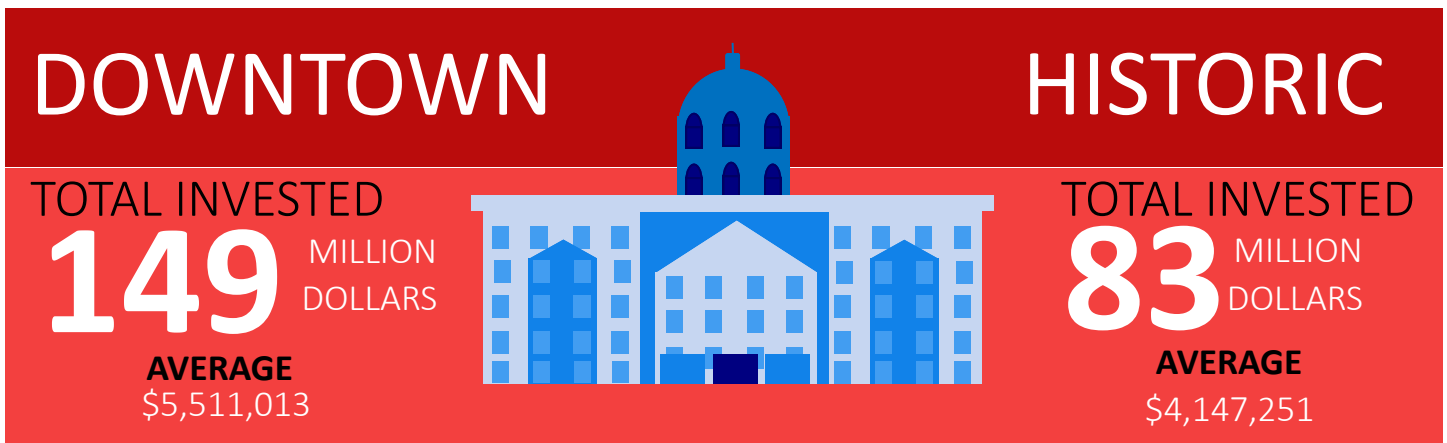
**\$355,178,005**  
COMMERCIAL

**\$109,218,582**  
RESIDENTIAL

1995-2020 **TAX REBATE AMOUNT PAID** **\$56,795,316**

**\$29,625,641** **NEW TAX GENERATED** 2006-2021

FOR EVERY DOLLAR REBATED  
**\$8.2** ARE INVESTED



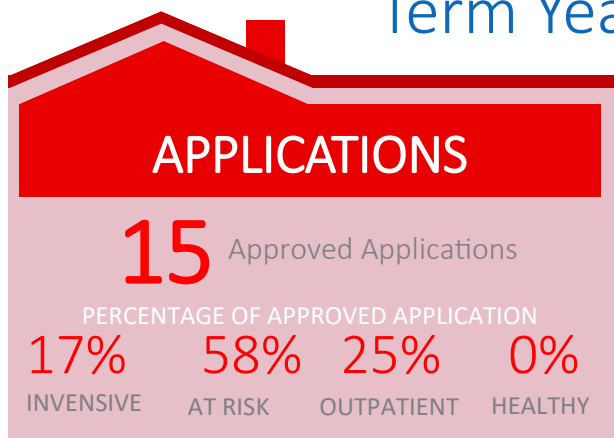
## Neighborhood Health 2004-2021

|                |                      |     |
|----------------|----------------------|-----|
| INTENSIVE CARE | <b>\$41,778,640</b>  | 13% |
| AT RISK        | <b>\$203,488,677</b> | 63% |
| OUTPATIENT     | <b>\$56,103,574</b>  | 17% |
| HEALTHY        | <b>\$23,597,968</b>  | 7%  |



