

**Tennessee Town NIA General Membership Meeting**  
**6:30 p.m., Monday; November 4, 2019**  
**Buchanan Center Conference Room, 1195 SW Buchanan**

TENTATIVE AGENDA:

- I. Welcome
- II. Holiday Party, Tennessee Town's 140th Birthday (vote on time, date and location)
- III. Fundraising Committee Report (vote, pgs. 6 and 7 of meeting packet)
- IV. Lane Garden, Mid-Block Lighting Update (pg. 8)
- V. Ice House Historic Preservation Update (pg. 9)
- VI. Withdrawal of Stormont Vail Proposal to Close SW Washburn for New Entrance, Parking Structure (pg. 9)
- VII. SW 12th Street Proposal Reducing Traffic Lanes from Two Lanes to One Lane Update (vote?)
- VIII. SORT Infrastructure Projects Update (pg. 10)
- IX. Vacant Property Registration Proposal: Pat DeLapp (pgs. 11-13)
- X. Adoption of Agenda (vote)
- XI. Approval of September 9, 2019 General Membership Meeting Minutes (vote; pgs. 2-4)
- XII. Reading and Acceptance of Treasurer's Reports (vote; pg. 5)
- XIII. City Council Report, Aaron Douglas Art Fair Report: Karen Hiller
- XIV. Community Policing Report
- XV. Property Maintenance Report: Carlos Hernandez
- XVI. Citizens Advisory Council (CAC) Report: Donald Fortin
- XVII. Accessing Community Resources Council's "Tier-Two Nonprofit Status for 2019
- XVIII. "Grocery Oasis" Group to Establish Another Central Topeka Full-Service Grocery Store Awarded Grant, Closure of Other Topeka Grocery Stores and City's Growing Problem of Food Deserts (pg. 14-15)
- XIX. Reports of Officers (pgs. 14-15)
- XX. Old Business:
  - A. International Academy Update: Sandy Lassiter
  - B. Topeka JUMP, Momentum 2022 Updates: Joyce Revely
- XXI. New Business:
- XXII. Kudos:
  - A. Pat DeLapp and Keep America Beautiful-Topeka/Shawnee County for Disposing of Abandoned Tires; Habitat for Humanity, Shiloh Baptist Church and Working Men of Christ Ministries for Efforts During Fall Neighborhood Cleanup
  - B. Kudos from Attendees
- XXIII. Announcements:
  - A. Neighborhood Relations Programs: (1) *Emergency Program*: Intended to help homeowners make repairs to immediate health or safety hazards, (2) *Accessibility Program*: Provides modifications to residential homes for owners or tenants with disabilities. For more info. or to apply, please call 785-368-3711.
  - B. TOTO first-time homebuyers' assistance program: The program helps low-income families purchase their first home through HUD funding. The program helps Topeka residents become homeowners by providing education, financing, and home rehabilitation by partnering with Housing and Credit Counseling Inc. For more info., please call 785-234-0217, ext. 317.
  - C. Next Meeting: 6:30 p.m., Mon., Jan. 13, 2020, Buchanan Center, 1195 SW Buchanan
- XXIV. Adjournment

Tennessee Town on the Internet! Website: <http://tenntownnia.weebly.com> (all NIA meetings, activities posted) ●  
Nextdoor Tennessee Town: [https://tennesseetown.nextdoor.com/news\\_feed/](https://tennesseetown.nextdoor.com/news_feed/) ● E-Mail: [tenntown@yahoo.com](mailto:tenntown@yahoo.com)

Tennessee Town NIA General Membership Meeting  
6:30 p.m., Monday, November 4, 2019  
Buchanan Center Conference Room, 1195 SW Buchanan

Minutes of September 9, 2019 General Membership Meeting

Attendees- President Michael Bell, Vice President Pat DeLapp, Secretary-Treasurer Sandra Lassiter, City Council Member Karen Hiller, Don Fortin, Joyce Revely, Pastor Harry Christian, Daniel Hutchins, Natalie Oyler, LaToya Lattimore, Christine Allen, Stormont-Vail CEO Rob Kenagy, Topeka Police Ofc. Matt Wilson, Leroy Wedeking.

Bell called the meeting to order at 6:35 p.m.

Doorstep, Inc. Basement Flooding: Bell said that Doorstep, Inc. Executive Director Lisa Cain had contacted him about a sewer backup that had caused flooding in several areas of their basement. Cain said Doorstep lost at least a 1/3 of the Christmas items it had collected for December. She said insurance isn't paying so they have the expense of clean up and repairing and replacing some drywall and carpet also. Cain said the City of Topeka is claiming the heavy rainfall is to blame and all their systems are clear. But she said that in her 25+ years at Doorstep this had never happened. Cain said Doorstep is looking at expenses of probably \$20,000+ for cleanup when all is said and done. She said the City did say it was just us that time and Doorstep is at the beginning of the line for this area. Cain said Doorstep is in need of contributions and or financial support.

Stormont Vail Proposal to Close SW Washburn for New Entrance, Parking Structure: CEO Dr. Robert Kenagy: Stormont Vail CEO Rob Kenagy gave a presentation on the proposal. It involves a new front entrance along SW 10th St. and a new parking structure along SW 10th and directly east of the hospital. Those improvements, he said, would necessitate the closure of SW Washburn from SW 10th north to SW 8th. At SW 8th, Washburn's south-bound traffic would be routed to SW Lane, which they would become a 2-way street with one lane each handling south and north traffic. He said the proposal also includes the development of additional medical and health care services as part of a \$60 million investment. Kenagy spoke on the importance of safety and convenience. Those in attendance expressed concerns about the proposal, including traffic patterns that would endanger car and pedestrian traffic. A handout showing the project was distributed. Bell questioned the large amount of aesthetic landscaping around the area slated for closure and cited his recent stay at Stormont and how investing the \$60 million in patient services would be a better way to go.

