

Governing Body Minutes – June 16, 2020

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 16, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Valdivia-Alcala, Dobler, Duncan, and Lesser - 5; and the following Councilmembers participated remotely: Ortiz, Naeger, Emerson, and Padilla - 4. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Father Matthew Schiffelbein, Christ King Catholic Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

BOARD APPOINTMENT recommending the reappointment of Darryl Kopfman to the Board of Mechanical Examiners for a term ending December 31, 2021, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of James Daniel to the Topeka Metropolitan Transit Board for a term ending June 30, 2024, was presented.

BOARD APPOINTMENT recommending the reappointment of Nicholas Xidis to the Downtown Business Improvement District Advisory Board to fill a term ending June 30, 2022, was presented.

BOARD APPOINTMENT recommending the reappointment of Ken Scott to the Downtown Business Improvement District Advisory Board to fill a term ending June 30, 2022, was presented.

BOARD APPOINTMENT recommending the reappointment of Stephen Smith to the Downtown Business Improvement District Advisory Board to fill a term ending June 30, 2022, was presented.

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. Mayor does not vote. (9-0-0)

A VIRTUAL PRESENTATION on the City of Topeka 2019 Audit and Comprehensive Annual Financial Report (CAFR) was presented by Kristen Hughes, RMS US LLP.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20246 introduced by City Manager Brent Trout allowing and approving City expenditures for the period February 29, 2020 through March 27, 2020, and enumerating said expenditures therein was presented.

RESOLUTION NO. 9181 introduced by Councilmember Karen Hiller, approving a special event known as the Jazz and Food Truck Festival was present. (*Council District No. 1*)

RESOLUTION NO. 9182 introduced by Councilmember Karen Hiller, approving a special event known as the Second Saturday Summer Concert Series was presented. (*Council District No. 1*)

RESOLUTION NO. 9183 introduced by Councilmember Karen Hiller granting Greater Topeka Partnership an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented. (*Council District No. 1*)

RESOLUTION NO. 9184 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented. (*Council District No. 1*)

RESOLUTION NO. 9185 introduced by Councilmember Sylvia Ortiz, granting Alexandria Haggerty an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented. (*Council District No. 3*)

APPROVAL OF MINUTES of the regular meeting of June 9, 2020, was presented.

APPROVAL of the following Cereal Malt Beverage-Off Premise licenses were presented:

<u>Business Name</u>	<u>Address</u>
Dollar General #1171	1001 SW Fairlawn Rd.
Dollar General #2703	2500 SE California Ave.
Dollar General #3618	3401 SW Topeka Blvd.
Dollar General #4046	1920 SW 10 th Ave.
Dollar General #12745	2515 SE 6 th Ave.
Dollar General #13381	3410 SE 29 th St.
Dollar General #15245	4500 SE California Ave.
Doughboyz Pizzeria	1312 N Kansas Ave.
East Quick Stop	3100 SE 6 th Ave.
LEAP Family Entertainment	2925 SW 37 th St.

APPROVAL of a Dance Hall License for Los Mandiles Rojos located at 1003 SE Quincy Street, was presented.

APPROVAL of an Open After Midnight License for Applebee's located at 5928 SW 17th Street, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9186 of the City of Topeka, Kansas determining the advisability of issuing revenue bonds to provide funds to finance, refinance and reimburse the costs of facilities for Midland Care Connection, Inc. and its affiliates, was presented.

Brent Trout, City Manager, reported the application was reviewed and approved by the City's Industrial Revenue Bond (IRB) Committee. He stated the issuance of bonds will permanently finance improvements to the Midland Care Connection facility including improvements to the Hospice House and the Frazier Campus. He noted Kevin Cowan, Gilmore & Bell, P.C. and Karren Weichert, Midland Care Connection Inc., President and Chief Executive Officer, were virtually present for questions.

Councilmember Lesser moved to approve the resolution. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

DISCUSSION on the City of Topeka 2020 Operating Budget was presented.

Brent Trout, City Manager, stated nationwide spending has increased significantly. He reported City staff continues to make good progress on the 2021 proposed operating budget and individual meetings have been scheduled with each Governing Body member.

Joseph Ledbetter spoke in support of the Topeka Police Department and asked that no funding cuts be made to their operational budget. He expressed his appreciation to the Topeka Police Department for eliminating gang activity in the Highland Crest Neighborhood. He encouraged the City to utilize private contractors for fleet services, forestry, street improvements and utility operations as a whole. He suggested using excess reserve funds and outsourcing services where applicable for the purpose of cutting costs.

PUBLIC COMMENT was expressed by the following individuals:

Laura Pederzani stated she believes the City continues to fail in many departmental areas in regards to the City providing basic services to help north Topeka residents clean up their neighborhoods. She expressed the importance of the City providing better customer service to address the needs of residents and empowering constituents.

