



City Council Chambers 214 SE 8th
Street, 2nd Floor Topeka KS 66603
<https://www.topeka.org>

Governing Body Agenda

June 11, 2024
6:00 PM

Mayor: Michael A. Padilla

Councilmembers

Karen A. Hiller	District No. 1	Marcus D.L. Miller	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
David Banks	District No. 4	Michelle Hoferer	District No. 9
Brett D. Kell	District No. 5		

Interim City Manager: Richard U. Nienstedt

Addressing the Governing Body: Public comment for the meeting will be available via Zoom or in-person. Individuals must contact the City Clerk's Office at 785-368-3940 or via email at cclerk@topeka.org by no later than 5:00 p.m. on the date of the meeting, after which the City Clerk's Office will provide Zoom link information and protocols prior to the 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 meeting or to the City Clerk's Office located at 215 SE 7th Street, Room 166, Topeka, Kansas, 66603 or via email at cclerk@topeka.org on or before the date of the meeting for attachment to the meeting minutes.

If you need any accommodations for the meeting, please contact the City ADA Coordinator at 785-368-4470. Kansas Relay Service at 800-766-3777. Please provide a 48 Hour Notice if possible. Assistive listening devices are available for use in the community forum.

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>.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. APPOINTMENTS:

A. Board Appointment - Washburn University Board of Regents

BOARD APPOINTMENT recommending the reappointment of John Nave to the Washburn University Board of Regents for a term ending June 30, 2028. *(Council District No. 4)*

B. Board Appointment - Topeka Sustainability Advisory Board

BOARD APPOINTMENT recommending the reappointment of Michaela Saunders to the Topeka Sustainability Advisory Board for a term ending June 30, 2026. *(Council District No. 9)*

C. Board Appointment - Human Relations Commission

BOARD APPOINTMENT recommending the appointment of Luc Bensimon to the Topeka Human Relations Commission to fill a term ending June 30, 2026. *(Council District No. 2)*

D. Board Appointment - Topeka Housing Authority Advisory Board

BOARD APPOINTMENT recommending the appointment Alisa Snavelly to the Topeka Housing Authority Advisory Board to fill a term ending June 12, 2028. *(Council District No. 7)*

3. PRESENTATIONS:

- **Land Bank Update**
- **2024 Legislative Session Update**

4. CONSENT AGENDA:

A. Resolution - Fellowship Hi-Crest - Noise Exception

RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Fellowship Hi-Crest an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. *(Council District No. 3)*

(Approval would allow for outdoor amplified music and sound during the hours of 6:00 p.m. and 11:00 p.m., at 455 SE Golf Park Blvd on June 29, 2024.)

B. MINUTES of the regular meeting of June 4, 2024

C. APPLICATIONS:

5. ACTION ITEMS:

A. Public Hearing and Ordinance - 660 NE Highway 24 Sanitary Sewer Improvement Project 401098.00 - Special Assessment

PUBLIC HEARING for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer Improvement Project No. 401098.00 at 660 NE Hwy 24, authorized by Resolution of Advisability and Authorization No 9303, adopted and approved April 19, 2022.

ORDINANCE introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of 660 NE Highway 24 for Sanitary Sewer Improvement Project No. 401098.00, as defined and described in Resolution No. 9303 adopted and approved on April 19, 2022.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would levy special assessments for sanitary sewer improvements near 660 NE Highway 24. Total cost of improvements is \$150,000 to be paid 100% by the Improvement District over 20 years.)

B. Public Hearing and Ordinance - Sherwood Park Subdivision No. 9 Street Improvement 601132.00 - Special Assessment

PUBLIC HEARING for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 601132.00 for Sherwood Park Sub-Division 9, authorized by Resolution of Advisability and Authorization No 9279, adopted and approved December 14, 2021, as amended by Resolution Nos. 9330 and 9539.

ORDINANCE introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Sherwood Park Sub-Division No. 9 for Street Improvement Project No. 601132.00, as defined and described in Resolution No. 9279, adopted and approved on December 14, 2021, as amended by Resolution Nos. 9330 and 9539.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would levy special assessments for street improvements in the subdivision. Total cost of improvements is \$1,028,889.34 to be paid 100% by the Improvement District over 20 years.)

C. Resolution - Approving Budget Exceeding \$250,000 - Waterline Improvement Project Nos. 281250.02; 281300.02 and 281301.02

RESOLUTION introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 281250.02, 281300.02 and 281301.02 for water line improvements in Westboro for SW Lakeside Drive, SW Westover Road. and SW 15th Street *(Public Infrastructure Committee recommended approval on May 21, 2024.)*

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval of total project budget of \$7,564,859 for complete replacement of water distribution within Westboro Subdivision.)

D. Charter Ordinance - Powers of Appointment and Approval

CHARTER ORDINANCE introduced by Councilmember Neil Dobler regarding powers of appointment and removal, amending Section 19 and Section 21 of Charter Ordinance No. 94, codified at A2-52 and A2-54 of the Topeka Municipal Code.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will add to charter a provision requiring the City Manager provide meaningful opportunity for input prior to the appointment of the City Attorney and a provision requiring Governing Body approval of the removal of the City Attorney.)

E. Ordinance - City Attorney Appointment

ORDINANCE introduced by Councilmember Neil Dobler, concerning appointment of the City Attorney, amending Section 2.20.070 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will revise the ordinance to allow the Governing Body to provide meaningful input to the City Manager on the proposed appointee.)

F. Ordinance - Parking on Residential Property

ORDINANCE introduced by Councilmember Neil Dobler concerning parking of vehicles on residential property, amending Section 10.60.120 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will clarify who the responsible party is for violations of this ordinance.)

G. Resolution - Hotel Topeka Bond Intent

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt determining the City of Topeka's intent to reimburse itself for certain capital expenditures in connection with the operation of Hotel Topeka.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(The resolution states the intent of the City to reimburse itself for certain capital expenditures in connection with the operation of Hotel Topeka should it issue bonds at a later date. The resolution does not issues bonds.)

6. NON-ACTION ITEMS:

A. Review - City's Form of Government and Citizen Review Committee

REVIEW of the City's Form of Government and Citizen Government Review Committee pursuant to Topeka Municipal Code Chapter 2.210.

(Staff will provide an overview of the current form of government in advance of the 2025 Citizen

7. PUBLIC COMMENT:

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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:

- Members appointed under this subsection shall be residents of the state.
- One member shall be appointed by the Board of County Commissioners of Shawnee County and shall hold office as provided in K.S.A. 13-13a06 and amendments thereto; such member shall reside in Shawnee County, but outside the city.
- One member shall be the mayor or another member of the council who is selected by the mayor.
- One member shall be a member of the state board of regents selected by the state board at its regular meeting in September of each year, to serve as a member of the board of regents for the ensuing year.

Council nominations not required.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

J. Nave - Reappt Application

City of Topeka Boards and Commissions Application

Submitted on 16 April 2024, 3:27PM
Receipt number 236
Related form version 8

Profile

First Name John
Last Name Nave
Email Address noblenave@att.net
Street Address 2026 S.E. Turnpike Ave
Suite or Apt
City Topeka
State Kansas
Zip 66605
Are you a resident of the City of Topeka? Yes
What district do you live in? District 4
Primary Phone 7852077837
Alternate Phone 7859257292
Employer Kansas AFL-CIO
Job Title Executive Vice-president
Which Board would you like to apply for? Washburn Board of Regents
Are you a registered voter? Yes
Are you currently a full or part-time employee of the City of Topeka? No
Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

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

Please explain your delinquent payment situation.

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

I'm currently on the board and I feel we have an excellent group of leaders and it's been great time for Washburn and Topeka. I know I will continue to bring my energy, enthusiasm, and commitment to the board, the president and her administration. I want to make Washburn University the leading learning institution in the state of Kansas.

Interests & Experiences

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

My mid-west roots, sacrifices, and diverse career moves paved his path to commitment to service in all communities and passion for people, culture, equity and inclusion, transformation and change, and non-profit leadership governance has allowed me to develop a new leadership style and outreach.

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.) None

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[John Nave Resume 2022.docx](#)

Voluntary Self Identification

Ethnicity African American

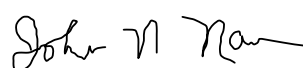
Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

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

Your electronic signature



[Link to signature](#)

Alternative electronic signature

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.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka Sustainability **PROJECT #:**
Advisory Board
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the reappointment of Michaela Saunders to the Topeka Sustainability Advisory Board for a term ending June 30, 2026. (Council District No. 9)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The Topeka Sustainability Advisory Board promotes environmental awareness and advocates for policies that support sustainability specifically including, but not limited to, environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka, and to enhance the quality of life by improving the City's efforts in these areas.

STAFF RECOMMENDATION:

Councilwomen Hoferer nominates and Mayor Padilla recommends the reappointment of Michaela Saunders to the Topeka Sustainability Advisory Board for a term ending June 30, 2026. This position will be an At-Large position.

BACKGROUND:

In accordance with City Code 2.95.020, the Sustainability Advisory Board shall consist of nine members and be residents of the City of Topeka. After the initial appointment of the board, all members shall serve two (2) year terms unless appointed to fill out an unexpired term. At least five (5) of the nine (9) board members shall be currently licensed, have a degree in, be engaged in, or have substantial past experience in the fields of environmental awareness, waste reduction, recycling, energy conservation and/or natural resource conservation or a similar field relating to the environment or conservation.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

M. Saunders - Reappt Application

City of Topeka Boards and Commissions Application

Submitted on 14 May 2024, 12:58PM
Receipt number 240
Related form version 8

Profile

First Name Michaela

Last Name Saunders

Email Address michaelarsaunders@gmail.com

Street Address 1538 SW Chelsea Dr. #6

Suite or Apt

City Topeka

State Kansas

Zip 66604

Are you a resident of the City of Topeka? Yes

What district do you live in? District 9

Primary Phone 7854711751

Alternate Phone

Employer Washburn University

Job Title Lecturer of Leadership Studies

Which Board would you like to apply for? Topeka Sustainability Advisory Board

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

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

Please explain your delinquent payment situation.

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

I would like to continue my service to the Topeka Sustainability Advisory Board for a fourth term. The board continues to make progress toward important goals for our community and I'm eager to work with the council and incoming city manager to continue that work.

Interests & Experiences

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

PhD student in leadership communication, Kansas State University
Master of Liberal Studies, Washburn University
Bachelor of Arts in Journalism and Mass Communication, Iowa State University
2015 Leadership Greater Topeka
2018 Topeka 20 Under 40
Currently serving on the Board of Trustees for Topeka Collegiate School and Topeka Civic Theatre and Academy.
Member, Association of Leadership Educators

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.) NA

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Saunders-CV-202404.docx](#)

Voluntary Self Identification

Ethnicity Prefer not to answer

Gender Female

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

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

Your electronic signature

Alternative electronic signature

Michaela R. Saunders

Notification to applicants for City Board/Commissions

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Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Mayor Michael A. Padilla **DOCUMENT #:**
SECOND PARTY/SUBJECT: Human Relations **PROJECT #:**
Commission
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Luc Bensimon to the Topeka Human Relations Commission to fill a term ending June 30, 2026. (*Council District No. 2*)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

Ordinance 18382. The purpose of the Topeka Human Relations Commission is to endeavor to eliminate prejudice among various racial, ethnic and other groups in the city, and to further goodwill among all people of the city.

STAFF RECOMMENDATION:

Councilwoman Valdivia-Alcala nominates and Mayor Padilla recommends the appointment of Luc Bensimon to the Topeka Human Relations Commission to fill a term ending June 30, 2026. Mr. Bensimon is a resident of Topeka as required for nomination.

BACKGROUND:

This is a City-created board where the City Council nominates and the Mayor appoints. The board shall be comprised of nine members and serve two-year terms. Members shall be drawn from diverse racial, ethnic, commercial, industrial and other segments of the community and shall be city residents. Members shall serve without compensation.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

L. Bensimon - Reappt Application

City of Topeka Boards and Commissions Application

Submitted on 15 May 2024, 3:38PM
Receipt number 243
Related form version 8

Profile

First Name Luc

Last Name Bensimon

Email Address lucmalikbensimon@gmail.com

Street Address 1898 NE Burgess Ct

Suite or Apt

City Topeka

State Kansas

Zip 66608

Are you a resident of the City of Topeka? Yes

What district do you live in? District 3

Primary Phone 7857306183

Alternate Phone

Employer National Black Trans Advocacy Coalition

Job Title Client Services Agent

Which Board would you like to apply for? Human Relations Commission

Are you a registered voter? Yes

Are you currently a full or part-time employee of the City of Topeka? No

Which department do you work for?

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

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

Please explain your delinquent payment situation.

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

I am interested in serving on this board to service the needs of the community we are helping. I also want to make sure that there is representation and inclusion of the black transgender community. It is important for me to educate and learn about other cultures and communities in Topeka.

Interests & Experiences

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

I am a 51-year-old man of Trans experience born and raised in Topeka, Kansas. I was born with 3 strikes against me being assigned female at birth, being Afro-American and born with a disability all of which I have been discriminated against in different areas of my life. I have two degrees in Human Services youth and children emphasis and a BA in Criminal Justice. Precinct committeeman in Ward 1 precinct 3. I My true passion Trans people of color. Received BTAC man of the year 2023.

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.) N/A

**Please upload a resume or any additional information you believe may be helpful in considering your application.

Voluntary Self Identification

Ethnicity African American

Gender Male

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

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

Your electronic signature



[Link to signature](#)

Alternative electronic signature

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DATE: June 11, 2024
CONTACT PERSON: Mayor Michael A. Padilla
DOCUMENT #:
SECOND PARTY/SUBJECT: Topeka Housing Authority Advisory Board
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment Alisa Snavelly to the Topeka Housing Authority Advisory Board to fill a term ending June 12, 2028. (Council District No. 7)

VOTING REQUIREMENTS:

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

POLICY ISSUE:

The Topeka Housing Authority Advisory Board plans and studies the public housing needs of the City and to make recommendations to City officials.