Topeka Planning Director Bill Fiander, in a email he sent to Bell, said that Stormont would have to meet several requirements before moving forward with its proposal:

"The formal process would be for SV to submit a vacation application to the City for 'vacating' public right of way. Since they own the land on both sides of the road, they have the legal authority to do this. City staff would review and make a recommendation to the Governing Body who would hold a public hearing on the matter. GB has final say in approving or disapproving. Before we finalize our recommendations and send to GB, we would require SV to hold a neighborhood information meeting with affected property owners.

The City would need to approve or at least 'accept' a traffic study before it goes to the GB which details exactly what road improvements need to be performed as a condition of vacating. We have to agree to it. It is assumed that the applicant would cover all costs of any road/signal improvements identified in that study. If approved, those improvements would need to be in place prior actual closing of the street.

"SV has done what we would consider a preliminary traffic study to date. The City has neither approved nor accepted it and considers it incomplete. We have made comments back to them but thought they'd want to reach out to the public first before spending any more time and dollars on a study that requires a lot more work."

SW 12th Street Proposal Reducing Traffic Lanes from Two Lanes to One Lane Update: Discussion occurred on the SW 12th Street redevelopment project. Karen Hiller spoke on the plan to return SW 12th to a “neighborhood street.” through the Complete Streets policy adopted by the city council about 10 years ago. Bell said he had read the Complete Streets policy, which wasn’t submitted to the public for approval, and it doesn’t require that every project include the closure of traffic lanes. He said he felt betrayed because the expectation was to keep 2 lanes and simply make repairs and/or resurface SW 12th. He also objected to the process in place that led to the lane closure proposal, stating that if the public had been included from day one then the lane closure idea would not have been included in the proposal. Discussion occurred on the traffic counts done by the city, which showed decreased traffic. Many attendees didn’t think those counts took into account peak-time traffic or how the bad condition of SW 12th had affected those counts. Hiller said nothing has been adopted and that she had been told that the proposal might come back before the city council later in September.

NIA member Natalie Oyler said the new infrastructure improvements in Tennessee Town funded through the SORT grant have made navigating intersections tough for the physically handicapped. Bell said he would follow up with project engineer Linda Voss.

Lane Garden, Mid-Block Lighting Update: Bell said Topeka City Manager Brent Trout had indicated his interest in working with the NIA on donating the current Lane Garden to the NIA’s state nonprofit. Bell said discussions are continuing.

Regarding pedestrian mid-block lighting, Bell said it is still on the table. He said the City recently updated its street lighting policy in ways that might help the NIA with its proposal. Bell said these discussions also will continue.

October 2019 Neighborhood Cleanup, Habitat Tool Bus (vote to schedule dates, locations of two dumpsters): Bell spoke on the Habitat Tool Bus, which comes to NIAs to provide tools for minor housing repairs. He suggested that it be a part of the NIA’s fall neighborhood cleanup. Regarding the cleanup, Bell suggested to request 2 dumpsters to be placed in the same locations the NIA used for last year’s cleanup.

*Donald Fortin moved to hold the NIA fall neighborhood cleanup from Fri. Oct.25th through Sun., Oct. 27, 2019 and to place 2 dumpsters in the neighborhood, one at the alley entrance of 1153 SW Lane and one at the alley entrance of the northwest corner of SW 12th and Clay Streets (1197, 1199 SW Clay) and to have a Habitat tool bus available on Oct. 26. Christine Allen seconded the motion. The motion was approved.*

Working Men of Christ’s Daniel Hutchins said his group would be willing to move furniture from the curb to the dumpsters from Oct. 25 through Oct. 27 and to maintain the areas where dumpsters will be located.

Adopt of Agenda: *Leroy Wedeking moved adoption of the agenda. Joyce Revely seconded the motion. The motion was approved.*

Approve of March 11, 2019 and July 8, 2019 General Membership Meeting Minutes: *Allen moved adoption of the minutes as presented. Revely seconded the motion. The motion was approved.*

Reading and Acceptance of Treasurer’s Reports: Bell said the expenditures for the CRC’s Tier Two 501c(3) nonprofit status and payment for the NIA’s state nonprofit have not been deducted by Neighborhood Relations.

*Wedeking moved adoption of the treasurer’s reports. Pat DeLapp seconded the motion. The motion was approved.*

City Council Report, Aaron Douglas Art Fair Update: Hiller said she was proud of the discussions with Dr. Kenagy regarding Stormont’s proposal to close SW Washburn. She also thanked attendees for their input of the SW 12th proposal. The Art Fair will be held from 10 a.m. to 6 p.m. on Sat., Sep. 28, 2019 at the Art Park, SW 12th and Lane Streets. She said the stage will be in a different location and that there will be poetry and spoken word activities.

Community Policing Report: Ofc. Wilson gave the report. He said Ofc. Derek Parrett, the NIA’s former community police officer, moved to the west side. Wilson said there won’t be a community police officer formally assigned to Tennessee Town for a while and that he didn’t know when one would be assigned. Bell said he’d follow up with Wilson on the matter. Regarding crime, Wilson said there were no trends and only a couple of crimes. He gave a report on 1115 SW Clay.