O'Shara Hayes reminded the City Manager that when Governing Body members make a statement it was for the residents they represent not the members personally.

The following individuals submitted public comment via electronic mail: Joseph Ledbetter and Laura Pederzani. (*Attachment A*)

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

Brent Trout, City Manager, announced the City of Topeka in collaboration with the Topeka Rescue Mission was in the process of implementing “Operation Food Secure,” a program that would provide opportunities for distribution of food throughout the community. He encouraged those who would like to volunteer for the program to contact Monique Glaude at 785-368-3711. He reported fireworks may be sold between June 29th and July 4th after a permit was obtained through the City Clerk’s office; and fireworks may be discharged between the hours of 10:00 a.m. and 11:00 p.m. on July 3rd and between the hours of 10:00 a.m. and 11:59 p.m. on July 4th.

Mayor De La Isla announced the various events throughout the community to celebrate Juneteenth. She announced several members supporting the Black Lives Matter movement were present in the Council Chambers.

Councilmember Duncan reminded citizens the COVID-19 virus remains active in the community and cautioned citizens to be mindful of a possible resurgence in the fall. He announced he would be presenting an ordinance on a future agenda regarding the elimination of the no-knock warrant policy as well as the choke-hold procedure for the Topeka Police Department.

Councilmember Hiller stated she appreciates the efforts of communication from the community to take steps to improve efforts in diversity and inclusion while taking action through a citywide initiative within different sectors of the city.

Councilmember Valdivia-Alcala requested the following items be put on a future agenda (1) a report on the independent police auditor position and applicable performance matrix (2) a presentation on the City’s Use of Force Policy by Topeka Police Chief Bill Cochran (3) an update on securing police and community partnerships and corresponding matrix and (4) begin

discussions on creating a citizen review panel that would work in conjunction with the International Police Association (IPA) on Police Department complaints. She referenced the racist graffiti and display of hate dialog that took place on June 11, 2020, in Council District No. 2. She expressed the importance of the Governing Body having necessary but difficult discussions to address systemic racial problems in the community. She expressed concern with receiving no answers from the Chief of Police regarding the incident and thanked the Kansas Bureau of Investigation (KBI) for their prompt response to her questions.

Councilmember Padilla expressed his appreciation to the Topeka Police Department for allowing him to observe the training of Topeka Police Officers. He stated he understands reform was necessary; however, the Police Department needs to be directly involved so it will be an accepted process by all that will be affected. He encouraged all Topeka police officers to be the best they can be by serving to protect and take the opportunity to get involved in the community to better understand how to resolve racism and inclusion for the community as a whole. He encouraged citizens to respond to the 2020 United States Census.

Councilmember Naeger recognized June as being “Pride Month” and commented on the June 15, 2020, Supreme Court ruling protecting members of the LGBTQ community from being disciplined, fired or turned down for a job based on their sexual orientation. She reported she would be introducing a city ordinance relating to non-discrimination in the upcoming months. She reminded Governing Body members and the community that Black Lives Matter was a nationwide movement and not a temporary response to recent events.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger

From: Brenda Younger
Sent: Tuesday, June 16, 2020 4:22 PM
To: 'Joseph Ledbetter'; City Council; City Clerk; Michelle De La Isla; Neil Dobler; Tony Emerson; Bill Cochran
Subject: RE: Public Comment for the Record : Our thin blue line that protects us from Anarchy.

Received – thanks.

From: Joseph Ledbetter [<mailto:joe@josephledbetter.com>]
Sent: Tuesday, June 16, 2020 4:13 PM
To: City Council; City Clerk; Michelle De La Isla; Neil Dobler; Tony Emerson; Bill Cochran
Subject: Public Comment for the Record : Our thin blue line that protects us from Anarchy.

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Governing Body:

Ref. TPD

I support maintaining our regular Police budget with no staff cuts. I strongly support Law and Order in Topeka especially, after I saw the great Police response to a gang war outbreak in Highcrest West in July of 2015. I was President that year, and when I appealed to TPD -Chief Brown for a show of force with many extra patrol cars they were there, and the war was stopped in eight days. The gang activity was broken, and has never returned to HiCrest West. TPD was the tip of the spear. FBI,DEA,ATF, and US Marshals as well as federal prosecution of felons with guns were all involved in take down of the gangs.

We have a Great Topeka Police Department! I am for them and whatever they reasonably need to perform their mission.

Thank you.



Laura Wywadis <lauralw1224@gmail.com>

Unresolved property issues in North Topeka

Laura Pederzani <lauralw1224@gmail.com>

Thu, Jan 9, 2020 at 1:49 PM

To: mhaugen@topeka.org

Cc: cvalcaladist2@gmail.com, sclear@topeka.org

Dear Mr. Haugen,

I am reaching out to you about the continuing and increasing property issues with the lot at 1701-1705 NW Polk Street. I have copied my outgoing and incoming City Council Representatives on this email as well, so they are aware of what is occurring in their district.