STAFF RECOMMENDATION:

Mayor Padilla recommends the appointment of Alisa Snavelly for a term that would end June 12, 2028. (Council District No. 7)

BACKGROUND:

The board shall consist of five members appointed by the Mayor; one of which must be a client of the housing authority. Members shall serve four-year terms on volunteer basis. Council nominations are not required.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

A. Snavelly - THA Application

City of Topeka Boards and Commissions Application

Submitted on	24 May 2024, 11:52AM
Receipt number	246
Related form version	8

Profile

First Name	Alisa
Last Name	Snavelly
Email Address	asnavelly@btco.cpa
Street Address	3364 SW Westport Drive
Suite or Apt	
City	Topeka
State	Kansas
Zip	66614
Are you a resident of the City of Topeka?	Yes
What district do you live in?	District 7
Primary Phone	7852496671
Alternate Phone	7852343427
Employer	BT&Co. P.A.
Job Title	Director
Which Board would you like to apply for?	Topeka Housing Authority Advisory Board
Are you a registered voter?	Yes
Are you currently a full or part-time employee of the City of Topeka?	No
Which department do you work for?	

Are you or any immediate family member related to any city governmental official or employee? No

Who are you related to and how are you related?

Are you or have you been a party to any civil litigation involving the City of Topeka? No

Please explain the litigation and your role in it:

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

Please explain your delinquent payment situation.

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

THA does amazing work, and I have previously served as a THA Commissioner from July 2014 through March 2020 but had to resign due to an audit independent issue between THA and my CPA firm, BT&Co. P.A.

Interests & Experiences

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

My accounting degree is from Emporia State University, and I've been a CPA since 1999 and am a member of the AICPA and KSCPA. I am also a member of the Downtown Topeka Rotary Club and currently serve on the Club's Foundation Board. I have volunteered with Meals on Wheels, TSCPL, TARC, UW and through my church, Fairlawn Nazarene.

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.)

Kansas CPA license

**Please upload a resume or any additional information you believe may be helpful in considering your application.

[Alisa.jpg](#)

Voluntary Self Identification

Ethnicity Caucasian/Non-Hispanic

Gender Female

Acknowledgements and Verification

Purpose of Information being submitted. I Agree

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

Your electronic signature

Alex D. Snavely

[Link to signature](#)

Alternative electronic signature

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DATE: June 11, 2024
CONTACT PERSON: Quinn Cole,
Management Analyst;
Whitney Damron, City
of Topeka Lobbyist
DOCUMENT #:
SECOND PARTY/SUBJECT: Land Bank
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

- Land Bank Update
- 2024 Legislative Session Update

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

Description

Land Bank Update Presentation
Land Bank Ordinance 20426 (May 16, 2023)
2024 Legislative Report Memo - W. Damron



CITY OF
TOPEKA



Land Bank Update

Quinn Cole, Management Analyst

Rhiannon Friedman, Director of Planning and Development

Agenda

3-4 | Introduction to the Land Bank

5-6 | Activities to Date

7 | Next Steps



Introduction to the Land Bank

- Adopted May 2023 after recommendation from the 2020 housing study.
- The purpose of the Land Bank is to serve the public purpose of providing for the orderly, planned, and reutilization of abandoned, tax-foreclosed, or otherwise underutilized residential properties.
- \$500,000 fully funded operating budget for a 3-year pilot period.



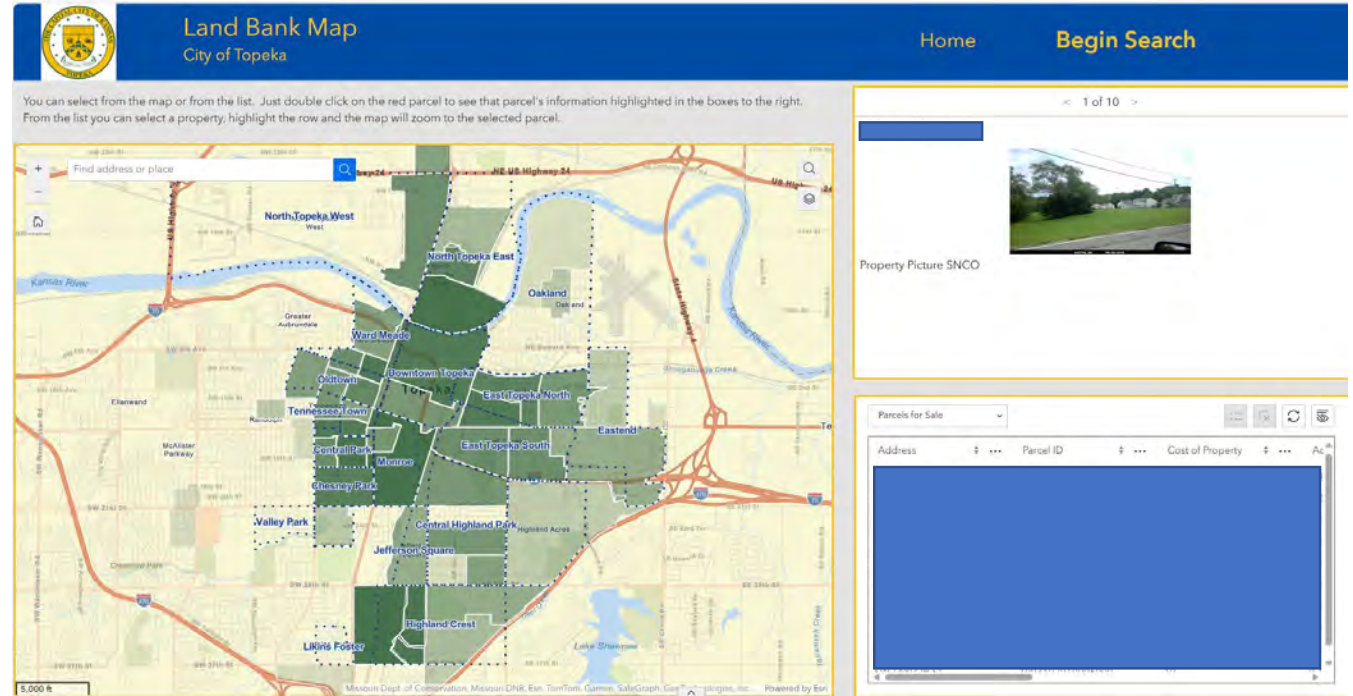
Introduction to the Land Bank

- Governed by a five member board of trustees appointed by the mayor, including one city council member, one city staff member, one resident representing and NIA, and two residents at-large. Terms end Dec 2024.
- Properties can be acquired through market purchases, donation, tax sale, or transfer only.



Activities to Date

- Nov '23 – gathered our board of trustees for our inaugural meeting.
- Designed administrative processes and framework.
- Collaborated with IT to get a webpage and interactive inventory map.



Activities to Date

- Selected the first set of lots for transfer into the Land Bank
 - Collaborated with code, fire, public works, utilities, and planning to identify prime developable vacant lots already owned by the city .
 - City-owned lots to be transferred as of 6/25/24 board of trustees meeting
 - The same team has also identified five vacant structures for long term acquisition.



Next Steps

- Acquiring selected parcels as official Land Bank inventory.
- Designing and initiating a process for acquiring parcels with vacant structures.
- Launching to the public for business in late June.
- Marketing our inventory to initiate a first sale of land.



1 (Published in the Topeka Metro News May 22, 2023)

2
3 **ORDINANCE NO. 20426**

4
5 AN ORDINANCE introduced by Councilmember Spencer Duncan establishing a land
6 bank and creating new Chapter 2.260 in the Topeka Municipal
7 Code.

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

10
11 Section 1. That the Code of the City of Topeka, Kansas, is hereby amended
12 by adding a section to be numbered 2.260.010, which said section reads as follows:

13 **Establishment and purpose.**

14 The governing body of the city, by the power vested in it by K.S.A. 12-5901 et
15 seq., hereby establishes the City of Topeka Land Bank. The land bank shall serve the
16 public purpose of providing for the orderly, planned and reutilization of abandoned, tax-
17 foreclosed or otherwise underutilized properties.

18 Section 2. That the Code of the City of Topeka, Kansas, is hereby amended
19 by adding a section to be numbered 2.260.020, which said section reads as follows:

20 **Definitions.**

21 For the purpose of this chapter, the words set out in this section shall have the
22 following meanings:

23 Board means the board of trustees of the land bank established pursuant to this
24 chapter.

25 Bank means the land bank established pursuant to this chapter.

26 City means the City of Topeka, Kansas.

27 Governing Body means the governing body of the City.

28 Land Bank Act means K.S.A. 12-5901 et seq. and amendments thereto.

29 Section 3. That the Code of the City of Topeka, Kansas, is hereby amended
30 by adding a section to be numbered 2.260.030, which said section reads as follows:

31 **Board of trustees; appointment, terms.**

32 (a) The Board shall consist of five members who reside within the boundaries of
33 the City or Shawnee County. One member shall be a member of a neighborhood
34 improvement association established pursuant to TMC 2.25.050; one member shall be
35 an employee of the City designated by the city manager; and one member shall be a
36 City Council member.

37 (b) Board members shall be appointed by the Mayor and approved by the City
38 Council. Board members' terms shall commence upon approval of the appointment by
39 the City Council and terminate on the earlier of (1) December 31, 2026; or (2) on the
40 date the Bank is dissolved, by ordinance, pursuant to K.S.A. 12-5902(d) and
41 amendments thereto.

42 Section 4. That the Code of the City of Topeka, Kansas, is hereby amended
43 by adding a section to be numbered 2.260.040, which said section reads as follows:

44 **Staff and operations.**

45 (a) Staff. The city manager may allocate such staff as is necessary for the
46 performance of the functions and purposes of the Bank. Additional support may be
47 contracted, as necessary.

48 (b) Operating funds. The city manager may utilize City operating funds
49 allocated by the Governing Body to pay the expenses of the Board and the Bank.

50 (c) Operations. The duties of the Bank shall include, but are not limited to, the
51 following:

52 (1) Establish annual budgets for submission to and approval by the
53 Governing Body. The budget must be submitted to the Governing Body prior to
54 June 1 of each year and include, at a minimum, the amounts designated for
55 staffing, land acquisition, demolition, renovation, maintenance, upkeep and new
56 construction development.

57 (2) Provide an annual report to the Governing Body on or before
58 January 31 of each year, in accordance with K.S.A. 12-5903(f) and amendments
59 thereto.

60 (3) Comply with the Topeka Land Bank Administrative Policy
61 Guidelines approved by the Governing Body.

62 (4) Perform and do all things and acts necessary to carry out the
63 statutory purposes of the Land Bank Act.

64 (d) Audits. As required by K.S.A. 12-5903 and amendments thereto, the
65 receipts and disbursements of the Board shall be audited yearly by a certified or
66 licensed public accountant and the audit report shall be included in the annual report of
67 the Board.

68 Section 5. That the Code of the City of Topeka, Kansas, is hereby amended
69 by adding a section to be numbered 2.260.050, which said section reads as follows:

70 **Property available for inclusion.**

71 (a) Property available for inclusion in the Bank shall include, but not be
72 limited to:

73 (1) Property currently held in the name of the City;

74 (2) Property donated by other governmental entities;

75 (3) Property purchased by the Board to complement properties in the
76 Bank; and

77 (4) Property offered to and accepted by the Board.

78 (b) Pursuant to K.S.A. 12-5906 and amendments thereto, any property
79 acquired by the City may be transferred to the Bank. The Board may accept or refuse
80 to accept any property. The transfer of any property pursuant to this section shall not
81 be subject to any bidding requirement and shall be exempt from any provision of law
82 requiring a public sale.

83 (c) The fee simple title to any real estate that is sold to Shawnee County in
84 accordance with K.S.A. 79-2803 and 79-2804 and amendments thereto, if accepted by
85 the Board, may be transferred to the Bank by a good and sufficient deed by the County
86 Clerk upon a written order from the Board of County Commissioners.

87 Section 6. That the Code of the City of Topeka, Kansas, is hereby amended
88 by adding a section to be numbered 2.260.060, which said section reads as follows:

89 **Administration of property.**

90 Pursuant to K.S.A. 12-5907 and amendments thereto, the Board shall assume
91 possession and control of any property acquired by it and shall hold and administer
92 such property. In the administration of property, the Board shall:

93 (a) Manage, maintain and protect or temporarily use for a public
94 purpose such property in the manner the Board deems appropriate;

95 (b) Compile and maintain a written inventory of such property;

96 (c) Study, analyze and evaluate potential, present and future uses for
97 such property which would provide for its effective reutilization;

98 (d) Plan for and use the Board's best efforts to consummate a sale or
99 other disposition of Bank property upon such terms and conditions deemed
100 appropriate, except that the Board shall not transfer any property to be utilized as
101 rental property; and

102 (e) Sell property acquired by the Bank upon such terms and conditions
103 allowed by K.S.A. 12-5908 and amendments thereto.

104 Section 7. That the Code of the City of Topeka, Kansas, is hereby amended by
105 adding a section to be numbered 2.260.070, which said section reads as follows:

106 The City Manager shall have authority to veto any recommendations of the Board
107 as it relates to purchases, acquisitions, sales and transfers of property.

108 Section 8. This ordinance shall take effect and be in force on ~~May~~ July 1, 2023
109 after its passage, approval and publication in the official City newspaper. Pursuant to
110 K.S.A. 12-5902(d), the Bank will be dissolved on December 31, 2026; or by ordinance
111 prior to December 31, 2026.

112 Section 9. All ordinances, resolutions or rules, or portions thereof, inconsistent
113 with the provisions of this ordinance are hereby rescinded or repealed.

114 Section 10. Should any section, clause or phrase of this ordinance be declared
115 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
116 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

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PASSED AND APPROVED by the Governing Body May 16, 2023.



CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk



WHITNEY B. DAMRON, P.A.

919 South Kansas Avenue
Topeka, Kansas 66612
(785) 224-6666
wbdamron@gmail.com
www.wbdpa.com

TO: Interim City Manager Richard Nienstedt
City Attorney Amanda Stanley
City of Topeka Governing Body

CITY OF TOPEKA

FROM: Whitney Damron

RE: Legislative Update

DATE: Prepared for June 11, 2024

The Kansas Legislature adjourned the 2024 Veto Session/Legislative Session Sine Die shortly after midnight on Wednesday, May 1. During the four days the Legislature was in session for the Veto Session, the Legislature again failed to override the Governor's veto of a tax bill and sent another one to the Governor before leaving town even though representatives of the Governor's office indicated that bill would be vetoed as well. And it was.