Property Maintenance Report: Carlos Hernandez was unable to attend, so there was no report.

Citizens Advisory Council (CAC) Report: Don Fortin gave the report. He said the CAC had adopted a new “flag” to identify it. He said the CAC would host a free day at the zoo from 9 a.m. to 3 p.m. on Sat., Sep. 28, 2019. He said there would be nonprofit tables but no food. Fortin also said the North Topeka East NIA had been selected as the next SORT neighborhood.

Accessing Community Resources Council’s “Tier-Two Nonprofit Status for 2019: Bell said he had been approached by NIA members with some grant ideas so that the NIA could use the CRC option.

National Night Out Against Crime/Tennessee Town Basketball Tournament Reports: Sandy Lassiter said both events were very successful. This year’s NNO had a new coordinator, Shannon Keys.

“Grocery Oasis” Group to Establish Another Central Topeka Full-Service Grocery Store Update, Closure of Other Topeka Grocery Stores and City’s Growing Problem of Food Deserts: Bell said the Grocery Oasis group is in process of getting a grant for a market study.

2019 Marks Tennessee Town’s 140th Birthday: Bell talked about the birthday. He suggested marking the anniversary at the NIA’s Holiday Party.

Old Business: Fundraising Committee Report: Bell deferred action on the item to the Nov. 11 NIA meeting.

Old Business: International Academy Update: Lassiter said things were going well.

Old Business: Topeka JUMP, Momentum 2022 Updates: - Revely said JUMP now was having house meetings. The next meeting would be at 6:30 p.m. on Tue., Sep. 10, 2019, at Asbury-Mt. Olive Church. Regarding Momentum 2022, Revely said a Turning Point community wide event was in the works. She said good things were happening and the group was working to change negative perceptions of Topeka. Working on making people proud of Topeka and getting more people to come to Topeka. Revely said Reuben West recently keynoted an event.

New Business: There was no new business.

Kudos: Bell recognized National Night Out Coordinators Emma Ray (Through 2018) and Shannon Keys (2019), Asbury-Mt. Olive Church (Through 2018) and Faith Temple Church (2019) for Successfully Staging the Event; Faith Temple Church for the 13th annual Tennessee Town Basketball Tournament

Announcements: Neighborhood Relations programs, TOTO first-time homebuyers’ program.

Next Meeting: The NIA’s Nov. 11 meeting will fall on Veteran’s Day. Attendees thought it should be rescheduled. Bell said the executive committee, per the NIA’s bylaws, would choose another date.

Adjournment: Revely moved adjournment. Wedeking seconded the motion. The motion was approved.

The meeting adjourned at 9:12 p.m.

Tennessee Town NIA General Membership Meeting; 6:30 p.m., Monday, Nov. 4, 2019  
 Buchanan Center Conference Room, 1195 SW Buchanan

Treasurer's Report for Nov. 4, 2019 General Membership Meeting:  
2019 Operations/Communications Budget\*\*\*

<b>Tennessee Town NIA 2019 Operations and Communications Budget:</b>				
<b>Date</b>	<b>Piece Count</b>	<b>Transaction Type</b>	<b>Withdrawal</b>	<b>Balance</b>
1-1-19, 3-11-19	▶	▶	▶	<b>\$1,078.94</b>
6-19-19	302	Printing Newsletters/ Infographics	\$29.00	\$1,049.94
6-19-19	302	Postage Fees	\$74.97	974.97
7-25-19	1	National Night Out: Function Flatables (Bouncy House)	\$250.00	\$724.97
7-25-19	1	National Night Out: Bubbles Clown	\$150.00	\$574.97
7-8-19	1	State of KS Incorporation Fee (State Nonprofit)	\$40.00	\$534.97
<b>TOTALS:</b>	▶	▶	<b>\$543.97</b>	<b>\$534.97</b>

\*\*\*Fee for Community Resources Council's Second Tier Membership to be reflected on the Jan. 2020 report.

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Treasurer's Report for Nov. 4, 2019 General Membership Meeting: Envista Account

<b>Tennessee Town NIA 2016-2019 Envista Account:</b>			
<b>Date</b>	<b>Transaction Type</b>	<b>Deposit/Withdrawal</b>	<b>Balance</b>
11-12-18	Balance Check	None	\$139.47
11-1-18, 12-1-18, 1-1-19, 2-1-19, 3-1-19, 4-1-19, 5-1-19, 6-1-19, 7-1-19, 8-1-19, 9-1-19, 10-1-19, 11-1-19	Balance Checks: Dividend of \$0.01 paid each time	Deposit	\$139.60
<b>TOTALS:</b>	▶	▶	<b>\$139.60</b>

NIA Fundraising Committee Report:

Committee members Joyce Revely and Christine Allen, Emma Ray, and Michael Bell.

The committee took two tracks regarding the fundraisers. The first was discussing ongoing fundraisers, or those fundraisers that could be held throughout the year. The second was discussing one-time fundraisers, or those held on one date.

Tennessee Town's 140th anniversary was mentioned as a tie-in to the one-time fundraiser.

Recommendation: Choose 1-3 ongoing fundraisers.