# Neighborhood Revitalization Program

## Term Years 2019-2021



**TOTAL INVESTED**

**33** MILLION DOLLARS

IN BOTH COMMERCIAL AND RESIDENTIAL PROPERTIES

**\$25,299,258**

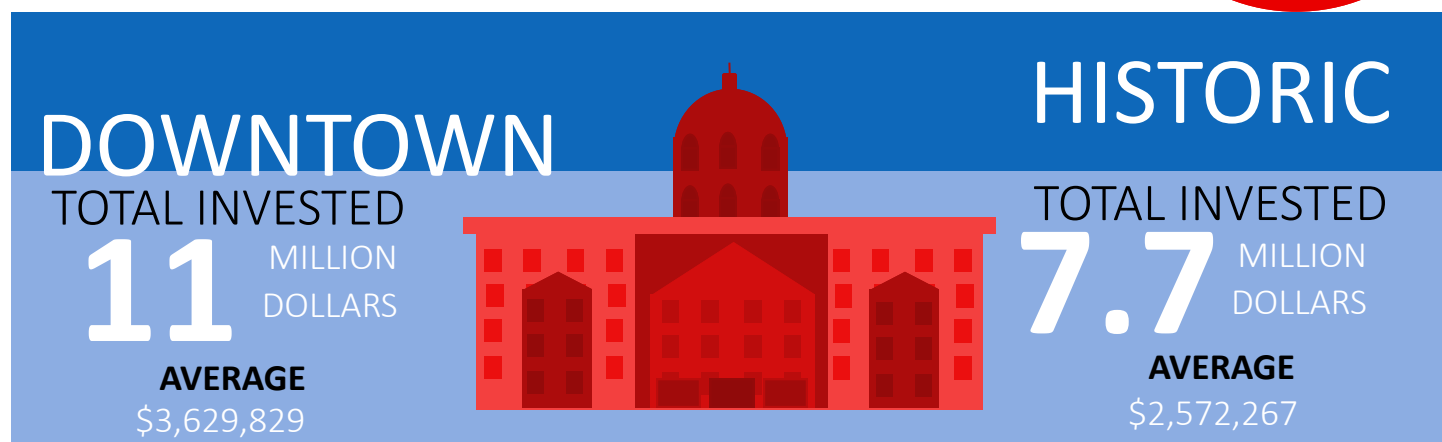
COMMERCIAL

**\$7,858,302**

RESIDENTIAL

2019-2020 TAX REBATE AMOUNT PAID **\$6,852,700**

**\$5,884,102** NEW TAX GENERATED 2019-2021



## Neighborhood Health Applications and Investments

2019



\$594,500 \$9,551,911 \$7,442,067 \$39,168

2020



\$495,910 \$12,926,764 \$1,131,000

2021\*



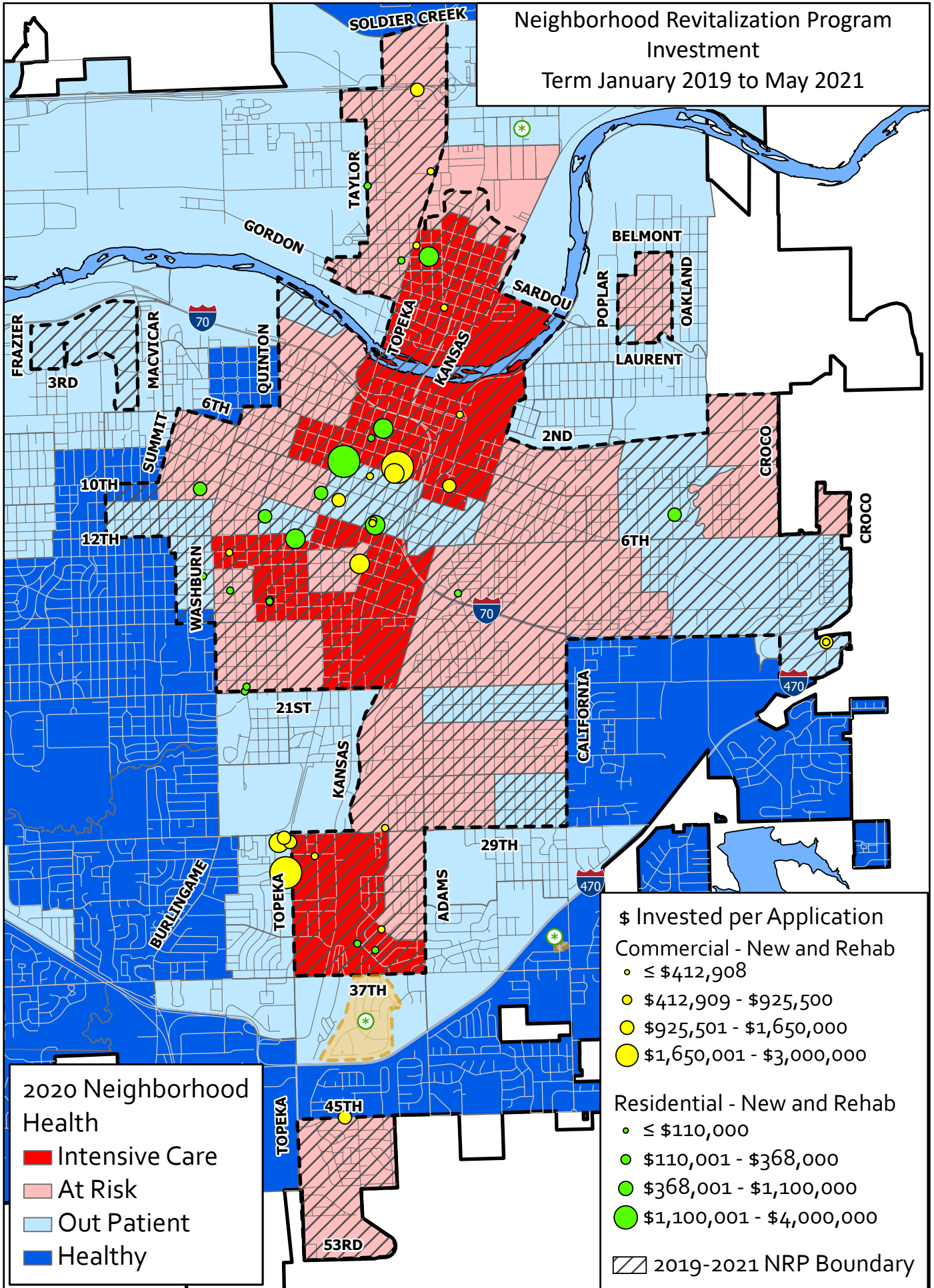
\$208,240 \$768,000

- Intensive Care
- At Risk
- Out Patient
- Healthy

33 NEW Residential Units



# Neighborhood Revitalization Program Investment Term January 2019 to May 2021





**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 21, 2021

---

|                              |                                            |                    |
|------------------------------|--------------------------------------------|--------------------|
| <b>DATE:</b>                 | <b>September 21, 2021</b>                  |                    |
| <b>CONTACT PERSON:</b>       | <b>Brent Trout, City Manager</b>           | <b>DOCUMENT #:</b> |
| <b>SECOND PARTY/SUBJECT:</b> |                                            | <b>PROJECT #:</b>  |
| <b>CATEGORY/SUBCATEGORY</b>  | <b>020 Resolutions / 005 Miscellaneous</b> |                    |
| <b>CIP PROJECT:</b>          | <b>No</b>                                  |                    |
| <b>ACTION OF COUNCIL:</b>    |                                            | <b>JOURNAL #:</b>  |
|                              |                                            | <b>PAGE #:</b>     |

---

**DOCUMENT DESCRIPTION:**

**RESOLUTION** introduced by City Manager Brent Trout to demolish the White Lakes Mall structure.

**Voting Requirement:** At least six (6) votes of the Governing Body is required.

*(Approval would direct the City Manager to begin the process to demolish the White Lakes Mall located at 3600 SW Topeka Boulevard.)*

**VOTING REQUIREMENTS:**

At least six (6) votes of the Governing Body is required.

**POLICY ISSUE:**

Whether to direct the City Manager to demolish the White Lakes Mall.

**STAFF RECOMMENDATION:**

Staff recommends the Governing Body move to approve the resolution.

**BACKGROUND:**

The White Lakes Mall has been the subject of numerous property maintenance code violations in the last five years as a consequence of failure of the owner, KDL, Inc. to maintain the vacant structure.

In December, 2020, a structure fire damaged the Mall to such an extent that, on July 2, 2021, the City's administrative hearing officer ordered the property owner to demolish the structure.

As the property owner has not demolished the structure, the City may do so and seek reimbursement from the property owner. If the owner fails to pay the cost, the City may impose a lien on the property. Should the

property be sold, the lien would be paid.

**BUDGETARY IMPACT:**

Approximately \$2.5 million dollars

**SOURCE OF FUNDING:**

General Fund

**ATTACHMENTS:**

**Description**

Resolution

Administrative Hearing Order (Demolition) June 2, 2021

City of Topeka Unsafe Structure Memo (April 21, 2021) R. Faulkner

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION introduced by City Manager Brent Trout to demolish the White Lakes Mall structure.

WHEREAS, on December 29, 2020, a structure fire damaged the White Lakes Mall (WLM) structure; and

WHEREAS, on June 2, 2021, an administrative hearing was held wherein the administrative hearing officer considered whether the White Lakes Mall (WLM) structure was so deteriorated as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy; and

WHEREAS, after consideration of the evidence, including photographs of the structure, the administrative hearing officer concluded that the WLM structure was so deteriorated as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy and that demolition was warranted; and

WHEREAS, the administrative hearing officer ordered the property owner, KDL Inc. to demolish and remove the WLM structure on or before July 2, 2021; and

WHEREAS, the administrative hearing order provided that if KDL Inc. did not demolish and remove the WLM structure, the City could do so and assess the costs against KDL Inc. and that failure to pay the costs would result in a special assessment against the property; and

WHEREAS, the property owner has not demolished or removed the WLM structure; and

WHEREAS, the estimated cost to demolish and remove the WLM structure is \$2.5 million dollars

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that the City Manager is directed to proceed with

28 demolishing the White Lakes Mall structure at a cost not to exceed \$2.5 million and,  
29 furthermore, to take whatever action is necessary to recoup the cost, including but not  
30 limited to imposing a special assessment against the property.

31 ADOPTED and APPROVED by the Governing Body on\_\_\_\_\_.

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33 CITY OF TOPEKA, KANSAS

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ATTEST:

\_\_\_\_\_  
Michelle De La Isla, Mayor

\_\_\_\_\_  
Brenda Younger, City Clerk

BEFORE THE ADMINISTRATIVE HEARING OFFICER  
CITY OF TOPEKA

**In the matter of White Lakes Mall, 3600 S.W. Topeka Blvd.  
Case No. 20-09406**

**Administrative Hearing Order**

This matter comes before the Administrative Hearing Officer on June 2, 2021 for hearing on the issue of whether the White Lakes Mall structure is so deteriorated or dilapidated or is so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy. The property's legal description is noted on Exhibit A which is attached herein and incorporated by reference. The property is owned by KDL, Inc. The Code Official appears in person. Other appearances include: Mary Feighny, Deputy City Attorney for the City of Topeka.

**The Administrative Hearing Officer considered the following evidence:**

Admitted:

  X          The documents and photographs produced by the Code Official identified as Exhibits A – I are admitted into evidence.

\_\_\_\_\_ Additional documents admitted into evidence include:  
\_\_\_\_\_  
\_\_\_\_\_

**The Administrative Hearing Officer finds:**

- X   That the complaint was served in accordance with TMC 8.75.030;
- X   That the structure known as the White Lakes Mall is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy such that the cost to repair the structure is unreasonable.

**The Administrative Hearing Officer orders KDL, Inc. to:**

  X   Demolition. Demolish and remove the White Lakes Mall structure within 30 days from the date of this order. The owner shall remove the foundation, all trash, rubbish, junk and debris and level the site to grade by filling in the excavation remaining on the property, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation. KDL, Inc. shall retain the services of a licensed demolition contractor to demolish the structure. If KDL, Inc. fails to demolish, remove all debris and level the site within the required time, the City may take the required action and assess the costs against KDL, Inc. Failure to pay the costs may result in a special assessment being placed on the property pursuant to TMC 8.75.060.

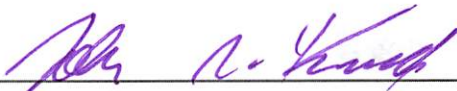
  X   Transfer of ownership. If the owner transfers ownership, the owner shall provide to the transferee a copy of this Order and shall provide to the Code Official a signed and notarized statement from the transferee acknowledging receipt of the Order and accepting responsibility for demolishing the structure in accordance with the Order.