As you can see below, our previous NIA president and myself individually through phone and the SeeClickFix App have been in contact with Code off and on since September 2017 about this lot and area of North Topeka. To date, the problems have increasingly gotten worse. I have continually been reporting the issues, calling the police, and nothing is happening. As previously directed, I just today called the City of Topeka Police Dept. around 12:15 p.m. to report an individual dumping trash- and digging a 3 ft deep trench in this lot. This is absolutely unacceptable for numerous reasons.

First, this lot is a safety hazard. Second, as a property owner and tax payer I expect that issues be resolved in a timely manner. 2 years and 5 months is not acceptable. If this was your neighborhood, it bet would have been taken care of 2 years ago. I encourage each of you to drive by this lot, and ask yourself if you would appreciate and tolerate living next to it.

While my property taxes continue to increase, the basic services provided by our neighborhood departments continue to decrease. This lot has gone continually unchecked, and the problems have increased because the individuals dumping and digging and cutting down trees on this lot have realized that there are no consequences or repercussions for their actions. They have now moved on to vandalizing and cutting trees down at 1700 NW Polk Street. I recently reported that information through the SeeClickFix app as well.

This neighborhood is declining, fast. The unresponsiveness and inability to acknowledge the problem and find a proactive way of dealing with the issues at hand are in part to blame. We cannot say, "We can't deal with issues unless people report them," and then fail to act when someone does. This is the type of behavior and laziness that reinforces to the residents of Topeka the attitude that it is better to move out and move on than waste your energy trying to improve or maintain your neighborhood.

I would like to know the status of these issues. I would like to know what has been done to monitor the issues that have been continually reported. I would like to know what is being done to prevent these issues from reoccurring. At one point I even voiced that I'd be interested in purchasing the lot, just so something could be done about it. I'd think the fact that there is an outstanding \$21,000 in property taxes and fines due that continue to add up every time someone is sent to clean it up, cut the weeds, etc. would be some sort of incentive for the City and County to stop the financial bleeding when you know you will never recoup the money. From the Shawnee County Court records, it does not even show that an estate has been opened for the owner of record. Has a creditors claim been filed for the outstanding balance by the City? Or is this property going to stay in a deceased persons name indefinitely?

I look forward to your response, and to working with you to permanently resolve these issues.

Laura Wywadis Pederzani

----- Forwarded message -----

From: **teresa miller** <teresa.miller@cityoftopeka.org>

Date: Wed, Sep 20, 2017 at 2:10 PM

Subject: Re: North Topeka West NIA

To: Laura Pederzani <lauralw1224@gmail.com>

I talked with code today and was told that the person that owned that property is dead and that the property is on the code violation list. It will take some time to get the orders to clean the property up. In the mean time if you see anyone dumping things on this property, call the police. Tell them that Mike Haugen from code said to call them when you see



Unresolved property issues in North Topeka

Mike Haugen <mhaugen@topeka.org>

Fri, Jan 10, 2020 at 9:33 AM

To: [REDACTED], Christina Valdivia-Alcala <cvalcaladist2@gmail.com>
 Cc: Sandra Clear <sclear@topeka.org>, Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>, Sasha Haehn <sstiles@topeka.org>, Brent Trout <btrout@topeka.org>, John Schardine <jschardine@topeka.org>, Mark Henley <mhenley@topeka.org>

Ms. Paderzani,

Thank you for reaching out on this continuous issue you and the neighborhood are suffering through. I completely understand, if this was in my neighborhood and next door to my house I would be very upset. I believe we spoke in December of 2018 on this issue and although we took some action then I shared with you our limitations and the legal issues surrounding this property. Below is a breakdown of what the Property maintenance Unit has done.

1701/1705 SW Polk:

The lot is owned by [REDACTED] who lists 1705 NW Polk as her residents with the Shawnee County Appraiser. Taxes haven't been paid since 2012 or beyond and it appears she walked away from the property. The city demolished the structure in 2016. There are \$21,637 in back taxes and city fees on the property. We found out during demolition [REDACTED] is in a senior Center on the reservation. We don't know if this is still accurate but when I do a search for [REDACTED] on the search engine Beenverified I do not find a [REDACTED] listing 1705 NW Polk as a previous address. I searched through all of our previous cases and found a last known phone number for [REDACTED] which was good in June of 2016. No one answered and the message was muffled and unintelligible. The voice mailbox was also full.

We have 13 previous cases on this property since 2015. Many of the bills have not been paid. Our last case was in December of 2018 for sanitation. The area inspector convinced the people who he found on the property to clean it up and fill in tranches they dug.

