

Governing Body Minutes – July 13, 2021

CYRUS K. HOLLIDAY BUILDING, 620 SE Madison Street, Topeka, Kansas, Tuesday, July 13, 2021. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Valdivia-Alcala, Emerson, Padilla, Dobler and Duncan - 6; and the following Councilmembers participating remotely: Councilmembers Ortiz, Naeger, and Lesser -3. Mayor De La Isla presided - 1.

Public comment for the meeting was available via Zoom or in-person. Individuals were required to 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 July 13, 2021, after which the City Clerk's Office provided the Zoom link information and protocols prior to the meeting start time. Written public comment was also considered to the extent it was 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 July 13, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Pastor Rachel Boller-Shald, Oakland Church of Nazarene, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the appointment of Jim Ramos to the Topeka-Shawnee County Public Library Board of Trustees for a term ending April 30, 2025, was presented. (*Council District No. 1*)

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

A PRESENTATION on the Topeka Veterans Affairs (VA) Medical Center was presented by Rudy Klopfer, VA Eastern Kansas Health Care System Director and CEO.

Councilmember Naeger inquired on the number of veterans that have received the COVID-19 vaccine.

Councilmember Duncan inquired on the timeline for the proposed transition; how the VA plans to prepare the community for the change in services; and if the resources are available within the community to handle an increased number of critical care patients. He expressed the importance of maintaining good working relationships and securing agreements with local hospitals.

Councilmember Hiller inquired on the status of mental health services as it relates to VA domiciliary facilities, and if there were plans to lease or change the footprint of the Topeka VA facility.

Mr. Klopfer reported over 85% of VA staff members and over 32,000 veterans, their families and caregivers have received the COVID-19 vaccine. He anticipates no changes before 2022, and the communication plan includes conducting town hall meetings, utilizing social media outlets, and conducting quarterly meetings with local hospitals. He reported many veterans already receive care from local hospitals, the Topeka facility will continue to offer VA National Telestroke Program (NTSP) capabilities, a program that continues to expand and have a positive impact on the care of Veterans, and there are no plans to change the Topeka facility footprint at this time.

Mayor De La Isla thanked Mr. Klopfer for the presentation and highlighting the VA services offered to community Veterans.

CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of July 6, 2021, 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)

RESOLUTION NO. 9233 introduced by City Manager Brent Trout notifying the County Clerk of: (1) the Governing Body's proposed intent to exceed the revenue neutral rate for the 2022 budget; (2) the proposed tax rate; and (3) the date, time and location of a public hearing to consider adopting a budget that exceeds the revenue neutral rate, was presented.

Brent Trout, City Manager, reported Senate Bill (SB) 13 requires the City of Topeka to provide notice to the Shawnee County Clerk of the City's Revenue Neutral Rate (RNR) for purposes of adopting a 2022 budget. He stated if the Governing Body decides to exceed the RNR, they must identify a proposed tax rate as well as indicate the date, time, and location of the public hearing required to adopt a budget that exceeds the RNR.

Councilmember Dobler asked if they should anticipate salary increases for public safety employees (Police and Fire Departments) and what was the overall tax valuation increase received by Shawnee County.

Councilmember Hiller asked the City Manager to confirm that approval of the resolution would not result in an increase to the mill levy rate.

Brent Trout stated the tax value increase received from Shawnee County was approximately 4.5% and if the resolution was approved it would not increase the mill levy rate. He noted this would be the ninth consecutive year with no increase to the mill levy rate.

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

RESOLUTION NO. 9234 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow operation of an indoor golf simulation entertainment venue (“Indoor Recreation, Type II”) and associated indoor recreation on property zoned “C-2” Commercial District at 2841 SE Croco Road in the City of Topeka, Shawnee County, Kansas, was presented. *(CU21/01) (Council District No. 4)*

Bill Fiander, Planning and Development Director, reported the request to operate an indoor golf simulation venue and associated indoor recreation area within an existing neighborhood strip commercial building. He stated there was sufficient parking on site to meet City of Topeka off-street parking requirements and demands of the proposed use, and compliments and supports adjacent businesses and the recreation at Lake Shawnee to the south. He reported the applicant conducted a neighborhood information meeting on May 25, 2021, and one neighboring property owner participated and expressed support for the proposed use, and no one expressed opposition to the proposed use. He stated the Topeka Planning Commission and Topeka Planning Department recommended approval.

~~Deputy Mayor Padilla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.~~

~~Ex parte communication was declared by Councilmembers.~~

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

ACCEPTANCE of Land Dedications in the Final Plat for Horseshoe Bend Subdivision No. 6, the sixth of seven phases of the Horseshoe Bend Development located north of SE 45th Street, east of SW Topeka Boulevard and south of the Kansas Turnpike, was presented.

Bill Fiander, Planning and Development Director, reported the final development of Horseshoe Bend Subdivision No. 6 and Horseshoe Bend Subdivision No. 7, combined, would consist of a 59 single-family lot development. He reported the Topeka Planning Commission approved both plats in June 2021, and the Governing Body must take action to accept the dedications of land for public purposes identified in the plats to record with the Shawnee County Register of Deeds.