\_\_\_\_\_ Other:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  X   **THIS IS A FINAL ORDER**

This order may be appealed pursuant to K.S.A. 60-2101(d) and amendments thereto by an aggrieved party by: (1) filing a notice of appeal with the Code Official within 30 days of the entry of this order, and (2) filing with the clerk of the district court for the Third Judicial District, 200 SE 7<sup>th</sup> St., Topeka, Kansas copies of all pertinent proceedings associated with this action prepared by the Code Official, at the aggrieved party's request. This order is not stayed except by Court Order. Filing a notice of appeal alone does not stay the order.

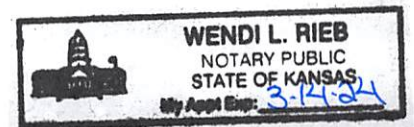
**IT IS SO ORDERED**

  
\_\_\_\_\_  
John J. Knoll  
ADMINISTRATIVE HEARING OFFICER

State of Kansas  
County of Shawnee

Signed or attested to before me on the 2<sup>nd</sup> day of June, 2021.

Notary Public Wendi L. Rieb



Expiration Date: 3/14/24

**Exhibit A**

**White Lakes Shopping Center (Main Building)**

A tract of land in the Southwest Quarter of Section 18, Township 12 South, Range 16 East of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: COMMENCING at the Northwest corner of said Quarter Section; thence on an assumed bearing of North 87 degrees 55 minutes 03 seconds East, 71.60 feet along the North line of said Quarter Section to the Easterly right of way line of existing Topeka Boulevard; thence South 01 degree 17 minutes 52 seconds East 1646.00 feet along said right of way line to the Northwest corner of a tract of land described in "Tract 2" in a deed recorded in Book 4745, Page 70 in the Register of Deeds Office, Shawnee County, Kansas; thence North 88 degrees 42 minutes 08 seconds East, 347.25 feet along the North line of said tract of land to the **POINT OF BEGINNING**; thence South 01 degree 17 minutes 52 seconds East 700.00 feet; thence North 88 degrees 42 minutes 08 seconds East 525.00 feet; thence North 01 degree 17 minutes 52 seconds West 700.00 feet to said North line of said tract of land; thence South 88 degrees 42

minutes 08 seconds West 30.80 feet along said North line to the South line of a tract of land described in the first exception of "Tract 3" in said deed recorded in Book 4745, Page 70; thence North 01 degree 17 minutes 21 seconds West 15.58 feet along said South line; thence South 88 degrees 40 minutes 35 seconds West 23.11 feet along said South line; thence continuing South 88 degrees 40 minutes 35 seconds West 116.42 feet along said South line; thence South 01 degree 19 minutes 25 seconds East 5.42 feet along said South line; thence South 88 degrees 43 minutes 22 seconds West 29.28 feet along said South line; thence North 80 degrees 54 minutes 28 seconds West 16.54 feet along said South line; thence South 88 degrees 46 minutes 11 seconds West 40.85 feet along said South line; thence South 78 degrees 42 minutes 24 seconds West 17.27 feet along said South line; thence South 88 degrees 56 minutes 42 seconds West 28.92 feet along said South line; thence North 01 degree 19 minutes 25 seconds West 5.20 feet along said South line; thence South 88 degrees 40 minutes 35 seconds West 147.35 feet along said South line; thence continuing South 88 degrees 40 minutes 35 seconds West 14.99 feet along said South line; thence South 01 degree 07 minutes 59 seconds East 15.39 feet along said South line to the said North line of said tract of land; thence South 88 degrees 42 minutes 08 seconds West 59.96 feet along said North line to the POINT OF BEGINNING. The above described tract contains 8.58 acres (373,687 square feet), more or less.

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on June 3, 2021, a true and correct copy of the above and foregoing Order was deposited in the U.S. mail, by both certified and regular mail, and addressed to the owner(s) below:

NAME(S):

Certified & Regular Mail to:

KDL INC

PO BOX 67028

TOPEKA KS 66667-0028

Certified Mail #: 7190 1716 7500 0136 4688

Regular Mail:

KENT LINDEMUTH, RESIDENT AGENT

KDL, INC

4350 NW GREEN HILLS PLACE

TOPEKA KS 66618

JIM LLOYD, POA FOR KDL INC

LLOYD & MACLAUGHLIN

619 WEST 61ST TERRACE

KANSAS CITY MO 64413

EMAIL: jblloyd@lloydandmaclaughlin.com

EXCHANGE BANK, SUCCESSOR IN INTEREST TO

FIRST NATIONAL BANK & TRUST COMPANY

PO BOX 348

JUNCTION CITY KS 66441-0348



PMU Staff Member



# CITY OF TOPEKA

Planning Department  
620 SE Madison, 3<sup>rd</sup> Floor  
Topeka KS 66607

Development Service Division  
Phone (785) 368-3704  
Fax (785) 368-2546

## MEMORANDUM

Date: April 21, 2021

To: Mike Haugen, Director of Code Services

From: Richard Faulkner, Building Official

Subject: White Lakes Mall; 3600 SW Topeka Blvd; Unsafe Structure

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I inspected the subject property on April 14, 2021 to determine its condition based on the 2015 International Building Code (IBC) in relationship to an Unsafe Structure. Section 116.1 of IBC states:

### **UNSAFE STRUCTURES AND EQUIPMENT**

**[A] 116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**No Water.** An inspection of the structure known as the White Lakes Mall reveals that there is no water supplied to the facility which means the bathroom facilities cannot operate correctly. In the event the public were allowed entry into the structure they would not be able to use the bathroom facilities. If the public were to use the bathrooms, which do not have running water, this would cause an unsanitary condition. Also all the bathroom fixtures have been removed or destroyed in place.

**Debris; No Lighting.** Throughout the structure ceiling tiles have been removed and thrown about the floor, which has caused the floor to be uneven and covered with tripping hazards throughout the structure. The path for entering and exiting a building should be clear and free of tripping hazards. Also, there are no exit lights illuminating building exits. The absence of a clear path of travel and clearly marked exits constitute a fire hazard.

**No Electricity.** There is no electrical power to the structure so there is no lighting throughout the structure. Along with the fallen ceiling tiles on the floor, there are pieces of metal on the floor with sharp edges that could injure someone if they fall while walking around in the dark. There are also pieces of the ceiling support structure that are dangling from the ceiling to the ground which also makes it dangerous when walking through the building. These conditions make it unsafe to walk around in the structure.

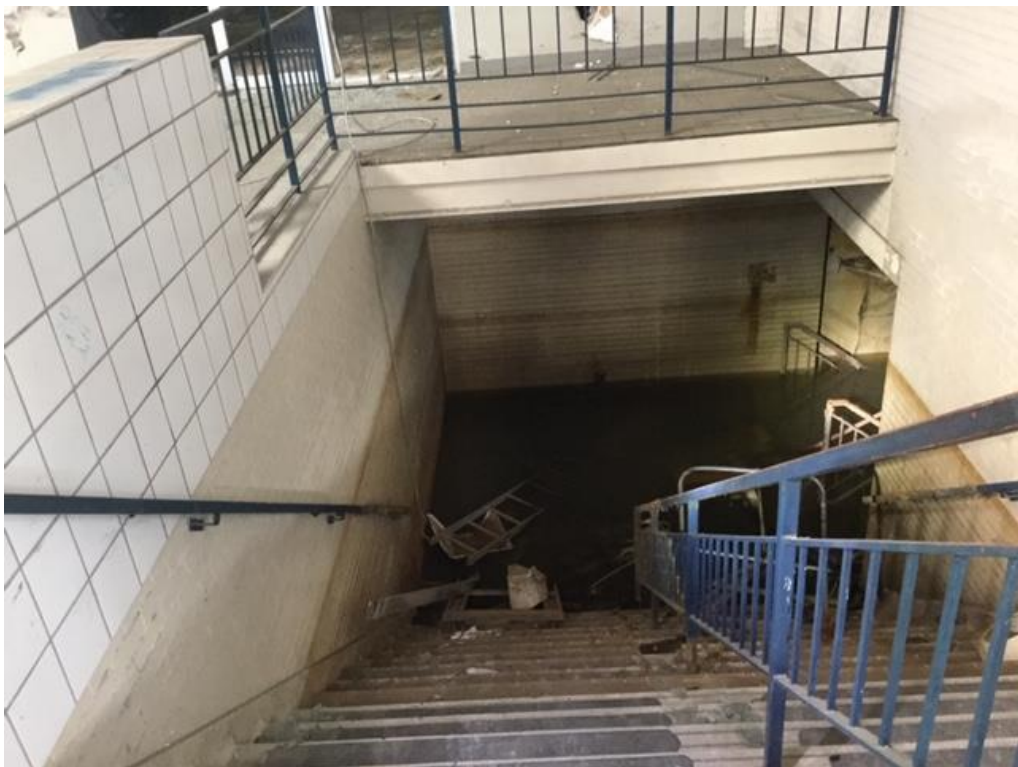
**Collapsed Roof:** A large section of the roof, on the east side of the structure, has been destroyed by fire and has collapsed into the structure. This has exposed the interior of the building to the outside elements. The inside elements of the building are not designed to withstand the outside weather conditions. The outside weather conditions are causing the interior elements to deteriorate. As long as the roof is missing it is inevitable that the interior of the structure will continue to deteriorate.

