

## **Governing Body Minutes – September 8, 2020**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 8, 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, and Duncan -3; and the following Councilmembers participated remotely: Ortiz, Emerson, Padilla, Naeger, Dobler and Lesser - 6. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Reverend D.C. Clark, Shiloh Baptist Church, provided the invocation.

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

PRESENTATION on the 2020 U.S. Census was presented by Melinda Stanley, Dorothy Karnowski and Carols Urquilla-Diaz, United States Census Bureau.

CONSENT AGENDA was presented as follows:

APPROVAL OF MINUTES of the regular meeting of September 1, 2020, was presented.

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

ORDINANCE NO. 20259 introduced by City Manager Brent Trout, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay, was presented.

Brent Trout, City Manager, reported a revised ordinance has been distributed to the Governing Body reflecting payments that were made as of close of business, September 8, 2020.

Councilmember Duncan inquired on the following:

- If delinquent funds are collected at the time property taxes are paid or upon sale of property.

- The threshold used to determine delinquency of an account.
- If there was a comprehensive list of all accounts that meet the criteria at this time.
- If there has been any process that would allow landlords to give the City explanation regarding payment issues that may be related to tenants not making payments due to the COVID-19 pandemic.
- The overall collections process and if it includes a final notification letter from the City to the property owner; if the City collects its own debt for delinquent bills; and if the City pursues collection cases in court.

Brent Trout reported delinquent payments are collected when property taxes are paid by the individuals.

Nicole Malott, Utilities General Manager, reported the following:

- The minimum threshold for delinquent account status was \$50 and the account must be at least 90 days past due; all property owners, commercial or residential, who meet the criteria are placed on the list; the City sends all delinquent accounts to the collection agency that are not in the property owner's name; and delinquent accounts will remain in active status unless the City has no other options to collect.
- In regards to the apartment complexes, it was not the intent of the City to punish tenants. Staff has had many conversations with property owners providing every opportunity to work with the City for payments; however, a majority of the owners have not responded to the City's attempt for communication forcing a utility lien to be placed on their property.
- She stated according to State law the property owner must receive two delinquent notices and after services are terminated they receive a final demand letter for payment.

Lisa Robertson, City Attorney, stated the process used by the City to impose a real estate lien was pursuant to K.S.A. 12-808c. She reported the Utilities Department distributes past due notices; the City attempts to collect the delinquent funds through the lien process by using Credit Bureau of Kansas (CBK) Collections; and collection of delinquent bills has not been pursued through a court of law in the five years she has worked for the City of Topeka.

Councilmember Duncan expressed concern with past due residential accounts in the amount of \$250 or less, and noted there were approximately twenty-two accounts that would fall within that dollar amount range. He announced his intent to remove the residential accounts from the list.

Councilmember Valdivia-Alcala inquired on the following:

- She referenced the COVID-19 pandemic, and asked if staff has seen an increase in delinquent bills compared to last year.
- She referenced the total amount being collected and asked how that amount compares with the two previous years and if the same process was used to collect delinquent fees.
- She asked if the apartment complexes with large overdue amounts have carried a balance for more than one year.

Nicole Malott stated the total amount of the ordinance was an increase compared to last year; however, there has not been a significant amount of apartment complexes included in years past.

Brent Trout stated the purpose of the ordinance was to recover delinquent funds from landlords where applicable and not affect tenants.

Councilmember Lesser referenced the list of parcel owners and noted several of the names were on the list last year. He stated he would oppose removing residential properties from the list as he believes many of them have the financial means to pay their delinquent bills.

Councilmember Duncan moved to amend the ordinance by removing all parcel owners from the list that have a delinquent amount of \$250 or less. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Emerson stated he understands the concerns expressed by Councilmember Duncan; however, he would not support the amendment because some of the individuals are on list every year. He noted there are only two or three individual homeowners located inside city limits.

Councilmember Ortiz stated she would not support the amendment; however, she appreciates the intent. She concurred that many of the names have appeared on the list in previous years.

The motion to amend the ordinance by removing all parcel owners from the list that have a delinquent amount of \$250 or less failed. Councilmembers Hiller, Ortiz, Emerson, Naeger, Dobler, Lesser and Mayor De La Isla voted “no.” (3-7-0)

Councilmember Ortiz moved to adopt the ordinance. The motion was seconded by Councilmember Dobler.

Councilmember Hiller asked staff to clarify how long individuals on the list have to pay before a property lien would be filed with Shawnee County.