Ongoing fundraisers:

Cookbook:

- Make a hard-copy version (find a printer willing to donate or discount copy services), spiral bound.
- Solicit recipes from Tenn. Town residents, business employees, and others
- Have a historical piece in the cookbook (city's first NIA, 1976; 2019 is Tenn. Town's 140th birthday)
- Mike Bell will design cookbook
- Decide how much to charge, make payment available through traditional methods (check, money order) and online methods (PayPal, etc.)

Yard/Parking Lot Sales:

- Participants can donate what they want
- Donate leftovers to Mission, thrift store or
- Have participants pay a fee to bring their stuff; if stuff is left over, owner takes it home with them
- "Gently used" items
- Locations: GraceMed (Ray held a parking lot sale there last year for National Night Out, Faith Temple parking lots; Buch. Ctr north field (bathrooms?))
- Hand-made items OK
- Bake sale goods OK

Film Night:

- Charge a small admission fee (\$5, maybe slightly more for a family?)
- Where to find a projector?
- Betty Phillips has access to a large screen
- Offer popcorn, soda (vendors come, distribute and make money)

Trivia Night:

- Partner with a bar, restaurant or other social establishment
- Percentage of proceeds that night go to NIA
- Solicit donated prizes from businesses
- Identify a moderator

Sell Candy Bars/Food Items:

- Can make a lot of money doing this (people love to eat)
- Find out costs of items (keep costs low)
- Done on honor system

#### 50/50 Raffle:

- The prize is 50% of the money taken in by the raffle ticket sales.
- The other 50% is retained by the nonprofit group holding the raffle

#### Car/Dog Wash:

- Water source?
- Partner with a car wash or pet grooming business ("x" amount of proceeds goes to business and to NIA)
- Can we find enough volunteers? (Faith Temple, 1st Church of the Nazarene, A-MO youth programs)

#### Restaurant Night:

- Percentage of restaurant's sales go to NIA (GraceMed did this with Jason's Deli)

#### Food Trucks:

- Expensive
- Percent of receipts go to NIA

#### Gospel Fest:

- Ray organized one last year for National Night Out
- NIA does flier and organizes distribution
- People in community volunteering to sing and play music
- Low-cost event

#### One-Time Fundraisers:

- Carnival/Battle of the Bands/Dog Training/For and Non-Profits Set Up Tables to Visit with Community
- People in community volunteering to sing and play music
- Small cover charge
- Band shell?
- Ask for donations to offset costs
- Can set up fundraiser for the fall

Tennessee Town NIA General Membership Meeting, 6:30 p.m., Monday, Nov. 4, 2019  
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NIA President Bell and Vice-President DeLapp met with Shawnee County Parks and Recreation Director Tim Laurent at 3:15 p.m. on Wed., Oct. 16, 2019, at the Buchanan Center, 1195 SW Buchanan.

These were the main discussion topics:

- DeLapp and Bell explained the holding pattern the NIA has been in regarding making improvements to Lane Garden, including the county's unwillingness to help under the leadership of former director John Knight and the fact that the NIA has been in limbo for 5 years.
- Bell said the NIA had partners on board, including the family of Marge Heeney, Ogden Publications, GraceMed and others, ready to help to make improvements to Lane Garden (the pollinator garden idea was discussed). Karen Hiller was credited with the pollinator garden idea and identifying many of the partners. Laurent said he'd follow up with Hiller.
- DeLapp and Bell discussed the acquisition of 1194 SW Lane and combining it with the current Lane Garden to provide an expanded park.
- Bell said the NIA has approached the City about donating the current Lane Garden to the NIA's state nonprofit, but there would be liability insurance and other expenses that the NIA would have to take on that it can't afford.
- Attendees discussed the county's double standard in not bringing Lane Garden in under its umbrella while doing so with the Art Park across the intersection. One of the county people at the meeting (there were 5 of them in addition to Laurent) said the county had no choice but to do so. That's not the way I remember it. When GraceMed took over that block, there were no provisions for the Art Park and GraceMed didn't want to take it on. It was then that the county decided to take on the Art Park. That's the way I remember it.
- Laurent said that mowing Lane Garden would be an expense the county would take on as it wouldn't cost much to do so.
- Laurent said he would draw up a Memorandum of Understanding (MOU) outlining what the county could do and what the NIA could do regarding ultimately bringing Lane Garden under the county's umbrella and the NIA's part in making improvements at Lane Garden.

We are waiting to receive the MOU from the county.

On Oct. 25, 2019, at 9:33 a.m. Laurent sent the following email:

Hi Michael,

I talked with Karen Hiller briefly about Lane Garden since our last meeting and she basically reiterated everything that you relayed to me in our meeting. Do you know if anyone has put together any sort of plan or map showing what the pollinator garden would look like? Is it possible we could have another meeting and include those that would drive the creation of the garden?

I think having a clear, well thought out plan will be the key to getting this project off the ground. Let me know what you think.

Thanks,  
Tim

On Oct. 25, 2019, at 11:23 a.m. Bell responded:

There is no formalized plan at this point regarding the pollinator garden. We were hopeful that the ownership issues would be resolved first as it would be unfair to ask our partners to draw up plans without knowing for sure if we would be able to move forward.

Having said that, the Heeney family, in concert with people at Ogden Publications, had stepped up to assist with design work, perhaps in concert with the K-State Extension Office and the Shawnee County Master Gardeners.