**Mechanical Systems; Mold:** With the ceiling tiles removed, the duct work for the ventilation system is exposed. All of the overhead ventilation has been destroyed or removed so the required ventilation cannot be maintained. The mechanical systems that run the ventilation systems are located in the basement which has three feet of water. This water has caused the mechanical system to stop working. Moreover, the water in the basement compromises the foundation of this building which will fail eventually. Without proper ventilation the water is causing mold to build up in the building which is an unsafe condition for the public.

**Conclusion.** Based on my inspection, it is my opinion that the structure is unsafe for human occupancy and should be demolished or made safe.



Debris on floor, dangling ceiling supports, and mold on walls



Stairway leading to basement that is full of water



Debris all over the floor ceiling tiles missing windows broken out



Windows broken out ceiling tile removed ceiling support structure destroyed.



Roof destroyed by fire collapsed inside building



Debris all over floor ceiling supports dangling from ceiling holes in walls



Roof destroyed by fire debris all over floor load bearing walls compromised



Roof supports collapsed load bearing walls collapsed



Dismantled ventilation duct, dangling ceiling supports



No light debris spread out over the floor ceiling support dangling



Debris all around hole in wall ceiling supports dangling



Dangling duct system dangling light fixture dangling ceiling supports floor covered with debris



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 21, 2021

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DATE: September 21, 2021  
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:  
SECOND PARTY/SUBJECT: LeTiffany Obozele, Chief of Prosecution PROJECT #:  
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 054 Criminal Code  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**DISCUSSION** concerning the adoption of the 37th Edition of the Uniform Public Offense Code (2021) (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080.

*(Approval will adopt the most current version of the UPOC with current statutory changes)*

**VOTING REQUIREMENTS:**

Discussion only. No action required by the City Council.

**POLICY ISSUE:**

Whether to adopt to adopt the 37th Edition UPOC (2021) which incorporates the most recent statutory changes

**STAFF RECOMMENDATION:**

Discussion only. Staff recommends the City Council adopt the ordinance when considered.

**BACKGROUND:**

The League of Kansas Municipalities (LKM) prepares and publishes the Uniform Public Offense Code on an annual basis in July following the legislative session. This book is a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

**BUDGETARY IMPACT:**

One (1) Electronic Copy \$50  
Hard Copy Books \$9.00 per book.

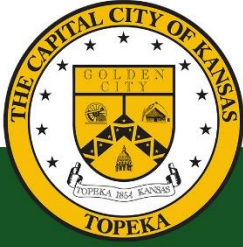
**SOURCE OF FUNDING:**

Prosecution Operating Budget

**ATTACHMENTS:**

**Description**

Memo - 37th Edition UPOC (2021)  
Ordinance



# CITY OF TOPEKA

Legal Department -- Criminal Prosecution  
215 SE 7<sup>th</sup> Street, Room 260  
Topeka, KS 66603

Tel: (785) 368-3910  
Fax: (785) 368-3104  
[www.topeka.org](http://www.topeka.org)

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## MEMORANDUM

To: Governing Body Members  
From: LeTiffany Obozele, Chief of Prosecution  
Re: 37<sup>th</sup> Edition (2021) of the Uniform Public Offense Code  
Date: September 3, 2021

The purpose of this memo is to explain the proposed adoption of the 2021 edition of the Uniform Public Offense Code (UPOC). The League of Kansas Municipalities has published the UPOC since 1980 and it is designed to provide a comprehensive public offense code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3302. All citations refer to the Kansas Statutes in effect 7/1/2021 unless otherwise noted.

It is not necessary to publish the UPOC in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary. The incorporating ordinance may also change sections. It is advised that cities changing section with a statutory citation should exercise care to ensure the changes do not conflict with state law.

The UPOC, in large part parallels the state criminal code. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to public offense in conflict with provisions of the UPOC and ordinances incorporating earlier editions of the UPOC should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 35<sup>th</sup> Edition (2019) of the UPOC, as adopted by the governing body on September 3, 2019. During the 2020 legislative session, changes were made to the UPOC in 2020 and the 36<sup>th</sup> Edition was published. At this time, the 37<sup>th</sup> Edition (2021) edition of the UPOC is available. We are recommending adoption of the 37<sup>th</sup> Edition with certain deletions and/or changes.

The following relevant changes were made in the 37<sup>th</sup> edition of the UPOC.

### CHANGES TO 37<sup>th</sup> EDITION (2021) OF THE UNIFORM PUBLIC OFFENSE CODE

1. **Section 1.1 Definitions.** Two definitions were modified in Section 1.1.: Class A Club and Drinking Establishment (HB 2137).
2. **Section 3.2.1 Sexual Battery.** Section 3.2.1 was amended to remove the spousal exception to sexual battery per SB 60. The editor's note was also update in response to *City of Shawnee v. Adem*, 58 Kan.App.2d 560 (2020).
3. **Section 5.5 Watercraft.** Section 5.5. was updated in response to SB 142's new requirements for approved personal flotation devices.
4. **Section 6.2 Intent; Permanently Deprive.** SB 60 made changes to this section of law when dealing with the theft of a motor vehicle. Those changes have been added to Section 6.2.
5. **New Section 6.7.2 Trespassing on a critical infrastructure facility.** SB 172 created several new criminal offense. One of the offense, trespassing on a critical infrastructure facility, is a misdemeanor and has been added to the UPOC in New Section 6.7.2.
6. **New Section 7.1 Unlawfully tampering with electronic monitoring equipment.** While not often used, municipal courts can required court ordered supervision in some instances. HB 2026 amended the offense of unlawfully tampering with electronic monitoring equipment. This has been added as new Section 7.1.
7. **New Section 7.5 Distribution of unattributed applications for advance voting ballots.** This is a new election offense created in HB 2323. It has been added as new Section 7.5.
8. **Section 7.14 Electioneering.** HB 2183 amended the offense of electioneering and added new limitations for when a ballot can be handled by a candidate.
9. **New Section 9.3 Violation of Executive Order under K.S.A. 48-925 mandating a curfew or prohibiting public entry.** The legislature made several changes to the Kansas Emergency Management Act in SB 40. One change relevant to the UPOC was making certain violations of executive orders mandating a curfew or prohibiting public entry criminal offense. This has been added as New Section 9.3.

10. **Section 11.3 Commercialization of Wildlife.** The Legislature fixed a grammatical error in K.S.A. 32-1005. This has been updated in Section 11.3.

The following relevant changes were made in the 36<sup>th</sup> edition of the UPOC that were continued in the 37<sup>th</sup> edition.