Brent Trout reported individuals would have until September 30, 2020, to submit payments to the City of Topeka Utility Department.

The motion to adopt the ordinance carried. Councilmember Duncan voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Mayor De La Isla, Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Padilla, Naeger, Dobler and Lesser - 9. Noes: Duncan -1.

PUBLIC COMMENT was expressed by the following individuals:

Richard Johnson spoke in opposition of “Campaign Zero” or any proposal that prevents police officers from using weapons of necessity. He referenced observations relating to vascular neck restraint (VNR) being applied to individuals in certain studies conducted. He stated preventing a police officer from responding a certain way under certain circumstances will create more problems.

Katherine Szot referenced poems that she wrote and commented on past life experiences. She stated there continues to be racial issues in Topeka and she will pray for unity in the city.

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

Kelly Bogner, Assistant City Clerk, provided an overview of the September 15, 2020, regular Governing Body meeting agenda.

Brent Trout, City Manager, announced Topeka Police Chief Bill Cochran planned to retire in December 2020. He commended Chief Cochran for his 33 years of service and stated he was proud of his accomplishments as Police Chief.

Mayor De La Isla gave her deepest appreciation to Topeka Police Chief Bill Cochran. She stated Chief Cochran was an amazing person who has been a great leader for the Police Department.

Councilmember Hiller thanked Topeka Police Chief Bill Cochran for his service. She stated she hopes they can make him proud by taking the various police related topics previously discussed and working through them. She announced the Three Shields Boxing Academy opened last week and it was exciting to see all the partners in attendance. She stated Councilmembers Valdivia-Alcala and Padilla helped organize the event through the Police Athletic League P.A.L. She announced Friends of the Kaw would sponsor a float trip along the Kansas River on October 17, 2020.

Councilmember Valdivia-Alcala thanked Topeka Police Officer David Ibarra for assisting residents in the Oakland neighborhood. She stated she would distribute a copy of the ethics complaint she submitted to the International City/County Manager Association (ICMA) against City Manager Brent Trout to Deputy Mayor Emerson, City Manager Brent Trout and the City Clerk.

Councilmember Ortiz welcomed all Topeka Public Schools USD 501 students back to school starting September 9, 2020. She thanked Topeka Police Bill Chief Cochran for his hard

work and thanked his family for supporting him. She thanked Councilmember Padilla for his work on the 2020 U.S. Census.

Councilmember Emerson thanked Councilmember Padilla for his work on the 2020 U.S. Census. He acknowledged the ethics complaint submitted by Councilmember Valdivia-Alcala and stated he has a tremendous amount of respect for City Manager Brent Trout.

Councilmember Padilla encouraged Governing Body members to continue to promote the 2020 U.S. Census. He stated he believes Topeka Police Chief Bill Cochran has set a good example and continues to be a good role model for the Topeka Police Department.

Councilmember Naeger thanked Topeka Police Chief Bill Cochran for his service and commended his family and members of the Topeka Police Department for supporting him. She stated Chief Cochran has made a lasting impression and they appreciate the work he has done in making the Topeka Police Department an industry model. She referenced the anniversary of the desegregation of New Orleans schools in 1960, and stated they must continue to talk about racial and social justice as well as move forward in peaceful and progressive ways in order to move Topeka forward.

Councilmember Dobler thanked Councilmember Padilla for his work on the 2020 U.S. Census. He congratulated Topeka Police Chief Bill Cochran on his upcoming retirement and all he has done for the City.

Councilmember Duncan encouraged parents to continue to do their best in providing support for their children's virtual learning experience. He thanked area employers for working with parents and encouraged them to continue until children are allowed to return to school on a full-time basis.

Councilmember Lesser thanked Councilmember Padilla for his work on the 2020 U.S. Census. He stated he does not always agree with City Manager Brent Trout; however, Mr. Trout continues to be one of the most ethical and honorable people he knows. He thanked Topeka Police Chief Bill Cochran for a job well done and commended his family for supporting him.

Councilmember Valdivia-Alcala clarified the ICMA would be in charge of investigating the ethics complaint she filed against City Manager Brent Trout, not the Governing Body.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to contract negotiations, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Human Resources Director, Jacque Russell; Deputy Utilities Operations Manager, Sylvia Davis; Senior Assistant City Attorney, Catherine Walter; Budget and Performance Manager, Stephen Wade; Administrative and Financial Services Director, Jessica Lamendola; and City Attorney, Lisa Robertson. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:05 p.m.

(SEAL)

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Brenda Younger  
City Clerk