Geographically speaking, I think we were looking at the pollinator at the north end of an expanded Lane Garden (including the vacant lot at 1194 SW Lane), with traditional park amenities at the south end (benches, tables, a solar light, a grill, trash receptacles, etc.). We're also interested in a mural wall at the north end of the lot at 1194 SW Lane, which would be the new north boundary, that would be painted by the kids at the International Academy virtual school, currently operated out of Faith Temple Church but slated to be run eventually out of a new building across the alley from Lane Garden at 1195 SW Lincoln. Per our discussions at the Oct. 16 meeting, the NIA and its partners would be responsible for the amenities and other improvements like the mural wall.

Yes, another meeting does seem to be prudent, perhaps mid-November. I'll extend invitations to the partners.

Bell and Hiller are following up with the Heeney family.

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Regarding the Ice House, located at 1111 SW Buchanan, I decided to contact Kevin Broxterman, who owns it, at the end of last week. I did so after finally finding a cell-phone number online. I finally reached Broxterman this morning. He said he would be willing to sit down with us to discuss what would be required to bring the Ice House back to what it looked like during its heyday. He said he would be available to meet during the evening over the next 1 to 2 weeks. He suggested meeting at World Cup Coffee, located in the strip mall at SW 21st and Washburn. I told him I'd get with you both to set up a time and date for the meeting. Pat has told me that previously Broxterman had been less than willing to discuss this topic. Let's strike while the iron is hot on this.

Bell scheduled a meeting with the NIA's executive committee and Broxterman at 6 p.m. on Thu., Nov. 7.

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Regarding Stormont-Vail's decision to withdraw its proposal to close SW Washburn from SW 8th to SW 10th and to make SW Lane a 2-way street from SW 10th to SW 8th, Bell received the following email on Oct. 31, 2019, from Jerry Palmer:

"Dr Kenagy heard the community and they have decided not to ask for the closure of Washburn Ave. This is a letter I just received. It is addressed to Jim Parrish , a SV Board member that I have been keeping informed of the growing opposition. The underlines (Mike Bell's note: CAPS in this version) are mine.

"Jerry R. Palmer

"Jim, Thank you again for conveying the concerns expressed by Mr. and Mrs. Palmer and those with whom they've met. Our process regarding this initiative has included meetings with neighborhood groups that could be impacted by closing Washburn between 8th and 10th (Mike Bell's note: Dr. Kenagy attended the Sep. 9 Tennessee Town NIA meeting). After hearing from a number of neighbors regarding their concerns about how traffic would be impacted WE HAVE DECIDED TO CONSIDER OTHER OPTIONS THAT WOULD NOT CLOSE THE STREET.

"We will continue to pursue options that promise to improve the experience of our patients and their families, our team members and our community. Clearly our closest neighbors have expressed their concerns and I'm thankful we were in a position to listen and respond. Mr. and Mrs. Palmer, I've addressed this to Jim primarily because he seems to be the conduit through which you've chosen to communicate. I'm sure we were in the neighborhood meetings together and I apologize if you introduced yourselves and I've forgotten. I'd be pleased to communicate directly.

"TO REITERATE FOR THE SAKE OF CLARITY, WE ARE NOT NOW PURSUING APPROVAL OF A PROJECT THAT WOULD CLOSE SW WASHBURN STREET BUT ARE REENGAGING WITH OUR ARCHITECTS TO RECONSIDER AND PERHAPS CONSIDER FOR THE FIRST TIME OPTIONS THAT WILL ACHIEVE OUR STATED OBJECTIVES.

"Dr. Kenagy"

Bell will keep all informed as the other options are developed and shared.

Regarding completion of the SORT infrastructure projects in the NIA (curbs, sidewalks, streets), Public Works' Linda Voss sent the email to Bell on Oct. 7, 2019, at 9:53 a.m.

"I have two contract in Tennessee Town – one is mostly sidewalks and ramps, and the other is primarily the road – but they do overlap the types of work.

"The control we have over our contractors is somewhat limited. We "let" the project to the lowest bidder and they receive a start date and an end date – they are typically not told specifically what to complete first. Our contractors also have a tendency to move from one job to another. While we do not prefer that, it is allowed as long as they complete the work according to our specifications and our contract documents.

"We have one contractor that was suppose to be completed by September 21<sup>st</sup>. That contract is in what we refer to as liquidated damages. They are being charged a penalty per day until they are complete. My other contractor is suppose to complete his work by November the 2<sup>nd</sup>. I anticipate both contractors to be complete by November 2<sup>nd</sup>."

During a telephone conversation with Voss on Mon., Nov. 4, 2019, Bell was able to find out the following:

- Quality Building is the contractor for the sidewalks, which are 99% done.
- Bettis Asphalt & Construction is the contractor for curbs and streets. Voss said 2 streets have been milled and overlaid. Work continues on SW Buchanan and Munson. She said damages for not finishing those projects on time start on Nov. 8, 2019.

This from Bettis's Brian Panches to Voss on Oct. 29, 2019, at 4:59 p.m.:

Linda,

"Right now the only thing holding us up is the temperatures to complete the mill and overlay work. The brick intersection is completed and the brick patching will be completed by Thursday.

"Bryon Panches  
Bettis Asphalt & Construction"

Regarding the Nov. 8, 2019, contract deadline, this from Voss to Panches on Oct. 29, 2019, at 4:15 p.m.:

"Hi Bryon – just wanted to provide a summary of days.

"Substantial completion was October 25

"With change order #1 we added 12 days (8 August rain days, 4 for additional work) bringing us to November 6<sup>th</sup>.