### **CHANGES TO 36<sup>th</sup> EDITION (2020) OF THE UNIFORM PUBLIC OFFENSE CODE**

1. **Section 1.1 Definitions.** The addition of definition “explosives” to Article 1, Section 1.1. Definitions.
2. **New Section 10.29 Violation of a Public Health Order** makes it a Class C violation to violate, refuse, or fail to comply with a written order from the County Health Officer. This section was added to mirror ordinances adopted in several cities during the COVID-19 pandemic as a mechanism for enforcement for county health orders through municipal court.
3. **Section 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.** On December 20, 2019 the President signed legislation amending the Federal Food, Drug, and Cosmetic Act. The Act made it illegal for a retailer to sell any tobacco product - including cigarettes, cigars, and e-cigarettes – to anyone under the age of 21. While Kansas has not raised the smoking age under state law, the League has made the decision to change the purchasing age of cigarettes to 21 to match federal law. A city can through the adoption of an ordinance make this stricter. The City has adopted a stricter ordinance so staff recommends this section be deleted and replaced.
4. **Section 10.1 Criminal Use of Weapons** deleted (a) 4-10, (d), € , (f) in compliance with K.S.A. 12-16,124 which prohibits a city from adopting or enforcing any ordinance governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carry, transporting or taxation of firearms or ammunition, or any component or combination thereof. Section (b) update to match the deletions in Section 10.1(a).
5. **Section 101.1 Criminal Carry of a Weapon** deleted (a)(4) to comply with the requirement of K.S.A. 12-16, 124.
6. **Section 10.2 Possession of a Firearm Under the Influence** was deleted to comply with K.S.A. 12-16, 124.
7. **Section 10.3 Criminal Distribution of Firearms to a Felon** was deleted to comply with K.S.A. 12-16, 124.

8. **Section 5.1.3 Unlawful Transmission of a Visual Depiction of a Child**, citation adjusted, changed to K.S.A. 21-5611
9. **Section 6.24** numbering was adjusted.
10. **Section 11.9 Commercial Gambling**, citation adjusted, changed to K.S.A. 21-6405.

We are recommending the passage of the ordinance adopting the 37<sup>th</sup> Edition with the following deletions and / or changes.

1. 10.24 (Smoking Prohibited), 10.25 (Smoking; Posting Premises), 10.26 (Smoking Prohibited; Penalties) and 11.11 (Cruelty to Animals) are specifically deleted and omitted.
2. Section 10.6, relating to bows and arrows, is hereby amended by adding the following exception: Exception: Operation of a bow and arrow is permitted in accordance with the provisions set forth in TMC 6.05.110.
3. Section 5.7, relating to selling, giving or furnishing cigarettes or tobacco products to a minor, is hereby deleted and the following language is substituted therefor:
  - (a) It shall be unlawful for any person to:
    - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, tobacco products or liquid nicotine to any person under 21 years of age; or
    - (2) Buy any cigarettes, electronic cigarettes, tobacco products or liquid nicotine for any person under 21 years of age.
  - (b) It shall be a defense to a prosecution under this section if:
    - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
    - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, tobacco products, or liquid nicotine to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco products or liquid nicotine; and
    - (3) To purchase or receive the cigarettes, electronic cigarettes, tobacco products or liquid nicotine, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or

apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco products or liquid nicotine.

(4) For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, tobacco products or liquid nicotine by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) The words and phrases in Section 5.7 of UPOC 2015 shall have the same meanings as defined in K.S.A. 79-3301, and amendments thereto. "Liquid nicotine" shall mean the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body. "Sale" shall mean any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes, electronic cigarettes, tobacco products or liquid nicotine with or without consideration.

(f) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Brent Trout, adopting the 2021 Uniform Public Offense Code (UPOC) and local amendments thereto, amending TMC 9.05.080.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 9.05.080, Uniform Public Offense Code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Uniform Public Offense Code.**

(a) Adoption. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Topeka, Kansas, the Uniform Public Offense Code for Kansas Cities, ~~35<sup>th</sup>~~37<sup>th</sup> Edition (~~2019~~2021), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, (hereinafter referred to as “UPOC ~~2019~~2021”) except for 10.24 (“Smoking Prohibited”), 10.25 (“Smoking; Posting Premises”), 10.26 (“Smoking Prohibited; Penalties”) and 11.11 (“Cruelty to Animals”), which are specifically deleted and omitted. One copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as adopted by Ordinance No. ~~20203~~\_\_\_\_\_,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of said ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Uniform Public Offense Ordinance, as amended, shall also be posted on the City’s website.

(b) Amendments.

(1) Section 10.6, relating to bows and arrows, is hereby amended by adding the following exception:

29                   Exception: Operation of a bow and arrow is permitted in accordance with  
30 the provisions set forth in TMC 6.05.110.

31                   (2) Section 5.7, relating to selling, giving or furnishing cigarettes or  
32 tobacco products to a minor, is hereby deleted and the following language is  
33 substituted therefor:

34                   (a) It shall be unlawful for any person to:

35                               (1) Sell, furnish or distribute cigarettes, electronic cigarettes,  
36 tobacco products or liquid nicotine to any person under 21 years of  
37 age; or

38                               (2) Buy any cigarettes, electronic cigarettes, tobacco  
39 products or liquid nicotine for any person under 21 years of age.

40                   (b) It shall be a defense to a prosecution under this section if:

41                               (1) The defendant is a licensed retail dealer, or employee  
42 thereof, or a person authorized by law to distribute samples;

43                               (2) The defendant sold, furnished or distributed the  
44 cigarettes, electronic cigarettes, tobacco products, or liquid nicotine  
45 to the person under 21 years of age with reasonable cause to  
46 believe the person was of legal age to purchase or receive  
47 cigarettes, electronic cigarettes, tobacco products or liquid nicotine;  
48 and

49                               (3) To purchase or receive the cigarettes, electronic  
50 cigarettes, tobacco products or liquid nicotine, the person under 21  
51 years of age exhibited to the defendant a driver's license, Kansas  
52 non driver's identification card or other official or apparently official

document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, tobacco products or liquid nicotine.

(4) For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, tobacco products or liquid nicotine by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) The words and phrases in Section 5.7 shall have the same meanings as defined in K.S.A. 79-3301, and amendments thereto. "Liquid nicotine" shall mean the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body. "Sale"

77 shall mean any transfer of title or possession or both, exchange, barter,  
78 distribution or gift of cigarettes, electronic cigarettes, tobacco products or  
79 liquid nicotine with or without consideration.

80 (fe) Violation of this section shall constitute a Class B violation  
81 punishable by a minimum fine of \$200.

82 Section 2. That section 9.40.045, Possession of firearm during commission of  
83 certain misdemeanors, of The Code of the City of Topeka, Kansas, is hereby repealed.

84 **~~Possession of firearm during commission of certain misdemeanors.~~**

85 ~~(a) Definitions.~~

86 ~~(1) "Firearm" shall mean any weapon designed or having the capacity to~~  
87 ~~propel a projectile by force of an explosion or combustion.~~

88 ~~(2) "Possess" shall mean to have on one's person or within the person's~~  
89 ~~immediate control.~~

90 ~~(b) It shall be unlawful to possess a firearm during the commission or attempted~~  
91 ~~commission of any of the following misdemeanors: battery, battery against a law~~  
92 ~~enforcement officer, sexual battery, assault, assault of a law enforcement officer,~~  
93 ~~unlawful restraint, violation of a protective order, stalking, theft, criminal trespass,~~  
94 ~~disorderly conduct, endangerment, and possession of controlled substances prohibited~~  
95 ~~by Chapter 9.50 TMC.~~

96 ~~(c) Any person who violates subsection (b) of this section within the corporate~~  
97 ~~limits of the City shall be guilty of a misdemeanor and shall be punished by a fine not to~~  
98 ~~exceed \$2,500, or by imprisonment not to exceed one year, or both such fine and~~  
99 ~~imprisonment.~~

100 Section 3. That original § 9.05.080 of The Code of the City of Topeka, Kansas,

is hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. 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 City Council on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



City of Topeka  
Council Action Form  
Council Chambers  
214 SE 8th Street  
Topeka, Kansas 66603  
[www.topeka.org](http://www.topeka.org)  
September 21, 2021

---

DATE: September 21, 2021  
CONTACT PERSON: Amanda Stanley, City Attorney DOCUMENT #:  
SECOND PARTY/SUBJECT: LeTiffany Obozele, Chief of Prosecution PROJECT #:  
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 142 Traffic and Vehicles  
CIP PROJECT: No  
ACTION OF COUNCIL: JOURNAL #:  
PAGE #:

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**DOCUMENT DESCRIPTION:**

**DISCUSSION concerning the 2021 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020.**

*(Approval will adopt the most recent version of the STO.)*

**VOTING REQUIREMENTS:**

Discussion only. No action required by the City Council.