Here is our dilemma, the owner has walked away from the property and is not paying the fees nor is she maintaining the property.

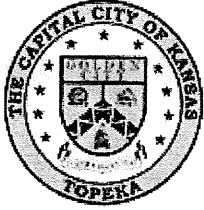
- The police cannot enforce criminal trespass without a victim. Since the owner walked away from the property and is at best in a senior center out of town they will find it very difficult if not impossible to enforce Criminal Trespass. In regards to the moto cross track they created I would have to defer to TPD on any potential violations.
- The Property Maintenance Unit can and has enforced numerous code violations on this property. We have even attempted to run off the people taking over the property but we have no legal authority to do so. If the property is again in violation for a 16th time we will be more than willing to cite the property and address the issues. I will be sending an inspector over to the property tomorrow to take appropriate action.
- Regarding the cutting down of trees I am not sure where we can go with that. If there is no owner asking them to stop and TPD nor our department know if they have permission to cut the trees

What we have done:

- We have cited the property 13 times in the past 4 years and we have taken action when appropriate

6/16/2020

Gmail - Unresolved property issues in North Topeka



Director
Property Maintenance Unit
620 SE Madison
Topeka Ks 66607
785.368.3166

mhaugen@topeka.org

From: Laura Pederzani [REDACTED]
Sent: Thursday, January 09, 2020 4:31 PM
To: Christina Valdivia-Alcala <cvalcaladist2@gmail.com>
Cc: Mike Haugen <mhaugen@Topeka.org>; Sandra Clear <sclear@topeka.org>; Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>
Subject: Re: Unresolved property issues in North Topeka

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[Quoted text hidden]



[REDACTED]

Unresolved property issues in North Topeka

Laura Pederzani [REDACTED]
To: Christina Valdivia-Alcala <cvalcaladist2@gmail.com>

Mon, Jan 13, 2020 at 12:01 PM

Thank you,

I copied you on my response I sent today. Yes, I am at [REDACTED] Thank you for taking an active role in this matter. I truly appreciate it. I am happy to talk anytime, or correspond by email- whatever works best for you.

I know it is going to be a long haul to get anything really done- but I can't continue allowing this to happen. I was recently asked if I lived next to "the junkyards on Waddell". That is not the neighborhood I moved into. As a young property owner, this is just truly a sad situation to be in. I don't want to leave the neighborhood, but I'm afraid if we stay another 2-3 years, I won't be able to sell my house because of the area. Also- as the daughter of a retired City of Topeka employee, it is truly disheartening to believe that there are people in leadership positions in this City who do not really seem to care about the people they are supposed to be serving.

Fingers crossed we can work to find some path to a resolution.

Thank you for all you do,

Laura
[Quoted text hidden]

Property Info

Parcel Imprv.

Building Data

Property Comparables

Property Tax Info

Property Record Card

Property Info

Owner

 Property Address
 1705 NW POLK ST, Topeka, KS 66608

Parcel Id
 1041904003003000
 Mill Levy
 161.627

Quick Ref
 R18891
 Tax Unit
 7

Property Tax Info

2019 Property Tax

General Tax: \$115.40
 Special Tax: \$171.59
 2019 Tax: \$286.99

Current Balance

2019 1st Half Balance: \$143.50
 2019 2nd Half Balance: \$143.49
 Delinquent Balance: \$22,391.84
 Total: \$22,678.83

Summary of Taxes Due As of 6/13/2020: \$22,678.83

Tax Records

Year	Tax Type	Statement	Appraised Value	Mill Levy	Annual Tax	Taxes Remaining			Penalties		Fees	Total Due
						First Half	Second Half	Total	First Half	Second Half		
2019	Gen.	816772	\$5,950	161.627	\$115.40	\$57.70	\$57.70	\$115.40	\$3.11	\$0.63	\$0.00	\$119.14
	Spec. S-CITY WEED CUTTING				\$171.59	\$85.80	\$85.79	\$171.59	\$4.62	\$0.93	\$0.00	\$177.14
2018	Gen.	617378	\$5,950	161.991	\$115.66	\$57.83	\$57.83	\$115.66	\$9.46	\$7.03	\$17.00	\$149.15
	Spec. 06-NUISANCE RL				\$359.74	\$179.87	\$179.87	\$359.74	\$29.44	\$21.85	\$0.00	\$411.03
2017	Gen.	218101	\$5,950	162.79	\$116.24	\$58.12	\$58.12	\$116.24	\$21.71	\$18.34	\$17.00	\$173.29
	Spec. S-CITY WEED CUTTING				\$343.18	\$171.59	\$171.59	\$343.18	\$64.11	\$54.16	\$0.00	\$461.45

Current Total Due \$22,678.83









Three Little Pigs
PORK CHOPERS
201-771-8108