"When I do change order #2 I will add two rain days for September bringing us to November 8<sup>th</sup>.

"We will go into liquidated damages on the 8<sup>th</sup>. If you feel you should have more days, your request will be considered.

"Hopefully we make the 8<sup>th</sup> and we will not have to deal with LD."

Regarding the City of Topeka's Vacant Property Registration Proposal, I submitted the following to the city council, mayor and city manager as a private citizen only:

"(Note: The views expressed in this email do not necessarily represent the views of any other individual or entity. They are mine.)

"Below is an email I sent on Mon., Oct. 14, to the Topeka City Council, Topeka Mayor and Topeka City Manager regarding the vacant property registration proposal before the city's governing body.

"Hi, all!

"Regarding the City's efforts to establish vacant property registration, I am opposed (see below for the proposal). Rather than to punish through fines, there are other more positive ways to accomplish the goals of addressing vacant properties.

"First, I have a number of questions and concerns about the proposal:

- \* What impacts might happen for low- to moderate-income property owners in or out of foreclosure?
  - \* What impact, if any, might this proposal have on NIAs trying to amass vacant properties for development? Fines in that case seem counterproductive to me. We all know about the "law of unintended consequences." Has the City done its due diligence regarding this law?
  - \* Tennessee Town NIA, Inc., the NIA's state nonprofit, owns the vacant property at 1194 SW Lane. The NIA is working to combine 1194 SW Lane with the current Lane Garden at SW 12th and Lane Streets to create an expanded Lane Garden. Would this proposal force the NIA's state nonprofit to pay a fee on the undeveloped 1194 SW Lane?
  - \* Would other nonprofits like Habitat have to pay the fee on vacant property it owns but plans on improving with housing?
- Why does the City continue to pursue punishment through fines instead of doing the hard work of sitting down with property owners and other interested parties to resolve these issues?

"In reading the piece entitled, "Can Extra Taxes on Vacant Land Cure City Blight," (<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/07/can-extra-taxes-on-vacant-land-cure-city-blight>) land banking was mentioned as a better alternative to vacant property registration I've been singing the praises of land banking for nearly 20 years, but those praises haven't been heard by the people who can make a difference, the city's governing body, or have been ignored. I'm not the only one in that choir.

"This is the testimony I gave before the Local Government Committee of the Kansas House on House Bill 2506 at 1:30 p.m. on Tue., Jan. 23, 2018 (my birthday):

\* Land Banking: Land banking is the practice of aggregating parcels of vacant land for future sale or development. It allows cities to move in on multiple parcels of vacant land or to acquire vacant housing that then can be assessed for rehabilitation appropriateness. If houses, using objective measures like Housing Quality Standards,\*\* are deemed to be beyond rehabilitation, then those houses can be demolished and combined with adjacent properties for housing or other development. In 2004 Michigan adopted a land-banking statute. Ohio followed suit in 2009 and New York in 2011. In Topeka, land banking has been discussed since at least the late 1990s but no ordinance has ever been adopted. In 1996 and 2009 the State of Kansas authorized cities to create land banks via ordinance and counties via resolution. I'd prefer to see the State move on adopting a land-banking statute so that all cities and counties have an equal chance to take part in this important neighborhood revitalization tool (<http://www.livewelllawrence.org/DocumentCenter/View/145>). The language for a state land-banking statute essentially already exists in the city and county authorizations.

\*\*\* Housing Quality Standards: HQS define "standard housing" and establish the minimum criteria for the health and safety of program participants. Current HQS regulations consist of 13 key aspects of housing quality, performance requirements, and acceptability criteria to meet each performance requirement. HQS includes requirements for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy, shared housing, and group residences."

There are other methods to achieve the goals of vacant property registration as stated in the proposal, namely to address "blight" (the definition of which varies depending on who's defining it) through the actions of "irresponsible landlords" (same caveat as above) and the actions of financial institutions and commercial property owners. They are (list not exhaustive):

\* Buying abandoned housing/structures and vacant lots: Cities can buy abandoned houses/structures and vacant lots at or near market value or at tax sales and immediately turn them over to individuals, nonprofits and/or developers for rehabilitation (working closely with neighborhood residents and organizations) or for demolitions if rehabilitation per HQS/objective measures is not practicable. Those demolitions then can be followed by land banking and identifying local housing providers like Habitat for Humanity and others to use the vacant lots for new construction (working closely with neighborhood residents and organizations). The Tennessee Town neighborhood of Topeka followed this blueprint in the early 2000s in the first 1200 block of SW Lincoln and completely turned around the worst block in the neighborhood through placing 9 new houses in the block, which encouraged other property owners to improve their houses. Making reasonable offers on properties completely eliminates the due process and taking issues that have plagued past legislative efforts.

\* Public-Private Partnerships: A public-private partnership is a contractual arrangement between a public agency (federal, state or local) and a private-sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility (<https://www.ncppp.org/ppp-basics/7-keys/>). Cities can carry out their duties to secure and amass property and identify individuals, neighborhood organizations and nonprofit housing partners and the private entities with which they partner can bring financial, material and human resources to redeveloping those properties. One example of a successful public-private partnership is found in Columbus, OH. Several years ago Nationwide Children's Hospital formed a partnership with an adjacent low-income neighborhood, later joined by the City of Columbus, that completely turned around that neighborhood (Affordable Housing).