**POLICY ISSUE:**

Whether to adopt the 2021 STO with most current statutory updates following the 2021 legislative session with recommended local amendments.

**STAFF RECOMMENDATION:**

Discussion only. Staff recommends the City Council move to adopt the ordinance when considered.

**BACKGROUND:**

The League of Kansas Municipalities (LKM) prepares and publishes the Standard Traffic Ordinance on an annual basis in July following the legislative session. This book is a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. This is also necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used.

**BUDGETARY IMPACT:**

One (1) Electronic Copy \$50  
Hard Copy Books \$9.00 per book.

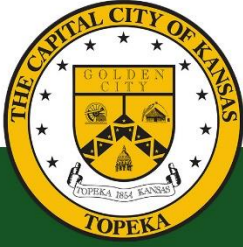
**SOURCE OF FUNDING:**

Prosecution Operating Budget

**ATTACHMENTS:**

**Description**

Memo - 48th Edition (2021) Standard Traffic Ordinance  
Ordinance



# CITY OF TOPEKA

Legal Department -- Criminal Prosecution  
215 SE 7<sup>th</sup> Street, Room 260  
Topeka, KS 66603

Tel: (785) 368-3910  
Fax: (785) 368-3104  
[www.topeka.org](http://www.topeka.org)

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## MEMORANDUM

To: Governing Body Members  
From: LeTiffany Obozele, Chief of Prosecution  
Re: 48<sup>th</sup> Edition (2021) of the Standard Traffic Ordinance  
Date: September 3, 2021

The purpose of this memo is to explain the proposed adoption of the 48<sup>th</sup> edition (2021) of the Standard Traffic Ordinance (STO). The STO is a codification of state laws that is published in book format by the League of Kansas Municipalities, which has been published since 1960. The publication is revised annually to remain consistent with the changes in state law, with the 48<sup>th</sup> edition (2021) being the most current version. It is designed to provide a comprehensive traffic code for Kansas cities. It does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference under the authority of, and by the procedure prescribed by, K.S.A. 12-3009 through 12-3012 and K.S.A. 12-3301 and 12-3301.

It is not necessary to publish the STO in a newspaper if it is properly incorporated by reference. It is only necessary to publish the incorporating ordinance. The incorporating ordinance may delete articles or sections that the governing body considers unnecessary for the city. The incorporating ordinance may also change sections, but where there is a statutory citation at the end of any section, care should be exercised not to change the language in such a manner as to conflict with the language of the statute (K.S.A. 8-2001).

The STO, in large part, parallels the state traffic act. Additional provisions for local regulations, if any, may be included in the incorporating ordinance. Previous ordinances relating to traffic in conflict with provision of this STO and ordinances incorporating earlier editions of the STO should be repealed by the incorporating ordinance.

Currently, the City of Topeka is operating under the 47<sup>th</sup> Edition (2019) of the STO, as adopted by the governing body on September 3, 2019. Due to the shortened legislative session, there were no changes to the STO in 2020. At this time, the 48<sup>th</sup> Edition (2021) of the STO is available. We are recommending adoption of the 48<sup>th</sup> Edition with certain deletions and/or changes.

The following relevant changes were made in the 48<sup>th</sup> edition of the STO.

### **CHANGES TO 48<sup>th</sup> EDITION (2021) OF THE STANDARD TRAFFIC ORDINANCE**

1. ***Article 1 Definitions.*** In Article 1 Definitions, the following have been amended: All-Terrain Vehicle (SB 95), Antique (HB 2165), Golf Cart (SB 95), and Recreational Off-Highway Vehicle (SB 95). There are also new definitions for Authorized Utility or Telecommunication Vehicle (SB 67), Funeral Escort (SB 67), Funeral Lead Vehicle (SB 67), and Funeral Procession (SB 67).
2. ***New Section 10.1 Funeral Procession; Section 119 Parades and Processions.*** SB 67 modified how funeral are treated under the traffic code. The STO previously contained provisions relating to funerals (that the organizers notify the chief of police, and that no driver not involved in the funeral procession insert themselves into the procession of vehicles) in sections 119, Parades and processions, and Section 120 Driving through Procession.

The new requirements in SB 67 are found in New Section 10.1 of the STO. The legislation sets out the duties of both the operators of vehicles in the funeral procession and of other vehicles and pedestrians who encounter funeral processions in the context of traffic laws and right-of-way at intersections. Cities are allowed to require prior notice of a planned general funeral procession and make additional requirements that go beyond, but are not in conflict with, the requirements of the act.

TMC 10.45 does create further rules for funeral escort vehicles but these rules are not in conflict with the new statutory provisions in SB 67. TMC 10.45 does not need to be modified at this time.

3. ***Section 30.4 Impounded Motor Vehicle.*** While this section was not modified, a new editor's note has been added drawing the reader's attention to SB 36 which amended the requirements for the disposition of such vehicle.
4. ***Section 31 Fleeing or Attempting to Elude a Police Officer.*** Section 31 has been amended to match the language in SB 60. The intent requirement has been modified to a knowingly standard (previously a willfully standard). The sentencing language has also been modified. SB 60 elevated certain offense to a felony.
5. ***New Section 40.2 Passing a Stationary Authorized Utility or Telecommunications Vehicle.*** SB 67 created a new traffic offense for failing to move over when approaching an authorized utility or telecommunications vehicle. This is contained in New Section 40.2.

6. ***Section 106 Transportation of Alcoholic Beverage.*** A new editor's note has been added to Section 106. HB 2137 made several changes to Kansas alcohol statutes regarding liquor and CMB to go; however, K.S.A. 8-1599 regarding the transportation of said liquor or CMB was not amended to reflect the changes. An editor's note has been added to explain this discrepancy and list the requirements establishments must follow under HB 2137.
7. ***Section 115 Unlawful Riding on Vehicles; Persons 14 years of age and older.*** An error in (c)(1) of this section was present in previous editions. It has been updated accordingly.
8. ***New Section 126.1.1 Display of License Plate.*** Section 126.1.1 has been added to the STO in response to HB 2167 which established new rules for the locations of license plates on certain types of vehicles.
9. ***Section 179 Spilling Loads on Highway.*** Section 179 has been amended to match the changes made in SB 89.
10. ***Section 201.1 Failure to comply with a Traffic Citation.*** Section 201.1 was amended in SB 127 to allow a person who is assessed a fine or court costs for a traffic citation to petition the court for waiver of payment of the fine or costs at any time if the amount due will impose a manifest hardship on the person or the person's immediate family. The corresponding section has been updated to match the changes to state law.

We are recommending the passage of the ordinance adopting the 48<sup>th</sup> Edition with the following deletions and / or changes.

1. Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.060 shall be substituted therefor.
2. Section 50 of the Standard Traffic Ordinance, relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220 shall be substituted therefor.
3. Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.
4. Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.100 shall be substituted therefor.

5. Section 107 of the Standard Traffic Ordinance, relating to unattended motor vehicles, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.125 shall be substituted therefor.

6. Section 116 of the Standard Traffic Ordinance, relating to driving upon sidewalks, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.127 shall be substituted therefor.

7. Section 119 of the Standard Traffic Ordinance, relating to parades and processions, is hereby declared to be and is omitted and deleted and the provisions set forth in Chapter 10.50 TMC shall be substituted therefor.

8. Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle paths, is hereby declared to be and is omitted and deleted.

9. Section 133(c), relating to bicycle pedals, is hereby amended by adding the following exception:

Exception: Subsection (c) shall not apply where the design of the pedal does not allow attachment of reflectors.

10. Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving while license canceled, suspended or revoked, is hereby declared to be and is omitted and deleted.

11. Section 195.1 of the Standard Traffic Ordinance, relating to operation of a motor vehicle when a habitual violator, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

12. Section 198 of the Standard Traffic Ordinance, relating to vehicle license – illegal tag, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.05.060 shall be substituted therefor.

13. Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in school zones, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.170 shall be substituted therefor.