The Governor has yet to formally call for a Special Session to consider yet another tax bill, but at this writing it appears the call back date will be Monday, June 17 for a likely two-day Special Session. While the reason for calling a Special Session by the Governor will be to consider a new tax bill, any and all issues are fair game for consideration.

In addition to a tax bill, a STAR Bond economic development bill crafted to lure a major league sports team to Kansas was left hanging at the end of the Veto Session and may return as well. In the midst of the Veto Session, the Kansas City Chiefs announced they would consider alternative sites to Arrowhead in Kansas City, Missouri as a home for the team and the Kansas City Royals continue to have challenges negotiating with Jackson County following the failure of a sales tax extension vote in early April in Jackson County, Missouri that would have help finance stadium renovations for both teams.

The COT provided testimony on more than twenty bills this year and most went the City's way by the time all was said and done, although there were exceptions.

As mentioned, the Legislature sent another comprehensive tax bill to the Governor during the Veto Session, SB 37, which was vetoed. Another tax bill accompanying SB 37 was HB 2096 that included eight components, including the so-called "government competition" language that would provide a property tax credit to certain taxpaying entities that "compete" with government-subsidized or government operated entities (e.g., health clubs, childcare facilities, and restaurants).

2024 Issues

In my First Adjournment Report dated April 8, I noted the City of Topeka took a position on more than 20 bills this year. Testimonies were presented or submitted to the Legislature from Interim City Manager Nienstedt, Amanda Stanley and the City Attorney's office, the prosecutor's office, municipal court, land use planning, the Chief of Police and more.

During the session the City identified particular bills that only the City of Topeka saw concerns with, which at times made it more difficult to get other municipalities engaged. At other times we were able to collaborate with the League of Kansas Municipalities, other cities, and municipal representatives advocating for common goals. That said, all in all, we held our own and successfully derailed most of the bad bills this year collectively or singularly.

A summary of bills, positions taken, and results are highlighted as follows:

SB 8 Public/Private Competition (one of several components to this bill).

This issue was amended into HB 2096 and eventually sent to the Governor, where it was vetoed.

SB 196 Reinstating LAVTR.

COT supported the State funding LAVTR. In the major tax bills of the session, language repealing LAVTR was included. Legislative leadership suggests statutory authority for LAVTR is no longer appropriate given the fact the Legislature has not funded the program in more than twenty years. LAVTR is still good law, but unlikely to see funding ever return absent some negotiated resolution with the Legislature.

SB 318 AN ACT concerning municipal courts; fingerprinting requirements.

The House Corrections and Juvenile Justice Committee removed the contents of this bill and placed unrelated language into the bill and passed it out. The COT was opposed to the underlying bill and was a leader in the statehouse with concerns.

SB 346 Restricting cities and counties from proposing zoning changes.

COT opposed; bill failed to advance.

SB 349 AN ACT concerning the passenger rail service program; establishing the intercity passenger rail service program; making transfers annually into the passenger rail service revolving fund; amending K.S.A. 75-5089 and repealing the existing section.

COT supported. Passed the Senate, but not scheduled for hearings in the House. The reason for no hearing being scheduled given was lack of a strategic plan/comprehensive study for the rail program (e.g., funding source, operations, public support, etc.).

SB 373 Prohibiting public money used for lobbying.

COT opposed; bill failed to advance.

SB 448 Municipal Court; Determination of competency.

COT opposed; bill failed to advance. The COT was opposed to the bill as was a leader in the statehouse with concerns. It is possible the issue will be studied during the interim by Judicial Council.

SB 457 Prohibit the use of Eminent Domain Authority for Solar.

Amended into SB 455. No effort to impact local government eminent domain authority.

SB 458 Civil Asset Forfeiture.

COT originally opposed. Civil Asset Forfeiture was passed in SB 458 as a compromise bill and signed by the Governor. **HB 2806** was the House bill on this subject and was considered less onerous and more favorable to stakeholders than the Senate version. Law enforcement generally supported the House version.

SB 468 Prohibit cities or counties that grant certain property tax exemptions from exceeding their revenue neutral rate.

COT opposed; bill failed to advance.

SB 474 Eliminating the administrative ordinance restriction.

COT opposed; bill failed to advance.

SB 500 AN ACT concerning drivers' licenses; relating to failure to comply with a traffic citation; authorizing certain individuals to be eligible for restricted driving privileges; permitting individuals with restricted driving privileges to drive to and from dropping off or picking up children from school or childcare, to and from purchasing groceries or fuel and to and from religious worship services; providing for hardship payment plans and waiver of fines.

The COT expressed certain concerns with duties applied to the municipal court system, some of which were amended before the bill was signed into law by the Governor.

SB 510 **AN ACT concerning cities; requiring cities to reconnect property to the city sewer system upon request of the property owner.**

Senator Alicia Straub, R-Ellinwood, bill to deal with her own property that apparently was disconnected from the local sewer system years ago in favor of another property. The bill just seemed to lose steam and did not advance. COT opposed.

HB 2446 **AN ACT concerning cities and counties; prohibiting the regulation of plastic and other containers designed for the consumption, transportation or protection of merchandise, food, or beverages.**

COT Opposed. Passed by the Legislature; vetoed by the Governor.

HB 2511 **Allowing nonpartisan candidate to identify political party.**

COT opposed; bill failed to advance.

HB 2537 **Mandating certain contractual provisions for municipal agreements.**

COT opposed; advanced out of committee in acceptable form. Ultimately killed.

HB 2599 **Open records act; fees.**

COT opposed; failed to advance to Final Action on House floor. City of Topeka led opposition effort.

HB 2630 **Evidence of domestic violence; municipal court.**

The COT supported this bill, but it failed to advance. The Kansas County & District Attorneys Association also supported the bill, but the Board of Indigent Defense opposed the bill. The Kansas Coalition against Sexual and Domestic Violence was neutral.

HB 2704 **No-impact, home-based business act.**

COT opposed; bill failed to advance.

HB 2723 **AN ACT making and concerning appropriations for the fiscal year ending June 30, 2025; relating to the department for aging and disability services; creating a grant program to fund proposed homeless shelter infrastructure; establishing requirements for such grants awarded.**

COT supported. Homeless bill and budget funding failed to advance.

HB 2755 **AN ACT concerning appearance bonds; relating to release prior to trial; requiring compensated sureties who post bond in municipal court to comply with certain requirements; requiring a minimum bond premium in district court; providing reasons for suspending or terminating authorization of a compensated surety.**

COT opposed; concerns addressed. Bill failed to advance out of the Senate.

HB 2803 **AN ACT concerning firearms; creating the Kansas gun rights preservation act; prohibiting the commandeering of state resources to enforce federal gun control against law-abiding citizens; providing civil penalties and a cause of action for violations of the act.**

COT Opposed; bill failed to advance.

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Elections.

Monday, June 3 is the filing deadline for congressional, House, and Senate seats, among others (e.g., county commission, judicial retention, etc.). At this writing, there are eight Senators who have announced their intention to not seek reelection, with several more possible. A dozen House members have announced their intention to not seek reelection, with eight indicating they intend to run for a seat in the Senate.

Of note for Shawnee County, Senator Kristen O'Shea, R-Topeka announced her retirement from public service, with Representative Kenny Titus, R-Manhattan filing for the seat. We could see additional candidates file for the seat before the June 3 deadline. And, Representative Vic Miller, D-Topeka will leave the House and has filed for a Senate seat created through the most recent redistricting effort.

Closing Remarks.

The City of Topeka will pay attention to the tax bill and any other matters considered during the Special Session. We could see a return of the government competition language. However, it is clear the Governor will not accept such language and would be considered a poison pill of sorts should it make it into another tax bill.

WBD



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE:	June 11, 2024	
CONTACT PERSON:	Councilmember Sylvia Ortiz	DOCUMENT #:
SECOND PARTY/SUBJECT:	Fellowship Hi-Crest - Krissy Kearney	PROJECT #:
CATEGORY/SUBCATEGORY	020 Resolutions / 005 Miscellaneous	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Fellowship Hi-Crest an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions. (*Council District No. 3*)

(*Approval would allow for outdoor amplified music and sound during the hours of 6:00 p.m. and 11:00 p.m., at 455 SE Golf Park Blvd on June 29, 2024.*)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

City of Topeka Code Section 9.45.170, et seq., authorizes the City Council to grant noise exceptions. Approval grants a noise exception to Fellowship Hi-Crest for their Summer Firework Extravaganza on June 29, 2024.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

Fellowship Hi-Crest is requesting the noise exception due to amplified music/sound at the event.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____

2
3 A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Fellowship
4 Hi-Crest an exception to the provisions of City of Topeka Code
5 Section 9.45.150, et seq. concerning noise prohibitions.
6

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

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

16 WHEREAS, Fellowship Hi-Crest has requested that they be granted an
17 exception to the provisions of City of Topeka Code Section 9.45.150, et seq. for
18 the purposes, dates and times described herein, and

19 WHEREAS, upon review of the application of Fellowship Hi-Crest the
20 Governing Body of the City of Topeka does hereby find that the requested
21 activity does not offend the spirit of the findings of City of Topeka Code Section
22 9.45.150, et seq.

23 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the
24 City of Topeka that Fellowship Hi-Crest is hereby granted an exception from the
25 provisions of City of Topeka Code Section 9.45.150, et seq. for amplified music

26 and sound at their Summer Firework Extravaganza located at 455 SE Golf Park
27 Blvd during the hours of 6:00 p.m. and 11:00 p.m. on June 29, 2024.

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29 ADOPTED and APPROVED by the Governing Body _____.

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CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

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ATTEST:

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Brenda Younger, City Clerk

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Josh McAnarney, Budget Manager DOCUMENT #:
SECOND PARTY/SUBJECT: 660 NE Highway 24 Special Assessment PROJECT #: 401098.00
CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 126 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: Set June 11, 2024 JOURNAL #: Public Hearing Date: 05-21-24
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC HEARING for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Sanitary Sewer Improvement Project No. 401098.00 at 660 NE Hwy 24, authorized by Resolution of Advisability and Authorization No 9303, adopted and approved April 19, 2022.

ORDINANCE introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of 660 NE Highway 24 for Sanitary Sewer Improvement Project No. 401098.00, as defined and described in Resolution No. 9303 adopted and approved on April 19, 2022.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would levy special assessments for sanitary sewer improvements near 660 NE Highway 24. Total cost of improvements is \$150,000 to be paid 100% by the Improvement District over 20 years.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Approval will authorize the levying of special assessments to the improvement district to pay for the cost of

sanitary sewer improvements.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing and adopt the ordinance.

BACKGROUND:

State law requires that the governing body direct the Clerk to publish notice in the newspaper that a public hearing will be held to entertain public input regarding the imposition of special assessments on properties that have benefited from public projects (e.g. installation of streets, sewers, water mains.) The notice was published in the Topeka Metro Newspaper on May 27, 2024, at least 10 days prior to the hearing and mailed to the property owners who will be assessed.

BUDGETARY IMPACT:

The total cost of the improvements is \$150,000. Method of assessment is on a unit basis. There are 3 lots in the improvement district at an average cost of \$50,000.

SOURCE OF FUNDING:

100% paid by the Improvement District.

ATTACHMENTS:

Description

Public Hearing Notice

Ordinance

Petition

RTH LLC Affidavit to Register of Deeds

Resolution No. 9303 (April 19, 2022)



CITY OF TOPEKA

(Published in the Topeka Metro News May 27, 2024)

NOTICE OF PUBLIC HEARING

660 NE HIGHWAY 24 SANITARY SEWER MAIN IMPROVEMENT PROJECT NO. T-401098.00

Notice is hereby given that there will be a meeting of the Governing Body of the City of Topeka, Shawnee County, Kansas, held on **June 11, 2024, at 6:00 P.M.**, in the Council Chamber 214 E. 8th, for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being **sanitary sewer main improvement for 660 NE Highway 24 authorized by Resolution of Advisability and Authorization No 9303, adopted and approved April 19, 2022.**

GENERAL NATURE OF IMPROVEMENT:

To construct and extend 750 linear feet of sanitary sewer main and lateral lines for 6 lots within 660 NE Hwy 24, and all other contingencies required for a complete project.

IMPROVEMENT DISTRICT:

Unit 1: Schuster Subdivision No. 2, S17, T11, R16, Block A, Lot 3

Unit 2: Schuster Subdivision No. 3, S17, T11, R16, Block A, Lots 1, and 2 and the east 30 feet of the south 150 feet of North Topeka Golf Center No. 2, Block A Lot 4

Unit 3: North Topeka Golf Center No. 2, S17, T11, R16, Block A, Lots 2, 3 and 4, except the east 30 feet of the south 150 feet of North Topeka Golf Center, No. 2, Block A, Lot 4

METHOD OF ASSESSMENT:

On a unit basis for all lots which are included in the improvement district. There are 6 Lots.

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost = \$150,000

6 Units in Improvement District

100% paid by the Improvement District.

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on May 9, 2024.