\* Vacant Property and Vacancy Prevention Programs: Many of the issues described here come into play only after a property has become vacant. But the best outcome is to keep properties from becoming vacant in the first place. A vacant property program should be well coordinated with a vacancy prevention program to prevent properties from becoming vacant. For example, early warning databases and collaboration involving cities, neighborhood organizations and residents can help cities identify properties and neighborhoods at risk of vacancy (something that's tracked in Topeka by the City's planning department), so they can provide homeowners, renters and neighborhood organizations with information and services that might prevent a property from becoming vacant while understanding that these 2 mechanisms are NOT meant to be punitive but are meant to positively address housing challenges for all involved (<http://mayorscaucus.org/wp-content/uploads/2014/10/How-Can-Municipalities-Confront-the-Vacant-Property-Challenge-A-Toolkit.pdf>).

\* Putting a clock on restrictive covenants/deed restrictions: I recently approached the city's governing body and city manager about putting a clock on how long businesses can let their properties sit vacant and unimproved. Doing so would prohibit businesses from keeping former buildings vacant for as long as they please while prohibiting the establishment of new businesses in vacated buildings, new businesses that would compete with them. THAT HAS TO STOP. It runs counter to the free enterprise principles this nation embraces, it hampers neighborhoods that are trying to address vacant properties, it makes surrounding property values go down and it creates eye sores. In 2005, Chicago put a 5-year time limit on its restrictive covenants. I favor abolishing all restrictive covenants, which reward businesses that abandon certain areas of cities. But if we can't abolish them, then at least lets put a clock on them." Here's a link to what Chicago did: Chicago's Legislation to Limit Restrictive Land-Use Covenants | Prevention Institute<<https://www.preventioninstitute.org/location/chicago-s-legislation-to-limit-restrictive-land-use-covenants>>

Pursuing these alternatives also removes constitutional taking issues as they pertain to private property. Government has to become less interested in taking property or, in the case of this vacant property registration proposal, taxing it so it can eventually take it.

Thank you for your time and consideration.

Michael Bell

This is the summation of the City's proposal from the City's website:

"Blight and neglected buildings have long been an topic of concern in the City of Topeka. When the Department of Neighborhood Relations was created, staff was charged with researching and producing a recommendation regarding a rental registration program. Many in the community feel that negligent landlords are the major contributor to blight in neighborhoods. Although there are irresponsible landlords in the community, in the experience of our Property Maintenance Division, there are also many other property owners contributing to blight in Topeka, including financial institutions and commercial property owners.

"In 2018, staff became aware of a Vacant and Foreclosed Property Registration program that Wyandotte County adopted in May 2018. This program was created to help address blight in the community. Wyandotte County contracted with a private vendor for the administration of the registration program.

"The Foreclosure portion of the program requires financial institutions with properties in the foreclosure process to register the property with the City. Currently, the Property Maintenance Division struggles with foreclosed property with violations because financial institutions do not update the ownership records on foreclosed property. The official property record on these properties remains in the name of the person who lost the property to foreclosure, with our Property Maintenance Division having no way of knowing immediately that the property is in foreclosure. The notification of property maintenance issues goes to the former owner who lost the property and nothing is done to remedy the issues. Often times we perform abatement of weeds/grass and nuisance/trash on the property and bills are generated that go unpaid. At the point that the former owner is contacted by our collection agency, that is when they contact us to notify us that they no longer own the property. Many hours are spent by staff researching the financial institution that holds the mortgage on the property, who the property manager for the financial institution is and if there is a local contractor responsible for maintaining the property. Sometimes we have no success in tracking down the appropriate people and the property languishes with unresolved violations. Ironically, the Property Maintenance Division is being contacted on a monthly basis with inquiries from financial institutions of whether or not Topeka has a Foreclosure Registration program.

"The Vacant portion of the program requires owners of vacant properties to register the property, and provide a local resident agent for properties held by owners living more than 60 miles from Topeka. This registration program provides accurate and up-to-date contact information of owners and registered agents for the Property Maintenance Division, as well as other departments and agencies such as Utilities and Emergency Response Departments (TPD and TFD).

"Private vendors such as the one contracted by Wyandotte County have developed systems to quickly identify foreclosed and vacant properties and the financial institutions that hold the mortgages on the foreclosed properties. They are administering registration programs in hundreds of cities across the country. Staff is recommending that approval of the ordinance be followed by an RFP process administered by Contracts and Procurement to secure a vendor to administer the program in Topeka."

Tennessee Town NIA General Membership Meeting  
6:30 p.m., Monday, November 4, 2019  
Buchanan Center Conference Room, 1195 SW Buchanan

Reports of Officers:

A. Central Topeka Grocery Oasis Meeting:

Bell attended the group's meeting on Sep. 19, 2019 at GraceMed, 1400 SW Huntoon. The group was told that it had been awarded the \$12,500 grant it had applied for through the Kansas Health Foundation for a market study that then could be used to solicit a full-service grocer in Central Topeka. The group would need to schedule a check presentation event.

The group selected Dakota Worldwide to do the market study. The Greater Topeka Partnership is the group's resident agent. Bell agreed to draft a press release for the check presentation.

This is the Topeka Capital-Journal story that ran on the grant:

**CapFed Best News: Kansas Health Foundation presents check to food oasis group**

By Phil Anderson

Posted Oct. 7, 2019, at 1:16 p.m.; Updated Oct. 9, 2019, at 3:24 a.m.

"For Michael Bell, the GraceMed Capitol Family Clinic at 1400 S.W. Huntoon served as the perfect backdrop for a check presentation ceremony Monday morning benefiting the Central Topeka Grocery Oasis organization.