(Published in the Topeka Metro News \_\_\_\_\_)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE introduced by City Manager Brent Trout, adopting the 2021 Standard Traffic Ordinance (STO) and local amendments thereto, amending TMC 10.15.010 and TMC 10.15.020.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 10.15.010, Incorporation of Standard Traffic Ordinance, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Incorporation of Standard Traffic Ordinance.**

(a) Generally – Copies. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Topeka, Kansas, the Standard Traffic Ordinance for Kansas Cities, 47<sup>th</sup> 48<sup>th</sup> Edition (~~2019~~2021), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections or parts or portions as are hereafter omitted, deleted, modified or changed. One copy of the Standard Traffic Ordinance shall be marked or stamped “Official Copy as Adopted by Ordinance No. 20202\_\_\_\_\_,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Standard Traffic Ordinance, as amended, shall also be posted on the City’s website.

(b) Traffic Infractions and Traffic Offenses.

(1) A traffic infraction is a violation of any section of this title or of the

Standard Traffic Ordinance that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118, and amendments thereto.

(2) All traffic violations which are included within this title and which are not traffic infractions as defined in subsection (b)(1) of this section shall be considered traffic offenses.

Section 2. That section 10.15.020, Amendments, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Amendments.**

The ~~2019~~<sup>48th</sup> Edition of the Standard Traffic Ordinance for Kansas Cities, as adopted by reference, shall be amended as follows:

(a) Section 33 of the Standard Traffic Ordinance, relating to maximum speed limits, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.060 shall be substituted therefor.

(b) Section 50 of the Standard Traffic Ordinance, relating to right, left and U-turns at intersection – obedience to, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.180, 10.20.190, 10.20.210, and 10.20.220 shall be substituted therefor.

(c) Section 67 of the Standard Traffic Ordinance, relating to pedestrians to use right half of crosswalks, is hereby declared to be and is omitted and deleted.

(d) Section 104 of the Standard Traffic Ordinance, relating to inattentive driving, is hereby declared to be and is omitted and deleted and the provisions set forth at TMC 10.20.100 shall be substituted therefor.

51 (e) Section 107 of the Standard Traffic Ordinance, relating to unattended motor  
52 vehicles, is hereby declared to be and is omitted and deleted and the provisions set  
53 forth at TMC 10.20.125 shall be substituted therefor.

54 (f) Section 116 of the Standard Traffic Ordinance, relating to driving upon  
55 sidewalks, is hereby declared to be and is omitted and deleted and the provisions set  
56 forth at TMC 10.20.127 shall be substituted therefor.

57 (g) Section 119 of the Standard Traffic Ordinance, relating to parades and  
58 processions, is hereby declared to be and is omitted and deleted and the provisions set  
59 forth in Chapter 10.50 TMC shall be substituted therefor.

60 (h) Section 131(d) of the Standard Traffic Ordinance, relating to usable bicycle  
61 paths, is hereby declared to be and is omitted and deleted.

62 (i) Section 133(c), relating to bicycle pedals, is hereby amended by adding the  
63 following exception:

64 Exception: Subsection (c) shall not apply where the design of the pedal does not  
65 allow attachment of reflectors.

66 (j) Section 194(b) and (c) of the Standard Traffic Ordinance, relating to driving  
67 while license canceled, suspended or revoked, is hereby declared to be and is omitted  
68 and deleted.

69 (k) Section 195.1 of the Standard Traffic Ordinance, relating to operation of a  
70 motor vehicle when a habitual violator, is hereby declared to be and is omitted and  
71 deleted and the provisions set forth at TMC 10.20.230 shall be substituted therefor.

72 (l) Section 198 of the Standard Traffic Ordinance, relating to vehicle license –  
73 illegal tag, is hereby declared to be and is omitted and deleted and the provisions set

74 forth at TMC 10.05.060 shall be substituted therefor.

75 (m) Section 204(b) of the Standard Traffic Ordinance, relating to fines doubled in  
76 school zones, is hereby declared to be and is omitted and deleted and the provisions  
77 set forth at TMC 10.20.170 shall be substituted therefor.

78 Section 3. That original § 10.15.010 and § 10.15.020 of The Code of the City  
79 of Topeka, Kansas, are hereby specifically repealed.

80 Section 4. This ordinance shall take effect and be in force from and after its  
81 passage, approval and publication in the official City newspaper.

82 Section 5. This ordinance shall supersede all ordinances, resolutions or rules,  
83 or portions thereof, which are in conflict with the provisions of this ordinance.

84 Section 6. Should any section, clause or phrase of this ordinance be declared  
85 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
86 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

87 PASSED AND APPROVED by the City Council on \_\_\_\_\_.

88 CITY OF TOPEKA, KANSAS

90  
91  
92  
93  
94 \_\_\_\_\_  
Michelle De La Isla, Mayor

95 ATTEST:

96  
97  
98  
99 \_\_\_\_\_  
100 Brenda Younger, City Clerk



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**www.topeka.org**  
September 21, 2021

---

**DATE:** September 21, 2021  
**CONTACT PERSON:** Sylvia Ortiz, **DOCUMENT #:**  
Councilmember  
**SECOND PARTY/SUBJECT:** Private Tow Operators **PROJECT #:**  
**CATEGORY/SUBCATEGORY** 006 Communication / 005 Other  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:** **JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**

**DISCUSSION concerning private towing of abandoned vehicles adding new Topeka Municipal Code Section 10.25.080.**

*(Approval would enable private towing operators to impose a lien on vehicles towed from private property and to auction the vehicles, in accordance with state law, if unclaimed by the vehicle owner.)*

**VOTING REQUIREMENTS:**

Discussion only. No action required by the City Council.

**POLICY ISSUE:**

Whether to enable private towing operators, in accordance with state law, to impose liens on vehicles towed from private property and to auction the vehicles, if unclaimed by the vehicle owner.

**STAFF RECOMMENDATION:**

Discussion only. Staff recommends the City Council adopt the ordinance when considered.

**BACKGROUND:**

K.S.A. 8-1103 authorizes a towing operator to place a lien on vehicles towed from private property and to auction vehicles that are not claimed by vehicle owners only if an ordinance is passed authorizing this activity and imposing the requirements of K.S.A. 8-1103: (1) establishing maximum tow/storage rates; (2) allowing vehicle owners to retrieve personal property within 48 hours; and (3) reporting the location of the vehicle to law enforcement within 2 hours of the tow.

A towing operator has requested that an ordinance be passed so that the business can take advantage of the state law.

The maximum rates for tow services/storage have already been adopted by Shawnee County for towing operators that participate in non-preference tows in situations where the owner doesn't select a particular towing operator.

**BUDGETARY IMPACT:**

There is no budgetary impact to the City.

**SOURCE OF FUNDING:**

Not Applicable.

**ATTACHMENTS:**

**Description**

Shawnee County Tow Rates  
Ordinance

Resolution No.  
HR-2015-2

FEB. 9,  
2015

2. These fees include clean up of all accident debris, including but not limited to the use of oil dry or a similar product to clean up any fluid spills.
3. A provider or other tow operator may charge a full day's storage fee for any portion of a day the vehicle is stored; provided, further that no fee shall be charged for any additional day if the vehicle is stored for the additional day as a result of the provider's failure to release the vehicle to the owner or authorized representative as required of authorized providers in this Article.
4. A provider may not limit payment of the towing and storing fees or motorist assist fees to cash only. A tow service provider must offer services and fees to be paid by credit card, debit card or travelers checks.

**Sec. 7-546 MAXIMUM CHARGES.**

The maximum authorized charges for towing, storage and other related services with respect to a vehicle having a licensed gross weight of 18,000 pounds or less towed by a provider or towed by any provider without the prior consent of the owner or operator of the vehicle, are as follows:

1. For towing, from pick-up point to delivery point, including the use of wheel lifts, rollback and flatbed, a maximum charge of:
  - A. \$100.00 for vehicle having a licensed weight gross weight of 12,000 pounds or less, plus \$3.00 per mile.
  - B. \$250.00 for trucks and other vehicles having a licensed gross weight of less than 18,000 pounds or having more than 4 wheels on the ground, plus \$4.00 per mile, but see subsection 12 below for trucks and other vehicles having a licensed gross weight of more than 18,000 pounds.

Subject to subsection 12 below, this charge includes clean up of all accident debris and spills, including but not limited to the use and removal of floor-dry or similar products to clean up any fluid spills.