Councilmember Padilla moved to accept the dedications of land in the final plat for Horseshoe Bend Subdivision No. 6. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

ACCEPTANCE of Land Dedications in the Final Plat for Horseshoe Bend Subdivision No. 7, the final phase of the Horseshoe Bend Development located north of SE 45th Street, east of SW Topeka Boulevard and along the south side of the Kansas Turnpike, was presented.

Councilmember Emerson moved to accept the dedications of land in the final plat for Horseshoe Bend Subdivision No. 7. The motion seconded by Councilmember Padilla carried unanimously on roll call vote. (10-0-0)

DISCUSSION regarding the 2022 City of Topeka Operating Budget was presented.

(Discussion continued from the July 10, 2021, Special Meeting Budget Workshop.)

Brent Trout, City Manager, stated Staff would provide an overview of the 2022 operating budgets for the Administrative and Financial Services Department, Human Resources Department and Legal Department.

Bill Fiander Planning and Development Director, provided an overview of the Planning and Development operating budget consisting of the General Fund, Planning Grants, and HUD Federal and State Grants. He stated the Department of Neighborhood Relations Housing Services Division was now under the Planning and Development Services Department. He highlighted the following:

- \$3.6 million of HUD Grant funding will carry over to the 2022 budget. Staff is waiting on direction from HUD on how to spend \$2 million of the HUD Grant funds for homeless prevention and COVID-19 related HUD Grants.
- The elimination of temporary personnel expenses in Development Services due to savings achieved through the implementation of the “One Stop” contractor license renewals and payments online application system.
- Training for the Development Services Division
- Personnel increase for the Planning Division

Jacque Russell, Human Resource Director, provided an overview of the Human Resources Department operating budget and highlighted the following:

- The reallocation of personnel costs to the Worker’s Compensation Fund and Health Fund to pay for employee costs related to employees that work in the specific funds. Those positions are the Benefits Manager, Benefits Specialist and the Wellness Coordinator.
- General Fund expenses total \$1,260,003

Mary Feighny, Interim City Attorney, provided an overview of the Legal Department operating budget and highlighted the following:

- The operating budget increased from \$1.6 million in 2021 to \$4 million in 2022
- The Special Liability Fund balance remains the same at approximately \$2.8 million
- General Fund expenses total \$1,131,204

Councilmember Emerson referenced the Special Liability Fund balance increase of \$1.5 million in 2020, and asked why that same amount would carry over in the 2022 budget.

Stephen Wade, Interim Administrative and Financial Services Director, stated the available fund balance carry over is to pay upcoming court case settlements anticipated in 2022.

Councilmember Duncan requested a breakdown of funds and asked how much the City expends on outside legal counsel services.

Councilmember Valdivia Alcala referenced the \$43.5 million in American Rescue Plan (ARP) funds the City is required to expend by 2024. She requested Staff provide an overview of how the ARP funds are going to be expended to the Governing Body and citizens.

Brent Trout reported the City would have until December 2026 to expend ARP funding allocations. He stated Staff plans to distribute detailed ARP funding expenditures to the Governing Body, however, it will not have much effect on the General Fund, and as requested, a presentation will be placed on the next available agenda.

Councilmember Duncan inquired on the overall budget process and if a public hearing date has been set to consider the 2022 Operating Budget.

Brent Trout stated budget discussions would continue through the month of August 2021, and a public hearing date of September 7, 2021, has been set to consider the City's Revenue Neutral Rate (RNR) and 2022 City of Topeka Operating Budget.

Councilmember Hiller referenced ARP dollars as it relates to how the funds can be used to assist with the City's overall infrastructure needs. She stated she looks forward to the presentation.

Mayor De La Isla reported the ARP funds are being allocated by the federal government to municipalities for the purpose of eliminating lead piping infrastructure, learning loss due to

lack of broadband services and reducing crime. She stated the U.S. Conference of Mayors has been debating with the federal government on the use of ARP funds to recover enterprise fund losses such as parking garages.

Joseph Ledbetter spoke in support of a fully funded Topeka Police Department; hiring a City of Topeka Certified Public Accountant (C.P.A.); limiting the issuance of revenue bonds; increasing oversight of City debt; and placing the Utilities Department under and management of the Public Works Department.

PUBLIC COMMENT was submitted via electronic mail by Joseph Ledbetter (*Attachment A*) and provided by the following individuals:

Joseph Ledbetter expressed concern with the need for more oversight of large service contracts by the Governing Body and noted he has found no other cities in Kansas that approve contracts in the same manner as the City of Topeka. He commented on the training offered by the University of Kansas as it relates to city managers, and the detailed oversight of operations by the Topeka Metro Board of Directors. He expressed his hope of more oversight of contracts in the future.

Chance Lammer distributed a handout and spoke in support of the Topeka Police Department. He encouraged Staff and the Governing Body to support the Topeka Police Department and fully fund the Department to reduce crime across the city.