"Bell, a member of the grocery oasis group, noted before the ceremony that the GraceMed building formerly housed a Dillons grocery store that served customers from a broad area of central Topeka.

"When that Dillons shut its doors in February 2016, it left several thousand central Topeka residents without a grocery store in their immediate area.

"The Central Topeka Grocery Oasis group was organized about 18 months ago to address the issue. During that time, the group has met with area residents, city officials, the Shawnee County Health Department, nonprofits and other individuals and organizations with the goal of attracting another grocery store to central Topeka.

"On Monday, the organization celebrated a \$12,500 grant from the Kansas Health Foundation to conduct a market study starting in November. Organization members said they hoped the grant would help attract a new store to central Topeka.

"'It is huge,' Bell said of the grant. 'It's the culmination of neighbors coming together to address the issue of the food desert and the food-insecurity issues that came along with that when the Huntoon Dillons closed.'

"The Greater Topeka Partnership will serve as the fiscal sponsor for the \$12,500 grant.

"An expert on food deserts in urban areas from the Minneapolis, Minn.-based Dakota Worldwide group will conduct the study starting in November. The results of that study will be used to help determine the next move by the local food oasis group.

"Bell said Central Topeka Grocery Oasis group members are hoping a store along the lines of the former Dillons could return to their area. However, other options will be on the table, he said, including a food co-op or not-for-profit store that would help area residents gain access to fresh food items, including fruit and vegetables.

"Bell added the group would like to see a store that offered check cashing, bill payment, money order, postal and pharmacy services, which the Huntoon Dillons provided.

“I think we’d want to be very careful in moving forward,’ said Bell, who also serves as president of the Tennessee Town Neighborhood Improvement Association. ‘We’ll want to make sure any decisions we make moving forward will be good decisions.’

“Bell said finding a location in central Topeka for a new grocery store could be a challenge and didn’t rule out the possibility of having to remove some existing buildings or houses.

“Marge Ahrens, another member of the Central Topeka Grocery Oasis, said placing a new grocery store in central Topeka would benefit “the entire community” as it would improve access to fresh, healthy food for thousands of local residents.

“When they suffer, we all suffer,’ Ahrens said. ‘It’s a matter of the whole community.’

“Central Topeka Grocery Oasis officials said many individuals who lack transportation may have little choice other than to buy processed food items at convenience stores or gas stations, often at inflated prices.

“Grocery oasis officials also noted there had been a market at S.W. Huntoon and Lane streets since the first half of the 20th century. A Dibble’s market that had been at that location was followed by the Dillons store in 1976.

“According to the Central Topeka Grocery Oasis organization, nine neighborhoods were most directly affected by the closure of the Huntoon Dillons. Those neighborhoods are Tennessee Town, Central Park, Chesney Park, Old Town, Historic Holiday Park, Historic Old Town, Quinton Heights-Steele, Monroe and Elmhurst.

“Craig Barnes, chairman of the Heartland Healthy Neighborhoods coalition, said the work being done by the Central Topeka Grocery Oasis group could serve as a “blueprint” for other areas of the capital city that also are in food deserts.

“According to Central Topeka Grocery Oasis officials, food deserts cover 60% of the capital city.

“Another grocery store that closed recently was Mike’s Market, which had been located at 2620 N.E. Sardou Ave. in the city’s Oakland neighborhood.”

#### B. Meeting with Habitat for Humanity Regarding Use of Tool Bus at Fall Neighborhood Cleanup:

Bell met with Habitat for Humanity Director Janice Watkins and Nikki Macmillan on Sep. 23, 2019, at the Habitat headquarters, 120 NE Gordon. Following are the notes from that meeting:

- Decide on a site to locate the Tool Bus (per a previous email I sent to you, Shiloh Church's Rev. DC Clark agreed to host the tool bus and the "wreck and roll" van (music, PA) from 8 a.m. to 2 p.m. on Sat., Oct. 26. The Tool Bus will be available for residents from 9 a.m. to 1 p.m. (allowing an hour for set up and an hour for tear down).
- Habitat staff and some NIA volunteers (residents, WMOC) to do 2 walk-throughs of the neighborhood to publicize the Tool Bus (the first walk-through from 4 to 6 p.m. on Thu., Oct. 10 and the second from 4 to 6 p.m. on Tue., Oct. 15). Will meet at the Buchanan Center just before 4 p.m. for the Oct. 10 walk-through and at Faith Temple just before 4 p.m. for the Oct. 15 walk-through.
- Identify "block captains" who will walk a block or two to ask residents what kinds of work needs to be done at their houses and if any special tools are needed to perform those tasks like painting needs, power washer, etc. We'll need to do this pretty quickly. We won't have to cover the Tennessee Town Plaza Apartments (that's THA) or the Asbury-Mt. Olive Apartments. I'm thinking about Pat (love ya!), Joyce, Karen, Sandy/someone at Faith Temple (love ya!), WMOC, members of other churches, the Parkers (live in Habitat house at 1221 SW Buchanan). These block captains could go out with the Habitat people during the walk-throughs.
- Those interested in the Tool Bus will come to it to get tools. Minor repairs like gutters, mowing, painting, porches, fences will be covered.
- Habitat will provide a table if the NIA wants to hold a lemonade stand or some other fundraiser or to provide a place for volunteers to get refreshments. The NIA can also distribute information about itself at this table.