2. For storage of a vehicle, a maximum charge of: \$30.00 per calendar day. Daily charges shall be determined for any portion of a calendar day the vehicle is stored, beginning at the time the vehicle is first placed in the storage lot; provided further that the tow company may only assess a storage charge for days that there is reasonable access to personnel who may respond to release the vehicle.

3. Exclusive of state recognized holidays, no additional charge shall be assessed for releasing a vehicle between the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday. For releasing a vehicle during all other times, a maximum charge of: \$35.00.
4. For dolly use in towing a vehicle, a maximum charge of: \$50.00. This charge is in addition to the basic tow service charge. A dolly charge cannot be assessed unless a dolly is necessary and actually used to tow the vehicle.
5. For winching only when necessary for recovery, a maximum charge of: \$150.00 per hour, prorated by each one-quarter (1/4) hour. This charge includes labor necessary to operate the winch but is in addition to the basic tow service charge.
6. For extraordinary labor for winching and securing the vehicle in excess of thirty (30) minutes, a maximum charge of: \$72.00 per hour, prorated by each one-quarter (1/4) hour. Extraordinary labor may only be charged for non-customary labor necessarily and actually incurred for removal of a vehicle or mechanically necessary to prepare the vehicle for towing, and any such charge shall be described in detail on the report. No additional charge may be assessed for the first thirty (30) minutes of extraordinary labor.
7. A tow company may assess reasonable additional charges for extraordinary situations that necessarily and actually require more than one wrecker. The charge for an additional wrecker shall not exceed the maximum charges provided for in this resolution for the first wrecker.
8. For the waiting or standby time after the wrecker has been at the scene for thirty (30) minutes, a maximum charge of: \$72.00 per hour, prorated by each one-quarter (1/4) hour. No additional charge may be assessed for the first thirty (30) minutes of wait or standby time.
9. For a motorist assist involving delivery of fuel, tire changes, unlocks, jump starts, and other services commonly associated with motorist assist, a maximum charge of: \$60.00, plus mileage provided above; provided, however, that the tow company may charge for materials, such as fuel, delivered.
10. If the owner or other authorized person in control of the vehicle arrives at the scene prior to removal or towing of the vehicle, and such person is capable of safely operating the vehicle and such vehicle is functional, the vehicle shall, upon request of such person, be disconnected from the towing or removal apparatus. That person shall be permitted to remove the vehicle without interference upon the payment of a reasonable charge of

not more than \$60.00, plus mileage, provided above, and no other charge shall be assessed.

11. For accidents requiring fluid clean up, a maximum charge of: \$25.00 for labor and \$5.00 for floor-dry or similar products to clean up any fluid spills. For extraordinary labor in the cleanup of accident debris and spills in excess of thirty (30) minutes, a maximum charge of: \$72.00 per hour, prorated by each one-quarter (1/4) hour. Extraordinary labor may only be charged for non-customary labor necessarily and actually incurred for removal of accident debris and fluids, and any charge shall be described in detail on the report. No additional charge may be assessed for the first thirty (30) minutes of extraordinary labor.
12. The maximum charges contained in this Article shall not apply to trucks and other vehicles having a licensed gross weight of more than 18,000 pounds.
13. Each tow company shall provide to each owner or authorized representative an itemized bill indicating the amount for each service provided.
14. Additional fees may not be charged based on environmental conditions, such as snow or ice or for time of day. Neither the County nor the requesting law enforcement agency shall be responsible for unpaid towing charges for such contract tows except as agreed to in writing by law enforcement or other County officials.

**Sec. 7-547 SEVERABILITY.**

If any provision of this Article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are severable.

**Sec. 7-548 PENALTY.**

1. Anyone who directly or indirectly violates any provision of this Article shall incur a civil penalty of \$250.00 and shall be removed from the list for a period of six (6) months.
2. Any penalty imposed by this provision shall be in addition to any other remedy at law or equity available to the County, including but not limited to damages for any failure to comply with the provisions of a contract.

1 (Published in the Topeka Metro News \_\_\_\_\_)

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE introduced by Councilmember Sylvia Ortiz, concerning private  
6 towing of abandoned vehicles, adding new § 10.25.080.

7  
8 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

9 Section 1. That The Code of the City of Topeka, Kansas, is hereby amended  
10 by adding a section, to be numbered 10.25.080, which said section reads as follows:

11 **Private wrecker; towing service.**

12 As required by K.S.A. 8-1103 and amendments thereto, whenever a private  
13 wrecker or tow service operator tows an abandoned vehicle, as defined in TMC  
14 10.25.010, the operator shall comply with the following requirements:

15 (a) The maximum rate for towing vehicles from private property shall not  
16 exceed the rates imposed by Shawnee County Home Rule Resolution No. 2015-2 and  
17 amendments thereto.

18 (b) An owner of a vehicle shall have access to personal property in such  
19 vehicle for up to 48 hours after such vehicle has been towed and such personal  
20 property shall be released to the owner.

21 (c) A tow operator shall report the location of the vehicle to local law  
22 enforcement within two hours of the tow.

23 Section 2. This ordinance shall take effect and be in force from and after its  
24 passage, approval and publication in the official City newspaper.

25 Section 3. This ordinance shall supersede all ordinances, resolutions or rules,  
26 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 4. 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 City Council on \_\_\_\_\_.

CITY OF TOPEKA, KANSAS

Michelle De La Isla, Mayor

ATTEST:

Brenda Younger, City Clerk



**City of Topeka**  
**Council Action Form**  
**Council Chambers**  
**214 SE 8th Street**  
**Topeka, Kansas 66603**  
**[www.topeka.org](http://www.topeka.org)**  
September 21, 2021

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**DATE:** September 21, 2021  
**CONTACT PERSON:**  
**SECOND PARTY/SUBJECT:** Public Comment  
Protocol  
**CATEGORY/SUBCATEGORY**  
**CIP PROJECT:** No  
**ACTION OF COUNCIL:**  
**DOCUMENT #:**  
**PROJECT #:**  
**JOURNAL #:**  
**PAGE #:**

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**DOCUMENT DESCRIPTION:**  
**PUBLIC COMMENT PROTOCOL**  
**VOTING REQUIREMENTS:**

**POLICY ISSUE:**

**STAFF RECOMMENDATION:**

**BACKGROUND:**

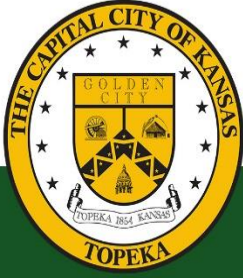
**BUDGETARY IMPACT:**

**SOURCE OF FUNDING:**

**ATTACHMENTS:**

**Description**

Zoom Meeting Protocol - Public Comment  
Procedures for Addressing the Governing Body



# CITY OF TOPEKA

City Clerk  
City Hall, 215 SE 7<sup>th</sup> Street, Room 166  
Topeka, KS 66603  
[www.topeka.org](http://www.topeka.org)

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## Zoom Meeting Protocol Public Comment

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- 1) Make sure your **Zoom name, email and/or phone number** matches what was submitted to the City Clerk when you signed up for public comment. **Any misnamed or unauthorized users will not be admitted to Zoom.**
- 2) Please keep your **mic muted** and your **camera off** until you are called by the Mayor to give your comment.
- 3) If you are cut off during your comment time due to an internet connection or technical issue, you will need to submit your comments in writing to the City Clerk at [cclerk@topeka.org](mailto:cclerk@topeka.org) or 215 SE 7<sup>th</sup> Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 4) If you break any of the public comment rules, you will receive one warning from the Mayor. If you continue any prohibited behavior, you will be removed from the Zoom meeting room and will not be allowed to rejoin.
- 5) Public comment is limited to four minutes. You may receive an extension at the discretion of the Governing Body. The timer will be visible to you in the 'City of Topeka Admin' window on the Zoom app. Call-in users will hear one beep when a minute is remaining and then another beep when time has expired.
- 6) Please **do not share the Zoom login information** with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

## **PROCEDURES for Addressing the Governing Body**

In accordance with Governing Body Rules, the following protocols for public comment apply.

- Each person shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.
- The following behavior will not be tolerated from any speaker:
  - Uttering fighting words
  - Slander
  - Speeches invasive of the privacy of individuals (no mention of names)
  - Unreasonably loud speech
  - Repetitious speech or debate
  - Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding officer (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be removed from the Zoom meeting room.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.