/s/ Brenda Younger
Brenda Younger, City Clerk

1 (Published in the Topeka Metro News on _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by Interim City Manager Richard Nienstedt, apportioning
6 and levying a special assessment on certain lots and pieces of ground
7 in the City of Topeka, Shawnee County, Kansas, in the area of 660
8 NE Hwy 24, for Sanitary Sewer Improvement Project No. 401098.00,
9 as defined and described in Resolution No. 9303, adopted and
10 approved on April 19, 2022.
11

12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:
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14 Section 1. For the purpose of paying the cost Sanitary Sewer Improvement
15 Project No. 401098.00, in the City of Topeka, Shawnee County, Kansas, the Governing
16 Body, pursuant to K.S.A. 12-6a01 *et seq.*, hereby levies and assesses a special
17 assessment on all lots and pieces of ground liable therefore. Said assessments are
18 computed as follows:

19 A. GENERAL NATURE OF IMPROVEMENT:
20

21 To construct and extend 750 linear feet of sanitary sewer main and
22 lateral lines for 6 lots within 660 NE Hwy 24 and all other
23 contingencies required for a complete project.
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25 B. IMPROVEMENT DISTRICT:
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27 Unit 1: Schuster Sub No. 2, S17, T11, R16, BLK A, Lot 3
28 Unit 2: Schuster Sub No. 2, S17, T11, R16, BLK A, Lots 1, 2 and East
29 30 feet of the south 150 feet of North Topeka Golf Center No. 2,
30 BLKA, Lot 4 [*Replatted as: Schuster Sub No. 3, S17, T11, R16,*
31 *BLK A, Lot 1, Acres 4.38, Schuster Sub No. 3, BLK A, Lot 1*]
32 Unit 3: North Topeka Golf Center No. 2, S17, T11, R16, BLK A Lots 2,
33 3, and 4, except east 30 feet of the south 150 feet of North
34 Topeka Golf Center, No. 2, BLK A, Lot 4
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36 C. METHOD OF ASSESSMENT:
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38 On a unit basis for all lots which are included in the improvement district.
39 (Originally 6 Lots, now 5 lots)
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D. TOTAL COST & APPORTIONMENT OF COSTS:

FINAL PROJECT COST = \$150,000
100 % by the owners of property within the Improvement District.

Section 2. The several amounts are apportioned, levied and assessed against each of said lots and pieces of ground according to the benefits to be derived by reason of the aforesaid improvements, (except the interest hereinafter mentioned) as follows:

SANITARY SEWER IMPROVEMENT PROJECT NO. 401098.00

<u>Legal Description</u>	<u>Assessment</u>		
<i>SUBDIVISION</i>	<i>BLOCK</i>	<i>LOT</i>	<i>COST TO OWNER (PRINCIPAL)</i>
North Topeka Golf Center No. 2	A	2, 3 & 4	\$75,000
Schuster Subdivision No. 3	A	1	\$50,000
Schuster Subdivision No. 2	A	3	\$25,000

Section 3. Such assessments with accrued interest are hereby levied concurrent with general property taxes and shall be payable in twenty (20) equal annual installments; the first installment to be payable at the time of the first payment of the general property taxes, following the publication of this ordinance.

Section 4. All assessments shall bear interest in an amount not to exceed the legal rate established by law.

Section 5. The owner of any property so assessed may at any time prior to 30 days from the date of publication of this ordinance, pay the whole of the assessment against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

Section 6. Assessments not paid prior to the date provided in Section 5 hereof, shall be certified, together with interest accrued, or to accrue, by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

65 Section 7. This ordinance shall take effect and be in force from and after its
66 passage, approval and publication in the official city newspaper.

67 PASSED and APPROVED by the Governing Body _____.

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CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

LB



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
April 19, 2022

DATE: April 19, 2022
CONTACT PERSON: Braxton Copley, Utilities Director DOCUMENT #: 9303
SECOND PARTY/SUBJECT: 660 NE Hwy 24 Special Assessment District PROJECT #: 401098.00
CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements
CIP PROJECT: No
ACTION OF COUNCIL: Approved on 4/19/2022 JOURNAL #: 2022
PAGE #: 157

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Interim City Manager William E Cochran, authorizing Improvement Project No. T-401098.00 that provides for sanitary sewer improvement for 660 NE Hwy 24 as more specifically described herein.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would establish a benefit district for sanitary sewer improvements, the cost of which will be assessed against property owners within the district.)

VOTING REQUIREMENTS:

Action requires at least (6) votes of the Governing Body.

POLICY ISSUE:

Whether to establish a benefit improvement district for sanitary sewer improvements in the 660 NE Hwy 24 which will be financed by the City through special assessment general obligation bonds.

STAFF RECOMMENDATION:

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

BACKGROUND:

The owner of the property located with the proposed 660 NE Highway 24, Aarothan LLC (Mike Main), RTJ, LLC (Ross Stryker) and Snow Terminators (David Moore) have petitioned the governing body to establish a benefit district pursuant to K.S.A. 12-6a04. These petitioners owns 100% of the property within the proposed district.

BUDGETARY IMPACT:

The projects within the proposed benefit improvement district have an estimated cost of \$150,000. The City of Topeka would finance the cost of the projects through special assessment general obligation bonds. The 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 the property within the improvement district.

ATTACHMENTS:

Description

Resolution of Advisability and Authorization

Improvement Project Petition (Project T-401098.00)

Cost Benefit Analysis (Project T-401098.00) 660 NE Hwy 24

Kansas Commercial Real Estate Services, LLC Letter of Support (Sept. 28, 2021)

**IMPROVEMENT PROJECT
PETITION
(100% of Property Owners within Improvement District)**

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 Sanitary Sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

PROJECT NO. _____

A. GENERAL NATURE OF IMPROVEMENT:

Extension of approximately 750 linear feet of sanitary sewer main and lateral lines

B. PROPOSED IMPROVEMENT DISTRICT:

Six (6) lots as shown on Exhibit 1.

C. ESTIMATED OR PROBABLE COST:

\$150,000

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 method of assessment per the following unit distribution of six (6) total units:

<i>Name of Property Owner</i>	<i>Partial Legal Description of Property Owned</i>	<i>Unit Assessment</i>
AAROTHAN LLC	NORTH TOPEKA GOLF CENTER NO 2, S17, T11, R16, BLK A LOTS 2, 3, AND 4, EXCEPT EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	3
RTJ LLC	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOTS 1, 2, AND EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	2
SNOW TERMINATORS LLC	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOT 3	1
	UNIT TOTAL	6

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District through a special assessment levied upon the benefited properties.

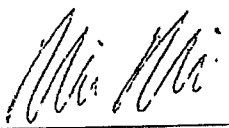
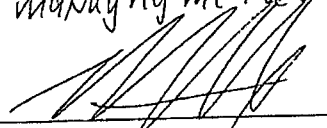
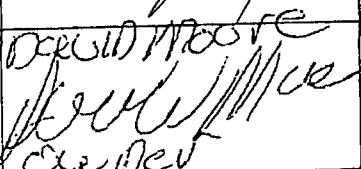
F. CERTIFICATION OF SIGNERS OF THE PETITION:

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.*, Further we request that the Governing Body 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.

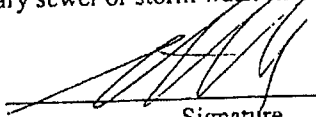
Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
AAROTHAN I.LC	Mike Main VP, Aarothan, LLC 	NORTH TOPEKA GOLF CENTER NO 2, S17, T11, R16, BLK A LOTS 2, 3, AND 4, EXCEPT EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	4/7/2021
RTJ LLC	Ross W. Stryker managing member 	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOTS 1, 2 AND EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	8 April 2021
SNOW TERMINATORS LLC	David Moore  owner	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOT 3	4-8-21

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 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 April 2021
Date


Signature

Number of lots

5

Utility	Length	Operations Cost	Replacement Cost	Revenue	Difference
Wastewater (Annualized)	725	1,152	1,842	2,425	(569)
Stormwater (Annualized)	-	-	-	-	-
Total		1,152	1,842	2,425	(569)

Estimated Revenue-annual per unit	2022	2023
Wastewater	475.56	485.04
Stormwater		

* At Residential Avg of 5,000 gallons
 ** Would break even at about 7,000
 Commercial usage varies greatly

Asset	Quantity	Units	Repair or Replace		Clean Cycle	Cost Per Clean	Cost/Yr	Yr Cycle Cost
			Cost	Method				
Stormwater								
Inlet	0	Each	260.00	Clean	10	-	-	-
Pipe	0	LF	0.50	clean per LF	10	-	-	-
Replacement		-	-	Replace	100	-	-	-
Total						-	-	-

Asset	Quantity	Units	Repair or Replace		Clean Cycle	Cost Per Clean	Cost/Yr	Yr Cycle Cost
			Cost	Method				
Wastewater								
Manholes	5	Each	1,540.00	Clean	7	7,700	1,100	55,000
Pipe	725	LF	0.50	clean per LF	7	363	52	5,179
Replacement - MH		-	-	Replace	50	-	600	30,000
Replacement - Pipe		-	-	Replace	100	-	1,242.00	124,200
Total						8,063	2,994	214,379



September 28, 2021

Kevin Holland
CFS Engineers
2930 SW Woodside Dr
Topeka, KS 66614

RE: Hwy 24, sanitary sewer extension

To whom it may concern,

The proposed sanitary sewer extension is a needed piece of the puzzle for the development of the five properties identified to pay for the proposed improvements. None of the lots can obtain a construction permit until a sanitary sewer is available. The value of all five lots will increase substantially due to the construction of the new sanitary sewer main being constructed on the five properties tying into an existing main.

The benefit to each of the lots will create economic development in an area of town that has been ready to develop and needed the infrastructure to catch up. This project allows that to happen.

Feel free to contact me with additional questions.

Sincerely,

A handwritten signature in black ink that reads "Mark Rezac". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mark Rezac
785-228-5308
mark@kscommercial.com



SHEET NUMBER	REVISION	OWNER:	DEVELOPER:
	NO. DATE DESCRIPTION		
ORIGINAL CONTRACT DOCUMENT	DATE:	DRAWN BY:	CHECKED BY:

**EXHIBIT 1
TOPEKA, KS**

CSS NO.: 20-5079

CFS ENGINEERS
 cfse.com
 2030 SW WOODSIDE DR., TOPEKA, KS 66604
 O: 785.322.4700 F: 785.322.4736

SCALE:

AFFIDAVIT FOR SPECIAL ASSESMENTS TO SCHUSTER SUBDIVISION NO. 3


I, Ross Stryker, Managing Member of RTJ LLC of lawful age, being first duly sworn, on oath, deposes and says:

This Affidavit is for assessing Special Assessments for City of Topeka Sanitary Sewer Developer Project Number 401098.00 for Schuster Subdivision No. 3, recorded in the Register of Deeds Office, Shawnee County, Kansas at Book 55 Page 112.

The original Improvement Project Petition, attached, for said Project Number 401098.01 was for Six Unit Assessments, two of which were for Schuster Subdivision No. 2 being Lot 1 and Lot 2, Block A. On July 28th, 2021 RTJ LLC caused Schuster Subdivision No. 2, Lots 1 & 2 and a part of Lot 9, Block A North Topeka Golf Center Subdivision to be Platted as Lot 1, Block A, Schuster Subdivision No. 3.

It is understood and agreed upon on that Lot 1, Block A, Schuster Subdivision No. 3 of the replatted Subdivision shall be assessed Two Unit Assessments for Lots 1 & 2 of the original Subdivision as set forth by the original Improvement Project Petition until such time that the Special Assessments have been paid in full.

Dated this 9th day of May, 2024.

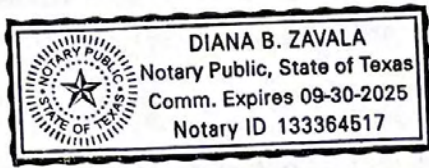


Ross Stryker,
Managing Member, RTJ LLC

ss Texas
STATE OF ~~KANSAS~~, COUNTY OF Tarrant, ss. ss

BE IT REMEMBERED, that on this 9 day of May, 2024, before me, the undersigned, a notary public in and for the County and State aforesaid, came Ross Stryker, Managing Member, RTJ LLC who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.



Diana B. Zavala

Notary Public

My commission expires: 09-30-2025

**IMPROVEMENT PROJECT
PETITION
(100% of Property Owners within Improvement District)**

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 Sanitary Sewer improvements, in accordance with the conditions herein contained, and as provided by K.S.A. 12-6a01, *et seq.*, as amended.

PROJECT NO. _____

A. GENERAL NATURE OF IMPROVEMENT:

Extension of approximately 750 linear feet of sanitary sewer main and lateral lines

B. PROPOSED IMPROVEMENT DISTRICT:

Six (6) lots as shown on Exhibit 1.

C. ESTIMATED OR PROBABLE COST:

\$150,000

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 method of assessment per the following unit distribution of six (6) total units:

<i>Name of Property Owner</i>	<i>Partial Legal Description of Property Owned</i>	<i>Unit Assessment</i>
AAROTHAN LLC	NORTH TOPEKA GOLF CENTER NO 2, S17, T11, R16, BLK A LOTS 2, 3, AND 4, EXCEPT EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	3
RTJ LLC	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOTS 1, 2, AND EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	2
SNOW TERMINATORS LLC	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOT 3	1
	UNIT TOTAL	6

E. APPORTIONMENT OF COSTS:

Costs are to be paid 100 percent by the owners of property within the Improvement District through a special assessment levied upon the benefited properties.



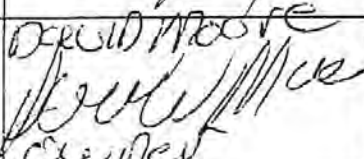
F. CERTIFICATION OF SIGNERS OF THE PETITION:

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.*, Further we request that the Governing Body 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.

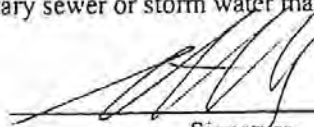
Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
AAROTHAN LLC	Mike Main VP, Aarothan, LLC 	NORTH TOPEKA GOLF CENTER NO 2, S17, T11, R16, BLK A LOTS 2, 3, AND 4, EXCEPT EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	4/7/2021
RTJ LLC	Ross W. Stryker managing member 	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOTS 1, 2 AND EAST 30 FEET OF THE SOUTH 150 FEET OF NORTH TOPEKA GOLF CENTER NO 2, BLK A LOT 4	8 April 2021
SNOW TERMINATORS LLC	 David Moore	SCHUSTER SUB NO 2, S17, T11, R16, BLK A, LOT 3	4-8-21

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 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 April 2021
Date

 Ross W. Stryker
Signature



SEAL:

CFS ENGINEERS
 2890 SW WOODSIDE DR. TOPEKA, KS 66614
 C-785.272.4706
 cfse.com

CFS NO.: 20-5079

DEVELOPER:

OWNER:

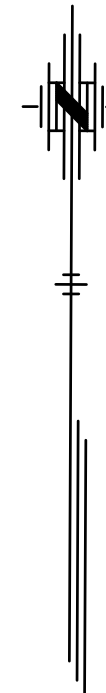
**EXHIBIT 1
 TOPEKA, KS**

REVISIONS:

NO.	DATE	DESCRIPTION

SHEET NUMBER:

ORIGINAL CONTRACT DOCUMENT



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(Published in the Topeka Metro News on April 25, 2022)

RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 9303

A RESOLUTION introduced by Interim City Manager William E Cochran, authorizing Improvement Project No. T-401098.00 which provides for sanitary sewer improvements for 660 NE Hwy 24, as more specifically described herein.

WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a04(c), as amended, containing the signature of the property owners, Aarothan, LLC, RTJ, LLC, and Snow Terminators, LLC of 100% of the area in the improvement district hereinafter described; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that it finds Improvement Project No. T-401098.00, hereinafter described, to be advisable and does hereby authorize and order said improvement to be made in accordance with its findings as follows:

A. GENERAL NATURE OF IMPROVEMENT:

To construct and extend 750 linear feet of sanitary sewer main and lateral lines for 6 lots within 660 NE Hwy 24, and all other contingencies required for a complete project.

B. PROPOSED IMPROVEMENT DISTRICT:

Unit 1: Schuster Sub No. 2, S17, T11, R16, BLK A, Lot 3
Unit 2: Schuster Sub No. 2, S17, T11, R16, BLK A, Lots 1, 2 and East 30 feet of the south 150 feet of North Topeka Golf Center No. 2, BLK A, Lot 4
Unit 3: North Topeka Golf Center No. 2, S17, T11, R16, BLK A, Lots 2, 3, and 4, except east 30 feet of the south 150 feet of North Topeka Golf Center, No. 2, BLK A, Lot 4

2022R08540

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
05/02/2022 08:00:50 AM

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C. ESTIMATED OR PROBABLE COST:

\$150,000

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. PROPOSED METHOD OF ASSESSMENT:

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

E. APPORTIONMENT OF COSTS:

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

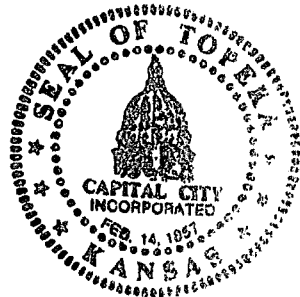
BE IT FURTHER RESOLVED THAT:

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 April 19, 2022.

CITY OF TOPEKA, KANSAS



Michael A. Padilla

 Michael A Padilla, Mayor

ATTEST:

Brenda Younger

 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Josh McAnarney, Budget Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: Sherwood Park Subdivision No. 9 Special Assessment
PROJECT #: 601132.00
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 126 Special Assessments
CIP PROJECT: No
ACTION OF COUNCIL: Set June 11, 2024
JOURNAL #: Public Hearing Date: 05-21-24
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC HEARING for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 601132.00 for Sherwood Park Sub-Division 9, authorized by Resolution of Advisability and Authorization No 9279, adopted and approved December 14, 2021, as amended by Resolution Nos. 9330 and 9539.

ORDINANCE introduced by Acting City Manager Richard U. Nienstedt, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, in the area of Sherwood Park Sub-Division No. 9 for Street Improvement Project No. 601132.00, as defined and described in Resolution No. 9279, adopted and approved on December 14, 2021, as amended by Resolution Nos. 9330 and 9539.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval would levy special assessments for street improvements in the subdivision. Total cost of improvements is \$1,028,889.34 to be paid 100% by the Improvement District over 20 years.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Approval will authorize the levying of special assessments to the improvement district to pay for the cost of street improvements.

STAFF RECOMMENDATION:

Staff recommends the Governing Body conduct the public hearing and adopt the ordinance.

BACKGROUND:

State law requires that the governing body direct the Clerk to publish notice in the newspaper that a public hearing will be held to entertain public input regarding the imposition of special assessments on properties that have benefited from public projects (e.g. installation of streets, sewers, water mains.) The notice was published in the Topeka Metro Newspaper on May 27, 2024, at least 10 days prior to the hearing and mailed to the property owners who will be assessed.

BUDGETARY IMPACT:

The total cost of the improvements is \$1,028,889.34. Method of assessment is on a unit basis. There are 18 units in the improvement district at a cost of \$57,160.52.

SOURCE OF FUNDING:

100% paid by the Improvement District.

ATTACHMENTS:

Description

Public Hearing Notice

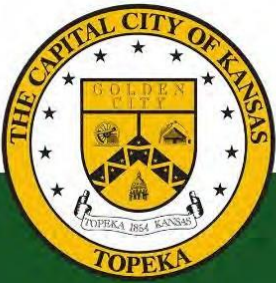
Ordinance

Petition

Resolution No. 9539 (May 14, 2024)

Resolution No. 9330 (June 14, 2022)

Resolution No. 9279 (December 14, 2021)



CITY OF TOPEKA

(Published in the Topeka Metro News May 27, 2024)

NOTICE OF PUBLIC HEARING

SHERWOOD PARK SUBDIVISION NO. 9 STREET IMPROVEMENT PROJECT NO. T-601132.00

Notice is hereby given that there will be a meeting of the Governing Body of the City of Topeka, Shawnee County, Kansas, held on **June 11, 2024, at 6:00 P.M.**, in the Council Chamber 214 E. 8th, for the purpose of considering written or oral objections to the proposed assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being **street improvement for Sherwood Park Subdivision No. 9 authorized by Resolution of Advisability and Authorization No 9279, adopted and approved December 14, 2021, and Resolution of Advisability and Authorization No 9330, adopted and approved June 14, 2022, amended by Resolution of Advisability and Authorization No 9539, adopted and approved May 14, 2024.**

GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 18 lots within Sherwood Park Subdivision No. 9, along with concrete curb and gutters, storm sewer structures, piping, and engineering and all other contingencies required for a complete project.

IMPROVEMENT DISTRICT:

Sherwood Park Subdivision No. 9

Lots 1 through 7, Block A

Lots 1 through 11, Block B

METHOD OF ASSESSMENT:

On a unit basis for all lots which are included in the improvement district. There are 18 Lots.

TOTAL COST & APPORTIONMENT OF COSTS:

Total Cost = \$1,028,889.34

18 Units in Improvement District

100% paid by the Improvement District.

All of above described territory being situated in the City of Topeka, Shawnee County, Kansas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City for Topeka to be affixed on May 9, 2024.



/s/ Brenda Younger

Brenda Younger
City Clerk

1 (Published in the Topeka Metro News on _____)

2
3 ORDINANCE NO. _____

4
5 AN ORDINANCE introduced by Interim City Manager Richard Nienstedt, apportioning
6 and levying a special assessment on certain lots and pieces of ground
7 in the City of Topeka, Shawnee County, Kansas, for Street
8 Improvement Project No. 601132.00 in Sherwood Park Subdivision
9 No. 9, as defined and described in Resolution No. 9279, adopted and
10 approved on December 14, 2021, as amended by Resolution No.
11 9330 and 9539.

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

14
15 Section 1. For the purpose of paying the cost Sanitary Sewer Improvement
16 Project No. 601132.00, in the City of Topeka, Shawnee County, Kansas, the Governing
17 Body, pursuant to K.S.A. 12-6a01 *et seq.*, hereby levies and assesses a special
18 assessment on all lots and pieces of ground liable therefore. Said assessments are
19 computed as follows:

20 A. GENERAL NATURE OF IMPROVEMENT:

21
22 To construct paved street to serve 18 lots within Sherwood Park
23 Subdivision No. 9, along with concrete curb and gutters, storm
24 sewer structures, piping and engineering and all other
25 contingencies required for a complete project.
26
27

28 B. IMPROVEMENT DISTRICT:

29
30 *Sherwood Park Subdivision No. 9*
31 Lots 1 through 7, Block A
32 Lots 1 through 11, Block B
33

34 C. METHOD OF ASSESSMENT:

35
36 On a unit basis for all lots which are included in the improvement district.
37 (18 Lots)
38

39 D. TOTAL COST & APPORTIONMENT OF COSTS:

40
41 FINAL PROJECT COST = \$1,028,889.34
42 100 % by the owners of property within the Improvement District.

54 Section 4. All assessments shall bear interest in an amount not to exceed the
55 legal rate established by law.

56 Section 5. The owner of any property so assessed may at any time prior to 30
57 days from the date of publication of this ordinance, pay the whole of the assessment
58 against any lot or parcel with interest accrued to the date of payment, to the City Treasurer.

59 Section 6. Assessments not paid prior to the date provided in Section 5 hereof,
60 shall be certified, together with interest accrued, or to accrue, by the City Clerk to the
61 County Clerk, and collected in the same manner as other taxes.

62 Section 7. This ordinance shall take effect and be in force from and after its
63 passage, approval and publication in the official city newspaper.

64 PASSED and APPROVED by the Governing Body _____.

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CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

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City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
December 14, 2021

DATE: December 14, 2021

CONTACT PERSON: Stephen Wade, Administrative and Financial Services Director

DOCUMENT #: 9279

SECOND PARTY/SUBJECT: Sherwood Park Subdivision No. 9

PROJECT #:

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: No

ACTION OF COUNCIL: Approved on 12/14/2021

JOURNAL #: 2021

PAGE #: 452

DOCUMENT DESCRIPTION:

RESOLUTION introduced by City Manger Brent Trout, authorizing Improvement Project No. T-601132.00 that provides for street improvements for Sherwood Park Subdivision No. 9 as more specifically described herein.

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

(Approval would create a benefit district to provide street improvements, the cost of which would be assessed against the property owners in the district.)

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 Sherwood Park Subdivision No. 9 which will be financed by the City through special assessment general obligation bonds.

STAFF RECOMMENDATION:

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

BACKGROUND:

The owner of the property located with the proposed Sherwood Park Subdivision No. 9, RMD Development, LLC (Mike Drippe), has petitioned the Governing Body to establish a benefit district pursuant to K.S.A. 12-6a01. RMD

Development owns 100% of the property within the proposed district.

The total cost is estimated at \$888,000 which will serve 18 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 owners(s) over the bond period of 20 years.

Pursuant to the policy for considering the establishment of benefit districts, the benefit district committee met on Tuesday November 23, 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 \$888,000. The City of Topeka would finance the cost of the projects through special assessment general obligation bonds. The 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 owners of the property within the improvement district.

ATTACHMENTS:

Description

Resolution of Advisability

Project Budget

Street Improvement Project T-601132.00 Petition (October 12, 2021)

PROJECT BUDGET
Project No. (T-601132.00)
SBB Engineering Project No. 21-029

Sherwood Park Subdivision No. 9 Phase I - Street Benefit District

LOCATION:

Sherwood Park Subdivision No. 9, City of Topeka, Shawnee County, Kansas (18 Lots)
 Lots 1 through 7, Block A
 Lots 1 through 11, Block B

DESCRIPTION OF PROJECT:

To construct paved street to serve 18 lots within Sherwood Park 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:

Assesment District

COST ESTIMATE:

	City of Topeka	Other Funds	Total
Construction:	\$ 677,700		\$677,700
Design:	\$ 54,216		\$54,216
Geotech:	\$ -		\$0
Utility Adjustments	\$ -		\$0
Project Services Fees;	\$ -		\$0
Construction Admn. & Inspection: (8%)	\$ 54,216		\$54,216
" Construction Staking	\$ 13,500		\$13,500
Administrative Fees:			
Legal Dept. Admn. (3%)	\$ 20,331		\$20,331
Engineering Admn. (2%)	\$ 13,554		\$13,554
Right-of-Way Acquisition:	\$ -		\$0
Contingency amount: 3%	\$ 20,331		\$20,331
Interim Interest: 5%	\$ 33,885		\$33,885
	\$ -		\$0
Total:	\$887,733		\$887,733

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-601132.00

A. GENERAL NATURE OF IMPROVEMENT:

To construct paved street to serve 18 lots within Sherwood Park 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:

Sherwood Park Subdivision No. 9, City of Topeka, Shawnee County, Kansas
Lots 1 through 7, Block A;
Lots 1 through 11, Block B;

C. ESTIMATED OR PROBABLE COST:

\$888,000

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:

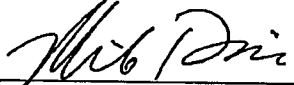
We understand, agree and certify:

- (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

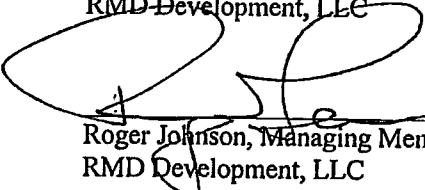
- (v) That we are willing to pay the costs of the proposed improvements; and
- (vi) That we hereby waive the notice of and the opportunity to appear at a Public Hearing available under K.S.A. 12-6a01. et seq. and Article 2 of TMC Chapter 3.45. Further we request that the City Council adopt a Resolution 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.

Name of Property Owner	Name, Title and Signature of Person Executing Petition	Legal Description of Property Owned	Date
------------------------	--	-------------------------------------	------


 Mike Drippe, Managing Member
 RMD Development, LLC

10/12/2021
 Date

Sherwood Park Subdivision No. 9
 Lots 1 through 7, Block A;
 Lots 1 through 11, Block B;



 Roger Johnson, Managing Member
 RMD Development, LLC

10-12-21
 Date

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.

10/12/2021
 Date


 Signature of Person Carrying Petition

CERTIFICATION OF DEVELOPER

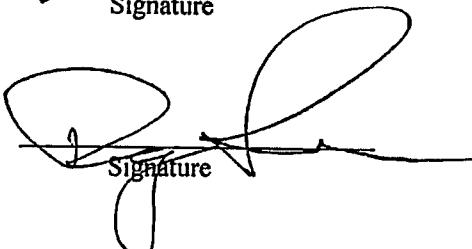
I, the undersigned developer of record of real estate located within the Improvement District, hereby certify:

- (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.

10-12-21
 Date


 Signature

10-12-21
 Date


 Signature

(Published in the Topeka Metro News May 20, 2024)

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
05/30/2024 02:42:15 PM

RESOLUTION NO. 9539

AMENDING RESOLUTION OF ADVISABILITY & AUTHORIZATION NO. 9279 & 9330

A RESOLUTION introduced by Interim City Manager Richard U. Nienstedt further amending Resolution of Advisability & Authorization No. 9279, as previously amended by Resolution No. 9330, which provides street improvements for Sherwood Park Subdivision No. 9 as more specifically described herein.