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

Brent Trout, City Manager, announced the City received a \$250,000 Kansas Health Foundation digital grant, which will help create technical navigator job positions. He commended Councilmember Dobler, Division Director of Community Engagement Monique

Glaude, and Lazone Grays for assisting with the grant. He commended the Forestry Department for their great response to recent inclement weather events.

Mayor De La Isla thanked those that helped with the Kansas Health Foundation grant.

Councilmember Valdivia-Alcala commented on the Minority Mental Health Awareness Month proclamation and the need for improved mental health services for minorities. She stated there are cultural differences in the treatment of mental health and there is a need to understand those differences. She commented on the 70th Anniversary of the 1950 Topeka flood. She stated the Fiesta Mexicana food sales begin July 14, 2021, from 11:00 a.m. to 4:00 p.m. at 201 Northeast Atchison Street. She stated the Shawnee County Parks and Recreation Santa Fe Park Art Mural Ribbon Cutting Ceremony has been rescheduled to July 31, 2021, at 10:00 a.m. She announced a free yard disposal event on July 17, 2021, at 3431 SE 21st Street and those interested could call Custom Tree Care Inc. at 785-478-9805. She clarified that her comments, printed in the Topeka Capital Journal were not blanket statements against all homeless. She stated Oakland residents believe the homeless population, drug houses and petty theft are due to the closing of the homeless tent city. She stated the homeless have rights and civil liberties as well as citizens. She stated she still is waiting on response from the City Manager and District Attorney Mike Kagay as it relates to the continued release of certain homeless individuals.

Councilmember Dobler stated it was good to be back attending meetings in person and thanked everyone for their thoughts and prayers.

Councilmember Duncan announced District 8 Open Office Hours events are held the third Thursday of each month from 5:00 p.m. to 7:00 p.m. at Fairlawn Plaza Mall. He expressed the importance of blood donors and encouraged local citizens to donate blood.

Councilmember Hiller spoke to the seriousness of the new Delta variant of the COVID-19 virus and reported that vaccinated people have a better survival rate. She encouraged citizens to get the COVID-19 vaccine.

Councilmember Naeger stated more information on the COVID-19 vaccine is available on the Shawnee County Health Department website at <https://www.snco.us/hd/>.

Councilmember Ortiz moved to recess into executive session for 20 minutes to discuss employer/employee negotiations relating to the Topeka Police Department labor agreement, as authorized by KSA 75-4319(b)(3). To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Chief of Staff, Bill Cochran; Human Resources Director, Jacque Russell; Interim Administrative and Financial Services Director, Steve Wade; Interim City Attorney, Mary Feighny; Senior Assistant City Attorney, Mary Kuckelman; Chief of Litigation, Shelly Starr and Interim Chief of Police, Bryan Wheelles. No action was anticipated when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (10-0-0)

Mayor De La Isla left the meeting.

Following a 20-minute time period, the meeting reconvened into open session and Deputy Mayor Padilla announced no action was taken during the Executive Session.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:45 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, July 13, 2021 2:50 PM
To: City Clerk; City Council; Neil Dobler; Tony Emerson; Michael Lesser; Michelle De La Isla
Subject: Boards Oversight and Ref MTA Board oversight comparison For Public Comments Record Tonight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a board member we had numerous board meetings and committee of the whole meetings with planning and finance personnel last year during the pandemic. We always reviewed Every contract(including one consultant contract of under \$50 K this year), proposed route changes, every purchase of vehicles, all reserves monthly and continue to do all of this MULTIPLE times a year. I am shocked that a City Manager can sign a contract in any amount without the vote and approval of the Board-governing body. We have a \$300 Million plus budget as a City.

I also believe the Utilities should be under Public Works as they once were. They are struggling.

Joseph Ledbetter

Brenda Younger

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, July 13, 2021 11:53 AM
To: City Clerk; City Council; Tony Emerson; Neil Dobler; Michael Lesser; Michelle De La Isla; Alan Cobb; Timothy Zur
Subject: Council Meetings, Budget comments: I would like to see the Council meeting agendas and times set by the City Council.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to see a CPA with an active Kansas license hired to be a Comptroller of our monies in the position of Finance Director and over ALL of our Budgets-Including Utilities. I would like them to be answerable to the Governing Body.

I would like to see discussion and mandatory Council approval on ANY city contracts of \$50,000.00 or more.

I want to see complete Council oversight and votes on, of all Street projects, and Utility projects.

I want to see a firm lid of NO More borrowing of revenue bonds higher than the CURRENT level. I believe IT IS \$271 million dollars.

I want a cut in next year's budget to Planning and Development of \$235,000.00

and then cut two middle management positions. Or, put Planning and Development under public works and cut one Director position, of \$165,000.00 from their budget.

Sincerely,

Joseph Ledbetter JD, MPA

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, July 13, 2021 7:47 PM
To: City Clerk; City Council; Michelle De La Isla; Michael Lesser; Neil Dobler
Subject: More comments for Budget

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We need a much stronger Code Enforcement city wide , especially with the slum lords both residential and commercial. I have been asking for this since 2015 and not seeing real improvement. Thank you. Joseph Ledbetter JD MPA

Sent from my iPhone