WHEREAS, on December 14, 2021, the Governing Body adopted and approved Resolution of Advisability and Authorization No. 9279 authorizing Improvement Project No. T-601132.00 with an estimated probable cost of \$888,000; and

WHEREAS, on June 14, 2022, the Governing Body adopted and approved Resolution of Advisability and Authorization No. 9330 authorizing Improvement Project No. T-601132.00 with an increased estimated probable cost of \$965,033; and

WHEREAS, the cost of the project has increased to \$1,028,889.34; and

WHEREAS, the City Clerk has received a revised petition, pursuant to K.S.A. 12-6a01, *et seq.*, as amended, containing the signatures of the owners of one hundred percent (100%) of the area in the improvement district; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

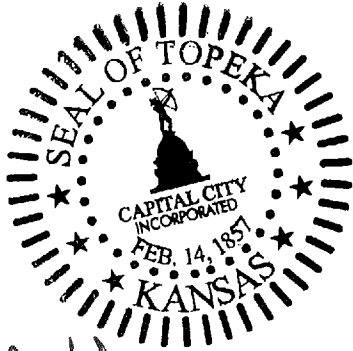
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that Resolution of Advisability & Authorization No. 9279, as amended by Resolution No. 9330, is hereby further amended to increase the estimated or probable cost of the project from \$965,033 to \$1,028,889.34.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 9279 and Resolution No. 9330 not in conflict with this Resolution remain in full force and effect.

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

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ADOPTED and APPROVED by the Governing Body on May 14, 2024..



CITY OF TOPEKA, KANSAS

ATTEST:

Michael A. Padilla, Mayor

Brenda Younger, City Clerk

(Published in the Topeka Metro News June 20, 2022.)

RESOLUTION NO. 9330

AMENDING RESOLUTION OF ADVISABILITY & AUTHORIZATION NO. 9279

A RESOLUTION introduced by Interim City Manager William E. Cochran amending Resolution of Advisability & Authorization No. 9279 which provides street improvements for Sherwood Park Subdivision No. 9 as more specifically described herein.

WHEREAS, on December 14, 2021, the Governing Body adopted and approved Resolution of Advisability and Authorization No. 9279 authorizing Improvement Project No. T-601132.00 with an estimated probable cost of \$888,000; and

WHEREAS, the cost of the project has increased to \$965,033; and

WHEREAS, the City Clerk has received a revised petition, pursuant to K.S.A. 12-6a01, et seq., as amended, containing the signatures of the owners of one hundred percent (100%) of the area in the improvement district; and

WHEREAS, seven (7) days have elapsed since the filing of said petition.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that Resolution of Advisability & Authorization No. 9279 is amended to increase the estimated or probable cost of the project from \$888,000 to \$965,033.

BE IT FURTHER RESOLVED that all other provisions of Resolution 9279 not in conflict with this Resolution remain in full force and effect.

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

ADOPTED and APPROVED by the Governing Body on June 14, 2022.



CITY OF TOPEKA, KANSAS

Michael A. Padilla

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger
Brenda Younger, City Clerk

1 **RESOLUTION OF ADVISABILITY AND AUTHORIZATION NO. 9279**

2
3 A RESOLUTION introduced by City Manager Brent Trout, authorizing Improvement
4 Project No. T-601132.00 which provides for street improvements for
5 Sherwood Park Subdivision, No. 9, as more specifically described
6 herein.

7
8 WHEREAS, the City Clerk has received a petition, pursuant to K.S.A. 12-6a04(c), as
9 amended, containing the signature of the sole property owner, RMD Development, LLC, of
10 100% of the area in the improvement district hereinafter described; and

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

14 NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of
15 Topeka, Kansas, that it finds Improvement Project No. T-601132.00, hereinafter described,
16 to be advisable and does hereby authorize and order said improvement to be made in
17 accordance with its findings as follows:

18 A. GENERAL NATURE OF IMPROVEMENT:

19
20 To construct paved street to serve 18 lots within Sherwood Park
21 Subdivision No. 9, along with concrete curb and gutters, storm sewer
22 structures, piping and engineering and all other contingencies
23 required for a complete project.

24
25 B. PROPOSED IMPROVEMENT DISTRICT:

26
27 Sherwood Park Subdivision No. 9
28 Lots 1 through 7, Block A
29 Lots 1 through 11, Block B

2021R27608

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
12/17/2021 12:20:34 PM

30
31 C. ESTIMATED OR PROBABLE COST:

32
33 \$888,000

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

38
39 D. PROPOSED METHOD OF ASSESSMENT:

40
41 On a unit basis for all lots which are included in the improvement district.
42 (18 Lots)
43

44 E. APPORTIONMENT OF COSTS:

45
46 100% of the costs will be paid by the property owners within the
47 Improvement District
48

49 BE IT FURTHER RESOLVED THAT:

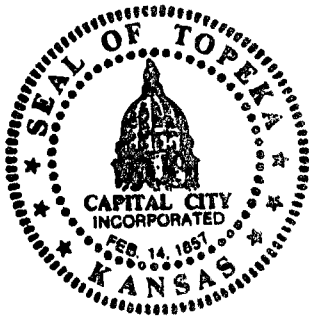
50 1. The City Clerk is directed to file a certified copy of this Resolution with the
51 Register of Deeds.

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

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

57 ADOPTED and APPROVED by the Governing Body on December 14, 2021.

58 CITY OF TOPEKA, KANSAS



64 ATTEST:

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69

Michelle De La Isla

Michelle De La Isla, Mayor

Brenda Younger

Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024

CONTACT PERSON: Sylvia Davis, Utilities Department Director **DOCUMENT #:**

SECOND PARTY/SUBJECT: Resolution - Project Budget Exceeding \$250,000 - Approval of Project Nos. 281250.02, 281300.02 and 281301.02 for water line improvements in Westboro Subdivision. **PROJECT #:** 281250.02; 281300.02 and 281301.02

CATEGORY/SUBCATEGORY 020 Resolutions / 004 Public Improvements

CIP PROJECT: Yes

ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 281250.02, 281300.02 and 281301.02 for water line improvements in Westboro for SW Lakeside Drive, SW Westover Road. and SW 15th Street (*Public Infrastructure Committee recommended approval on May 21, 2024.*)

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(*Approval of total project budget of \$7,564,859 for complete replacement of water distribution within Westboro Subdivision.*)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether to adopt the Public Infrastructure Committee's recommendation.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the resolution.

BACKGROUND:

The Governing Body adopted a Resolution approving the 2024-2033 Capital Improvement Program and the 2024-2026 Capital Improvement Budget (Resolution No. 9425). The Resolution requires Governing Body approval for projects that are ready for construction and whose total project budget exceeds \$250,000. At its meeting on May 21, 2024, the Public Infrastructure Committee recommended approval of project nos. 281250.02, 281300.02 and 281301.02 for complete replacement of the water distribution within Westboro Subdivision.

BUDGETARY IMPACT:

\$7,564,859

SOURCE OF FUNDING:

Revenue Bonds

ATTACHMENTS:

Description

Resolution & Exhibit A

PI Committee Meeting Minutes Except (May 21, 2024)

PI Committee Report (May 21, 2024)

RESOLUTION NO. _____

A RESOLUTION introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 281250.02, 281300.02 and 281301.02 for water line improvements for SW Lakeside Drive, SW Westover Road and SW 15th Street.

WHEREAS, the Governing Body adopted a Resolution approving the 2024-2033 Capital Improvement Program and the 2024-2026 Capital Improvement Budget (Resolution No. 9425); and

WHEREAS, the Resolution requires Governing Body approval for projects that are ready for construction and whose total project budget exceeds \$250,000; and

WHEREAS, at its meeting on May 21, 2024, the Public Infrastructure Committee recommended approval of the project(s).

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that Project Nos. 281250.02, 281300.02 and 281301.02 for water line improvements in Westboro for SW Lakeside Drive, SW Westover Road. and SW 15th Street as further described in Exhibit A are hereby approved.

ADOPTED and APPROVED by the Governing Body on _____.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

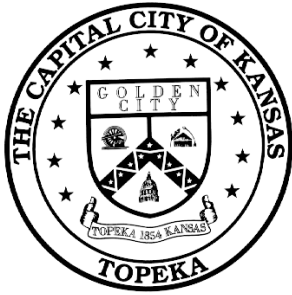
ATTEST:

Brenda Younger, City Clerk

EXHIBIT A

Capital Improvement Project Final Approval

Project Name:	Westboro SW Lakeside Dr - SW Westover Rd and SW 15th	Complete replacement of the water distribution system within Westboro Subdivision. Work to include installation of over 21,700 LF of small-diameter water main by both HDD and open excavation, approximately 289 new water services, pavement patching and replacement, traffic control, storm water pollution control, and restoration of disturbed areas.
Main Project Number:	281250.02, 281300.02, 281301.02	
Project Manager:	Duncan Theuri	
Event	Target Date	
Design	Complete	
Construction	2024-2027	
<hr/>		
Funding Source	Final Estimate	
Revenue Bonds	\$ 7,564,859	
Totals	\$ 7,564,859	



CITY OF TOPEKA

CITY COUNCIL
City Hall, 215 SE 7th St., Room 255
Topeka, KS 66603-3914
(785) 368-3710

Liz Toyne, Executive Assistant
E-mail: etoyne@topeka.org

www.topeka.org

EXCERPT

HOLLIDAY 1st FLOOR CONFERENCE ROOM, Topeka, Kansas, Tuesday, May 21, 2024. The Public Infrastructure Committee members met at 11:00 A.M., with the following Committee members present: Sylvia Ortiz (Chair), David Banks, and Neil Dobler.

The following is an excerpt of the draft minutes from the meeting:

APPROVAL of Resolution to approve the CIP Project Exceeding \$250,000 – Waterline Improvements in the Westborough Neighborhood

Utilities – SW Lakeside, SW Westover, SW 15th Street

Director Davis is requesting approval for a project that is ready for construction. The budget exceeds \$250K and will be for waterline improvements in the Westborough neighborhood. There will be almost 22K linear feet of water main replacement. In an effort to take a more holistic approach to waterline work, staff decided to go in and make an impact for the neighborhoods as much as possible, rather than piecemealing work block-by-block. This particular project will be \$7.5M.

Director Davis noted she would be back in the future to request funding for similar projects for the Knollwood and Montara neighborhoods. Those projects are currently in the design phase.

Committee member Banks inquired if the waterline improvement project was for preventative maintenance? Director Davis answered the Waterline Replacement Program process considers the age of the infrastructure, the main break history, if it was consequence of a failure, and other factors. For the Westborough neighborhood, the waterlines are beyond their life expectancy and there have been a lot of water main breaks. The amount of money being spent from the Operating Budget to address the breaks is a huge expense. Being able to fix the problem rather than putting “band-aids” on, will save money to the budget in the long run as well.

MOTION: Committee member Dobler made a motion to approve the request. Committee member Banks seconded. Approved 3-0-0.

COMMITTEE REFERRAL SHEET

COMMITTEE REPORT

Name of Committee: Public Infrastructure

Title: RESOLUTION - Project Budget Exceeding \$250,000 - Waterline Improvements on SW Lakeside, SW Westover, SW 15th Street - Westborough Neighborhood

Date referred from Council meeting:

Date referred from Committee: May 21, 2024

Committee Action: MOTION: Committee member Dobler made a motion to approve the request. Committee member Banks seconded. Approved 3-0-0.

Comments:

Amendments:

Members of Committee: Councilmembers Sylvia Ortiz (Chair), David Banks, and Neil Dobler

Agenda Date Requested:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Councilmember Neil Dobler **DOCUMENT #:**
SECOND PARTY/SUBJECT: City Manager Powers of Appointment and Approval **PROJECT #:**
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 159 Charter
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 06-04-24. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

CHARTER ORDINANCE introduced by Councilmember Neil Dobler regarding powers of appointment and removal, amending Section 19 and Section 21 of Charter Ordinance No. 94, codified at A2-52 and A2-54 of the Topeka Municipal Code.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(Approval will add to charter a provision requiring the City Manager provide meaningful opportunity for input prior to the appointment of the City Attorney and a provision requiring Governing Body approval of the removal of the City Attorney.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body. The Mayor has an original vote on Charter Ordinances.

POLICY ISSUE:

Whether to amend the City's Charter Ordinance in regard to the appointment and removal of the City Attorney.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the charter ordinance.

BACKGROUND:

The City Attorney represents the municipal corporation not any one governing body member or employee. As

such, this can create conflicts. It is important that both the Governing Body who exercises the corporate powers of the City and the City Manager who oversees the daily administration of the organization work closely with the City Attorney. The change to the Charter will help better acknowledge this dual relationship.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Charter Ordinance - Powers of Appointment and Removal

1 (Published in the Topeka Metro News _____ and _____)

2
3 CHARTER ORDINANCE NO. _____

4
5 A CHARTER ORDINANCE introduced by Councilmember Neil Dobler regarding
6 powers of appointment and removal, amending § 19 and §
7 21 of Charter Ordinance No. 94, codified at A2-52 and A2-
8 54 of the Topeka Municipal Code.

9 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
10 CITY OF TOPEKA, KANSAS, THAT:

11 Section 1. That § 19 of Charter Ordinance No. 94, codified at A2-52 of Code
12 of the City of Topeka, Kansas, is hereby amended to read as follows:

13 **Acting City Manager.**

14 The ~~Council~~Governing Body shall designate a qualified person, including an
15 employee to exercise the powers and perform the duties of City Manager during any
16 temporary absence or disability of the City Manager.

17 Section 2. That § 21 of Charter Ordinance No. 94, codified at A2-54 of Code
18 of the City of Topeka, Kansas, is hereby amended to read as follows:

19 **Powers of appointment and removal.**

20 (a) The City Manager shall be responsible to the ~~Council~~Governing Body for
21 the proper and efficient administration of all affairs of the city under his or her
22 jurisdiction, and shall, subject to the provisions of the personnel policies of this city and
23 except as otherwise provided in this Charter Ordinance, have the power to appoint,
24 assign, reassign, discipline, and remove all directors or heads of departments and all
25 employees under ~~his or her~~the City Manager's jurisdiction. ~~He or she~~The City Manager
26 may delegate to directors or other department heads ~~responsible to him or her~~ the
27 authority to appoint, discipline, and remove subordinate employees, subject to the

28 personnel policies of this city.

29 (b) Notwithstanding subsection (a), in recognition that the City Attorney
30 represents the municipal corporation rather than any one Governing Body member or
31 employee and that conflicts may arise, prior to appointment, the City Manager shall give
32 the Governing Body a meaningful opportunity to provide input on the City Manager's
33 proposed appointee for City Attorney. Additionally, the City Manager cannot remove the
34 City Attorney unless approved by the Governing Body. In accordance with Charter
35 Ordinances 94 §11 and 96 §3 as codified in Section A2-25 of the Topeka Municipal
36 Code, the Governing Body shall have no unilateral removal power of the City Attorney.

37 Section 3. This Ordinance shall be published once each week for two (2)
38 consecutive weeks in the official City newspaper.

39 Section 4. This Charter Ordinance shall take effect sixty-one (61) days after
40 final publication unless a sufficient petition for a referendum is filed and a referendum
41 held on this Charter Ordinance as provided in Article 12, Section 5, Subdivision (c)(3),
42 of the Kansas Constitution, in which case this Charter Ordinance shall become effective
43 if approved by a majority of the electors voting therein.

44 Section 5. Upon the effective date of this Charter Ordinance, this Charter
45 Ordinance shall be recorded by the City Clerk in a book maintained for such purposes
46 with a statement of the manner of adoption and a certified copy shall be filed with the
47 Secretary of State of the State of Kansas.

48 Section 6. That Charter Ordinance No. 94, § 19 and § 21, as codified at § A2-
49 52 and § A2-54, are hereby specifically repealed.

50

51 PASSED AND APPROVED by the Governing Body on _____.

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CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk

65 **STATEMENT OF MANNER OF ADOPTION OF FOREGOING**

66
67 The foregoing Charter Ordinance No. _____ was passed on the _____ day of
68 _____, 2024, as shown by the minutes, Book _____ Page _____, by a vote of
69 _____ for and _____ against, being not less than two-thirds (2/3) of the members-elect
70 of the governing body, published in the Topeka Metro News, the official city newspaper,
71 on the _____ day of _____, 2024, and on the _____ day of _____, 2024,
72 being once each week for two (2) consecutive weeks, and there being no petition
73 demanding a referendum filed with the City Clerk within sixty (60) days after the final
74 publication, said Charter Ordinance took effect on the _____ day of _____, 2024.

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Brenda Younger, City Clerk

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79

CERTIFICATE

80 CITY OF TOPEKA)

81 COUNTY OF SHAWNEE) ss:

82 STATE OF KANSAS)

83

84 I, Brenda Younger, City Clerk of the City of Topeka, County of Shawnee, State of
85 Kansas, do hereby certify that the above and foregoing, consisting of ___ typewritten
86 pages, including the page upon which this Certificate is written, is a full true and correct
87 copy of Charter Ordinance No. _____ of the said City of Topeka, that all acts and
88 things required by Article 12, Section 5 of the Constitution of the State of Kansas were
89 done and performed in the manner and within the time prescribed and that said
90 Ordinance became effective on the _____ day of _____, 2024.

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Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Councilmember Neil Dobler **DOCUMENT #:**
SECOND PARTY/SUBJECT: City Attorney Appointment **PROJECT #:**
CATEGORY/SUBCATEGORY: 013 Ordinances - Codified / 002 Administration
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 06-04-24. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Councilmember Neil Dobler, concerning appointment of the City Attorney, amending Section 2.20.070 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will revise the ordinance to allow the Governing Body to provide meaningful input to the City Manager on the proposed appointee.)

VOTING REQUIREMENTS:

Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to amend TMC 2.20.070 so that prior to the appointment of City Attorney, the Governing Body be giving a meaningful opportunity to provide input on the proposed appointee.

STAFF RECOMMENDATION:

Staff recommends the City Council move to approve the ordinance.

BACKGROUND:

This is a companion ordinance to the proposed Charter Ordinance change to make the language consistent with the new Charter Ordinance provision so as to help future individuals reviewing the requirements of appointment

and removal.

BUDGETARY IMPACT:

No budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Ordinance

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by Councilmember Neil Dobler, concerning appointment
6 of the City Attorney, amending § 2.20.070 of the Topeka Municipal
7 Code and repealing original section.
8

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

10 Section 1. That section 2.20.070, Legal Department, of The Code of the City
11 of Topeka, Kansas, is hereby amended to read as follows:

12 **Legal Department.**

13 (a) Created – City Attorney. There is hereby created a Legal Department. The
14 City Attorney shall be appointed by the City Manager, however, prior to appointment,
15 the City Manager shall give the Governing Body a meaningful opportunity to provide
16 input on the proposed appointee. The City Manager, pursuant to Charter Ordinance No.
17 94, Section 21 (Appendix A, Section A2-54), shall be responsible for supervising and
18 evaluating the performance of the City Attorney. The City Attorney shall be responsible
19 for the overall operation of the Department.

20 (b) Outside Practice Prohibited. The City Attorney and Assistant City Attorneys
21 shall be prohibited from providing legal representation to any client outside of the scope
22 of the attorney’s duties for the City; provided, however, that the City Manager may, with
23 notice to the Governing Body, grant a temporary exception to this prohibition to permit
24 an attorney to conclude and terminate representation of clients that commenced prior to
25 the attorney beginning employment with the City; and provided further, that the attorney
26 can perform such legal services without interfering with the attorney’s job duties to the
27 City, without conflict of interest to the City of Topeka, and in accordance with the

28 Kansas Rules of Professional Conduct.

29 Section 2. That original § 2.20.070 of The Code of the City of Topeka, Kansas,
30 is hereby specifically repealed.

31 Section 3. This ordinance shall take effect and be in force from and after its
32 passage, approval and publication in the official City newspaper.

33 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
34 or portions thereof, which are in conflict with the provisions of this ordinance.

35 Section 5. Should any section, clause or phrase of this ordinance be declared
36 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
37 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

38 PASSED AND APPROVED by the Governing Body on _____.

39 CITY OF TOPEKA, KANSAS
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42
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45 _____
46 Michael A. Padilla, Mayor

47 ATTEST:

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50 _____
51 Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Amanda Stanley, City Attorney **DOCUMENT #:**
SECOND PARTY/SUBJECT: Parking on residential property **PROJECT #:**
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: Discussion 06-04-24. **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

ORDINANCE introduced by Councilmember Neil Dobler concerning parking of vehicles on residential property, amending Section 10.60.120 of the Topeka Municipal Code and repealing original section.

Voting Requirement: Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

(Approval will clarify who the responsible party is for violations of this ordinance.)

VOTING REQUIREMENTS:

Action requires five (5) votes of the City Council. The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.

POLICY ISSUE:

Whether to approve revisions to the ordinance in order to be able to effectively prosecute violations

STAFF RECOMMENDATION:

Staff is requesting the Governing Body move to approve the ordinance

BACKGROUND:

10.60.120(b)(1) currently makes it unlawful for an owner of real property to park a vehicle or allow a vehicle to be parked on an unpaved surface on the property at any time or in a backyard for a period of more than six months. The large majority of these violations are vehicles that are not owned by the real property owners. Amending this section to cite the owner of the vehicle that is in violation not only puts this ordinance in line with

the other TMC parking ordinances, but allows the ability to successfully prosecute the violation.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

NA

ATTACHMENTS:

Description

Ordinance

K. Trussell Memo (May 20, 2024)

FAQ (June 10, 2024)

1 (Published in the Topeka Metro News _____)
2

3 ORDINANCE NO. _____
4

5 AN ORDINANCE introduced by Councilmember Neil Dobler concerning parking of
6 vehicles on residential property, amending § 10.60.120 of the
7 Topeka Municipal Code and repealing original section.
8

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

10 Section 1. That section 10.60.120, Parking of vehicles on residential property,
11 of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

12 **Parking of vehicles on residential property.**

13 (a) *Definitions.* For purposes of this section the following definitions shall
14 apply:

15 (1) “Driveway” is a paved or graveled area that is intended for off-street
16 vehicular parking.

17 (2) “Park” or “parking” shall mean the standing of a vehicle or machinery
18 on or over a paved or graveled area, whether occupied or not, other than
19 temporarily for the purpose of loading or unloading property or passengers.

20 (3) “Paved or graveled area” shall mean (i) an area comprised of a solid,
21 permanent surface constructed of asphalt, concrete, stone, brick or other similar
22 material of sufficient dimension to accommodate the entire vehicle or machinery,
23 with no overhang onto dirt or grass; or (ii) an area comprised of a loose
24 aggregation of rock fragments (e.g., gravel) thick enough to prevent grass,
25 weeds and dirt from permeating or penetrating through and of sufficient
26 dimension to accommodate the entire vehicle or machinery, with no overhang
27 onto dirt or grass.

28 (4) "Vehicle or machinery" shall mean a machine propelled by power
29 (other than human power) that is designed to travel along the ground by use of
30 wheels, treads, runners or slides and transport persons or property. "Vehicle or
31 machinery" shall include, without limitation, automobiles, trucks, trailers,
32 recreational vehicles, motorcycles, boats, campers, or tractors.

33 (b) Prohibitions – Enforcement – Waiver.

34 (1) It shall be unlawful for an owner of ~~real property~~any vehicle or
35 machinery to park, or allow to be parked, any such vehicle or machinery on the
36 back yard of a residential lot for more than six months, or on any other part of a
37 residential lot for any period of time, unless on a paved or graveled area or on a
38 driveway, as defined by subsections (a)(1) and (a)(~~32~~) of this section. Such
39 paved or graveled area or driveway must be maintained free of vegetation, debris
40 and standing water.

41 ~~(2) Subsection (b)(1) of this section shall apply to any motor vehicle that~~
42 ~~displays a special license plate or placard issued to a Kansas resident who is a~~
43 ~~person with a disability or is responsible for the transportation of a person with a~~
44 ~~disability in accordance with K.S.A. 8-1,125 and 8-1,126 and amendments~~
45 ~~thereto.~~

46 (~~32~~) In addition to law enforcement officers, property maintenance
47 inspectors shall also have the authority to issue a uniform complaint and notice to
48 appear for violations of this section, as provided in TMC 2.40.130 and 2.40.210.

49 (~~43~~) The Governing Body may, by resolution, waive the provisions of
50 subsection (b)(1) of this section for ~~designated~~ properties within a designated

51 area requested by an event sponsor and identified (by specific address) in the
52 resolution in order to accommodate a special event approved pursuant to
53 Chapter 12.70 TMC.

54 Section 2. That original § 10.60.120 of The Code of the City of Topeka,
55 Kansas, is hereby specifically repealed.

56 Section 3. This ordinance shall take effect and be in force from and after its
57 passage, approval and publication in the official City newspaper.

58 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
59 or portions thereof, which are in conflict with the provisions of this ordinance.

60 Section 5. Should any section, clause or phrase of this ordinance be declared
61 invalid by a court of competent jurisdiction, the same shall not affect the validity of this
62 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

63 PASSED AND APPROVED by the Governing Body on _____.

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65 CITY OF TOPEKA, KANSAS

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69 _____
70 Michael A. Padilla, Mayor

71 ATTEST:
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75 _____
76 Brenda Younger, City Clerk



CITY OF TOPEKA

Legal Department, Prosecution Division
215 SE 7th Street, Room 170
Topeka, KS 66603

Kelly Trussell, Chief of Prosecution
Tel: (785) 368-3910
www.topeka.org

MEMORANDUM

To: Governing Body Members
From: Kelly J. Trussell, Chief of Prosecution
Re: Amendment to TMC 10.60.120(b)
Date: May 20, 2024

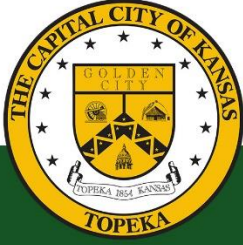
The purpose of this memo is to explain the proposed amendments to TMC 10.60.120(b), concerning the parking of vehicles on residential property.

10.60.120(b)(1) currently makes it unlawful for an owner of real property to park a vehicle or allow a vehicle to be parked on an unpaved surface on the property at any time or in a backyard for a period of more than six months. The ordinance currently in place with this language is the only criminal parking ordinance that cites the owner of the real property and not the owner of the vehicle. Often, it is a guest of a residence or a tenant of the residence that is unlawfully parked. This makes it nearly impossible to prosecute and enforce the ordinance when the vehicle owner is not the real property owner; the owner of the real property can simply state in court that they did not allow the guest or tenant to park at that location and the case must be dismissed. The large majority of these violations are vehicles that are not owned by the real property owners. Amending this section to cite the owner of the vehicle that is in violation not only puts this ordinance in line with the other TMC parking ordinances, but allows the ability to successfully prosecute the violation.

10.60.120(b)(2) currently makes the ordinance applicable to any vehicle that displays a license plate or state issued placard to a Kansas resident who is a person with a disability. It is recommended to omit this section and allow TPD, PMU, and prosecution to decide on a case-by-case basis whether to move forward with a citation. More often, these types of citations are on vehicles parked on an unpaved surface for the purpose of accessible entry into their homes.

10.60.120(b)(4) (currently) is proposed to be amended to 10.60.120(b)(3) after the omission of 10.60.120(b)(2). These language amendments modify and simplify the Governing Body's waiver for parking to accommodate a special event approved pursuant to TMC 12.70.

All of the proposed amendments to TMC 10.60.120(b) are beneficial amendments for the City and it is prosecution's recommendation that these amendments be passed.



CITY OF TOPEKA

Legal Department
215 SE 7th Street, Room 353
Topeka, KS 66603

Amanda Stanley, City Attorney
Tel: (785) 368-3883
www.topeka.org

Answers to the questions asked regarding Parking on Residential Property at the 6/4/24 Governing Body Meeting

Are there different rules for registered versus unregistered vehicles?

A: Unregistered vehicles parked on any surface of the property (grass or paved) can also fall under property maintenance codes for removal. Notice goes to property owner and resident if the owner is not the resident.

Where did the four inch gravel requirement of gravel come from?

A: According to public works, 6 inches of gravel is needed to prevent vegetation from growing through the gravel; however, when the ordinance was last considered, the governing body through its discussions, determined four inches was the appropriate amount as a matter of public policy.

Can a business vehicle park on the street?

A: Business vehicles usually can be parked on the street; it depends on the type of vehicle. For example, a bucket truck can be parked on the street, but not in a residential driveway. A semi-truck cannot be parked on a residential street unless it is actively loading or unloading. However, all vehicle parking on the street is limited to 48 hours at a time. The vehicle must be moved within that 48 hour period.

How are tickets for this ordinance given?

A: The tickets for this ordinance come from both PMU and TPD. Often they are from See Click Fix reporting or from PMU doing their regular inspections. John Schardine will be present at Tuesday's meeting to answer any specific questions you may have on how often his department utilizes education and outreach prior to enforcement.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Ben Hart, Interim Chief Financial Officer and Amanda Stanley, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Hotel Topeka at City Center
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

RESOLUTION introduced by Interim City Manager Richard U. Nienstedt determining the City of Topeka's intent to reimburse itself for certain capital expenditures in connection with the operation of Hotel Topeka.

Voting Requirement: Action requires at least six (6) votes of the Governing Body.

(The resolution states the intent of the City to reimburse itself for certain capital expenditures in connection with the operation of Hotel Topeka should it issue bonds at a later date. The resolution does not issues bonds.)

VOTING REQUIREMENTS:

Action requires at least six (6) votes of the Governing Body.

POLICY ISSUE:

Whether the Governing Body should pass a resolution stating its intent to reimburse itself for certain capital expenditures in connection with the operation of Hotel Topeka should it issue bonds at a later date. This Resolution does not issue bonds.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the Resolution.

BACKGROUND:

Whereas additional capital expenditures in connection with hotel facilities are necessary, including but not limited to mechanical systems, site development, kitchen equipment, replacement of needed room doors, roof replacement, replacement of Air Handling Unit 3, replacement of the VAVs, kitchen hood makeup air replacement, and lighting control panels; and whereas staff recommend the adoption of a resolution allowing the City to recapture expenses if bonds are issued to provide for additional capital expenditures for these needs.

BUDGETARY IMPACT:

The maximum principal amount of bonds expected to be issued in one or more series is \$2,000,000.00.

SOURCE OF FUNDING:

Bonds

ATTACHMENTS:

Description

Resolution

1 RESOLUTION NO. _____
2

3 A RESOLUTION introduced by Interim City Manager Richard U. Nienstedt determining
4 the City of Topeka's intent to reimburse itself for certain capital
5 expenditures in connection with the operation of Hotel Topeka.
6

7 WHEREAS, the City of Topeka, Kansas, (the "Issuer") has made certain capital
8 expenditures in connection with the operating of Hotel Topeka, a city owned facility,
9 generally located at the southwest corner of 17th Street and Topeka Boulevard in Topeka,
10 Kansas, including but not limited to mechanical systems, site development, kitchen
11 equipment, replacement of needed room doors, roof replacement, replacement of air
12 handling Unit 3, replacement of the VAV's, kitchen hood makeup air replacement and
13 lighting control panels (the "Project"), prior to the date of this Resolution, and the Issuer
14 expects to make additional capital expenditures for the Project in the future.

15 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
16 CITY OF TOPEKA, KANSAS, that the Issuer intends to reimburse itself for all or a portion
17 of such expenditures for the Project, to the extent permitted by law, with the proceeds of
18 tax-exempt bonds or other obligations to be issued by itself or another governmental entity
19 for the benefit of the Issuer (the "Bonds"), which Bonds may be issued to reimburse Project
20 expenditures made on or after the date which is 60 days before the date of this Resolution,
21 pursuant to Treasury Regulation § 1.150-2.

22 BE IT FURTHER RESOLVED that the maximum principal amount of Bonds
23 expected to be issued for the Project in one or more series is \$2,000,000.
24

25 ADOPTED and APPROVED by the Governing Body on_____.

26 CITY OF TOPEKA, KANSAS

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Michael A. Padilla, Mayor

32 ATTEST:

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37 _____
Brenda Younger, City Clerk



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: Amanda Stanley, City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Form of Government and Citizens Government Review Committee
PROJECT #:
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

REVIEW of the City's Form of Government and Citizen Government Review Committee pursuant to Topeka Municipal Code Chapter 2.210.

(Staff will provide an overview of the current form of government in advance of the 2025 Citizen Government Review Committee.)

VOTING REQUIREMENTS:

Discussion only. No action required by the Governing Body.

POLICY ISSUE:

The Governing Body will need to determine the parameters of the Citizen Government Review Committee in advance of the Committee convening in January 2025.

STAFF RECOMMENDATION:

Staff is making no recommendation. Discussion only.

BACKGROUND:

This presentation was requested by Councilmember Dobler as a refresher for the Governing Body and the public of the current form of government in advance of the 2025 Citizen Government Review Committee.

BUDGETARY IMPACT:

Not Applicable

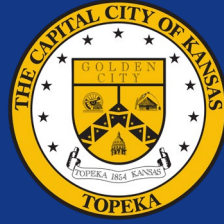
SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Form of Government and Citizen Review Committee Presentation



CITY OF
TOPEKA



Review of the City's Form of Government

Today's Presenter

Amanda L. Stanley
City Attorney



Three Classes of Cities in Kansas

- 1st Class (KSA 13-101) population of 15,000 or more may elect; populations of 25,000 or more must elect
- 2nd Class (KSA 14-101) Population of more than 2,000 and less than 15,000
- 3rd Class (KSA 15-115) Population more than 250 and there must be at least 250 platted lots each of which is served by water and sewer lines



History

- Topeka was incorporated in 1857 by the legislative assembly of the Territorial government.
- The Kansas Constitution, adopted and ratified in 1859, established Topeka as the temporary capitol of the State.
- Kansas was recognized as a state in 1861 with Topeka being appointed as the official capital.



What form of government is Topeka?

Unique form of government created by Charter

- Council-Manager form of government

Mayor is considered a member of the Governing Body for purposes of voting on anything but a home rule ordinance to which the mayor has a veto.



Composition

- The governing body shall be a ten (10) member body consisting of nine (9) district Councilmembers and one (1) Mayor.
- The nine (9) district Councilmembers shall be nominated and elected from nine (9) districts of near equal population on a nonpartisan basis. Each council district shall be represented by one (1) district Councilmember.
- The Mayor shall be nominated and elected at large on a nonpartisan basis.



Mayor

The Mayor shall be the chief elected officer of the city, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity.



The Mayor's powers, duties, and responsibilities

- (i) Recommend to the governing body such measures and legislation as he or she deems necessary concerning the affairs of the city.
- (ii) Encourage programs for the physical, economic, social, and cultural development of the city.
- (iii) Actively promote economic development to broaden and strengthen the commercial and employment base of the city.



The Mayor's powers, duties, and responsibilities

- (iv) Serve as ceremonial head of the city.
- (v) Represent the city in intergovernmental relations.
- (vi) Provide community leadership.
- (vii) Preside as Chair of governing body meetings.
- (viii) Have no administrative powers.
- (ix) Have the right to vote on all matters, except for ordinances for which state law gives the mayor the right to veto.



Powers of the Council

The Council and Mayor shall be the governing body of the city. It shall exercise the corporate powers of the city and, subject to the expressed limitations of this Charter Ordinance, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of Kansas. It shall have no administrative powers.



City Manager

- Serves at the pleasure of the Governing Body
- Responsible to the Council for the proper and efficient administration of all affairs of the city under his or her jurisdiction, and shall, subject to the provisions of the personnel policies of this city and except as otherwise provided in this Charter Ordinance, have the power to appoint, assign, reassign, discipline, and remove all directors or heads of departments and all employees under his or her jurisdiction. He or she may delegate to directors or other department heads responsible to him or her the authority to appoint, discipline, and remove subordinate employees, subject to the personnel policies of this city. (C.O. 94 § 21, 7-20-04.)



City Manager's power and duties

- (a) To execute and enforce all laws and ordinances and policies of the Council and to administer the affairs of the city.
- (b) To sign all contracts binding the city, unless Council approval of the contract or subject matter is required by city ordinance or resolution, state or federal law, or other city officers or employees are specifically authorized by ordinance to approve and sign the contracts. This authority is subject to all legal and administrative reviews and approvals otherwise required by city ordinance.



City Manager's power and duties

- (c) To attend all meetings of the Council, and its committees, unless excused, and such meetings of boards and commissions as he or she chooses or which he or she is directed to attend by the Council, and to participate in discussions at such meetings.
- (d) To recommend to the Council such measures and ordinances as he or she may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the city as he or she finds desirable.



City Manager's power and duties

- (e) To investigate affairs of the city under his or her supervision, or any franchise or contract for the proper performance of any obligation running to the city within his or her jurisdiction.
- (f) To control and administer the financial affairs of the city.
- (g) To prepare an annual budget for submission to the Council.
- (h) To prepare or cause to be prepared the plans, specifications, and contracts for work which the Council may order.



City Manager's power and duties

- (i) To supervise the purchasing of materials and supplies and to make recommendations to the Council in connection with the awarding of public contracts and to see that all city contracts under his or her direction or that of the Council are faithfully performed.
- (j) To prepare and submit to the Council such reports as it may require or that the City Manager deems appropriate.
- (k) To keep the Council at all times fully advised as to the financial condition and needs of the city.



City Manager's power and duties

- (l) To prescribe such general rules and regulations as he or she may deem necessary or expedient to the general conduct of the administrative departments under his or her jurisdiction.
- (m) When directed by the Council, to represent the city in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval.
- (n) To devote his or her entire time to the duties and interest of the city.
- (o) To perform such other duties as may be prescribed by this Charter Ordinance or by ordinance or resolution.



City Manager's power and duties

- (p) To provide the Council by February 28 with a written report of the city's financial condition and administrative activities for the prior fiscal year.
- (q) To recommend organization of departments and divisions in the most efficient and economical manner.
- (r) To prepare the agenda for Council meetings. (C.O. 112 § 3, 1-14-14.)



What is the Citizen Government Review Committee?

- Set out in TMC 2.210
- Committee comprised of 5 registered voters appointed by the GB representing as widely diverse backgrounds as possible
- Must convene by July 1, 2025 and submit its report and recommendations within 6 months to the GB
- Meetings must be open to the public
- The Committee's report format should include, but not be limited to, areas of concern addressed, general findings relative thereto, and specific recommendations for alleviating concerns or problems



1983 Citizens Advisory Committee

- 1st one
- 16 members selected by the then 4 commissioners and the mayor who made up the form of government at the time.
- The committee held six public hearings throughout the city and met weekly from August 1983 through March of 1984.
- The committee recommended the adoption of a new form of government – the Strong Mayor/Council/Chief Administrative Officer – which was placed on the November 1984 ballot.
- The measure passed and the new form of government began in April, 1985.



1990 Topeka Charter Ordinance Review Committee

- 15 members
- 13 Committee meetings were held between August, 1989 and April, 1990.
- The major issue appeared to be the need to clarify the role of the mayor and council.
- The governing body adopted some recommendations and rejected others.



1998 Committee to Review the Form of Government for the City

- The committee met weekly from September, 1998 through May, 1999.
- One televised public hearing was held.
- The committee solicited advice from current and past City office holders, current and former department heads, representatives from business and labor, and finally citizen input.
- The committee recommended numerous changes to the charter ordinance and urged the governing body to initiate action to consolidate the governments of the city and county.
- None of the recommendations were adopted by the governing body.



Change in Form of Government

- Council/Manager form of government becomes effective in 2005 (not done through Citizen Review Committee)
- October 13, 2009. The 1988 ordinance authorizing a citizen committee be impaneled every 10 years is repealed and replaced with the current ordinance – TMC Chapter 2.210 – which requires that a committee be impaneled before July 1, 2015 and every 10 years thereafter (i.e. July 1, 2025).



2014 Committee to Review the Form of Government for the City

- The Committee members, appointed in early 2014, met between January and May of 2014 and delivered their recommendations to the Governing Body on May 20, 2014.
- Major focus was defining the role of the Mayor.
- Technical changes were made but no substantial changes to the form of government were adopted by the Governing Body.



Next Steps

- In October the Governing Body will need to set out the parameters for the Citizen Review Committee via a resolution.





City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
June 11, 2024

DATE: June 11, 2024
CONTACT PERSON: **DOCUMENT #:**
SECOND PARTY/SUBJECT: Public Comment **PROJECT #:**
Protocol
CATEGORY/SUBCATEGORY
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

PUBLIC COMMENT PROTOCOL

VOTING REQUIREMENTS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

Governing Body Rule 5.5

(c) **Public Comment on a specific agenda item:** Comments from members of the public concerning a specific agenda item will be heard at the time the item is considered. Persons will be limited to addressing the governing body one (1) time on a particular matter unless otherwise allowed by a vote of six (6) or more members of the governing body.

(d) **General public comment:** Requests by members of the public to speak during the public comment portion of a regular governing body meeting will be placed on the agenda on a "first-come, first-served" basis. The request should state the name of the individual(s) desiring to be heard. Each such individual shall be limited to addressing the governing body one (1) time and his or her comments shall be limited to topics directly relevant to business of the governing body; provided however, that comments pertaining to personnel and litigation matters shall not be allowed.

Procedures for Addressing the Governing Body

In accordance with Governing Body Rules 5.6 and 5.7, 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 office (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 City Council Chambers or Zoom meeting room.

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

Zoom Meeting Protocol

- 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.
- Please keep your mic muted and your camera off until you are called by the Mayor to give your comment.
- 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 atcclerk@topeka.org 215 SE 7th Street, Room 166, Topeka, KS 66603 for attachment to the minutes.
- 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.
- 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.
- Please do not share the Zoom login information with anyone. Any unauthorized users will not be admitted to the Zoom meeting room.

BUDGETARY IMPACT:

SOURCE OF FUNDING: