

## **Governing Body Minutes – July 27, 2021**

CYRUS K. HOLLIDAY BUILDING, 620 SE Madison Street, Topeka, Kansas, Tuesday, July 27, 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, Ortiz, Emerson and Dobler - 4; and the following Councilmembers participating remotely: Councilmembers Valdivia-Alcala, Naeger, Duncan and Lesser -4. Absent: Mayor De La Isla and Deputy Mayor Padilla- 2. Kelly Bogner, Assistant City Clerk, presided.

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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on July 27, 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](mailto:cclerk@topeka.org) on or before July 27, 2021, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Kelly Bogner, Assistant City Clerk, opened nominations to elect a temporary meeting chair.

Councilmember Emerson nominated Councilmember Ortiz to serve as the temporary meeting chair. The motion was seconded by Councilmember Dobler.

Upon hearing no more nominations, Assistant City Clerk Bogner, announced that the nominations were closed.

The motion to elect Councilmember Ortiz to serve as the temporary meeting chair carried unanimously on roll call vote. (8-0-0)

BOARD APPOINTMENT recommending the appointment of Margaret Dunlap to the Topeka-Shawnee County Public Library Board of Trustees for a term ending April 30, 2025, was presented. (*Council District No. 6*)

ADVISORY COUNCIL APPOINTMENT of Francis Kent to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending July 27, 2023, was presented. (*Council District No. 4*)

Councilmember Naeger moved to approve the board appointments. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (8-0-0)

A PRESENTATION on the Mobile Access Partnership (MAP) was presented by Barry Feaker, Executive Director, Topeka Rescue Mission Ministries.

Councilmember Ortiz spoke in support of the program and noted she recently toured Grace Pointe Church located at 5400 SW Huntoon Street, and commented on the great services the Church offers to the community.

Councilmember Valdivia-Alcala thanked Mr. Feaker for the presentation and asked if she could share it with District 2 Neighborhood Improvement Associations. She provided examples of homelessness issues throughout the city and asked if the program would address those issues, and how long it would take to implement the program.

Councilmember Naeger asked if they plan to partner with the Topeka Veterans Affairs (VA) Medical Center and what health services would be provided by the partnership. She inquired on the life expectancy of the houses and if they would be used as transition housing to place people permanently back into the community.

In response, Mr. Feaker stated the following:

- The homeless issue the city faces occurs in communities across the nation. He stated the program provides a good opportunity for community engagement to address the issues through a systematic approach.
- The VA would be a logical partner moving forward. Stormont Vail Health Center is implementing a primary care mobile unit to provide healthcare services and he will meet with GraceMed Health Clinic representatives on July 28, 2021, regarding triage services.
- The life expectancy of the housing units is approximately 20 years. He stated they have considered the future of the homes throughout the community but have not reached a decision as of yet.

Councilmember Dobler asked if American Rescue Plan (ARP) dollars could fund the project.

Brent Trout confirmed ARP funds could be used, however, the City must decide how much they want to devote to the program over a three-year period.

Councilmember Hiller questioned if the transition housing would be scattered throughout the city or in one location.

Mr. Feaker reported the units should be located in an area that will be acceptable to the community. He expressed the importance of breaking the cycle of homelessness by determining the level of help offered as well as how the community can be a part of those efforts.

Councilmember Lesser spoke in support of the program and inquired on the low cost (\$5,000) of each housing unit. He committed to paying for the cost of one housing unit and challenged Councilmembers Naeger and Dobler to do the same.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9235 introduced by City Manager Brent Trout, naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatories and rescinding City of Topeka Resolution No. 9094, was presented.

RESOLUTION NO. 9236 introduced by City Manager Brent Trout, authorizing the City of Topeka's participation in the Kansas Municipal Investment Pool and authorizing signatories and rescinding City of Topeka Resolution No. 9095, was presented.

RESOLUTION NO. 9237 introduced by City Manager Brent Trout, granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

RESOLUTION NO. 9238 introduced by Councilmember Karen Hiller, approving a special event known as the 2021 Cruisin' the Capitol Car Show, was presented. (*Council District No. 1*)

ORDINANCE NO. 20304 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period May 1, 2021 through May 28, 2021, and enumerating said expenditures therein, was presented.

MINUTES of the special meeting of July 10, 2021, and the regular meeting of July 13, 2021, were presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (8-0-0)

Councilmember Emerson moved to suspend the Governing Body rules to allow general public comment as the next item on the agenda. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (8-0-0)

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

Sammy Williams, Executive Director, Indy Hall Topeka, referenced the historic Menninger Clock Tower building and asked the Governing Body to save the building and use it for homeless veteran housing.

Chance Lammer, member of the Crossroads Restoration Board, expressed the importance of the organization and how it provides at-risk youth the opportunity for a restorative life to prevent incarceration.

Maurice Ansley, Crossroads Restoration employee, stated children that are in foster care sometimes become involved in or become victims of crime. He stated the organization partners with other organizations in the community to provide entrepreneurial programs. He referenced a fundraiser the organization is hosting on August 28, 2021, located at the Forest Park Conference and Retreat Center at 3158 SE 10<sup>th</sup> Street, Topeka.

Joseph Ledbetter referenced handouts regarding discussions at the July 13, 2021, special meeting of the Governing Body and stated the mill levy has remained the same the last nine years, but the property valuation has increased 18% since that time. He expressed concern with the City's charter ordinance that allows the City Manager to approve contracts of any price range without Governing Body approval. He suggested the Governing Body approve all contracts over the amount of \$50,000.

Councilmember Emerson moved to reinstate the Governing Body rules. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (8-0-0)

DISCUSSION related to the Public Safety Feasibility Study, was presented.

Brent Trout, City Manager, stated he requested a feasibility study on the needs of the Law Enforcement Center (LEC) after being approached by an interested buyer. He noted there has

been discussion regarding land the City could possibly purchase for a new LEC, however, more information on the process needed to be gathered.

Hannah Uhlrig, Public Works Deputy Director, stated the information developed during the study would provide the City a direction for the development of a new public safety center as well as provide the foundation for the design of a public safety center that will serve the community for the next 50 years. She noted Jeff Lane, TreanorHL Principal, would provide a presentation on the outcome of the study.

Jeff Lane, TreanorHL Principal, provided an overview of the City of Topeka Public Safety Center Feasibility Study and highlighted the following:

- Value of the Project to the Community
- Long-term Solution
- Safety & Security
- Sharing Resources with City and County Agencies
- Energy Efficient and Sustainable
- Staff Morale & Retention including reduction of stress and adequate staff spaces
- Ease of Access for Law Enforcement
- Space for Future Growth

Councilmember Duncan asked if there have been active discussions with the County on the project.

Mr. Lane reported he has not met with the Shawnee County Sheriff's Department, however, they have participated in all stakeholder meetings.

Councilmember Hiller referenced the new Downtown Plan and a combined Law Enforcement Center that would include a courtroom for Shawnee County.

Brent Trout reported he spoke with one of the Shawnee County Commissioners and they expressed interest in being involved in the process for the Sheriff's Department Office and Dispatch Center, however, they were not interested in changing the County court system. He

noted Shawnee County has already addressed their needs for courtroom space and have no plans to wait for the project to move forward.

Councilmember Dobler asked if the purpose of the study was to determine if building a new LEC at a different location would be more financially feasible versus upgrading the current LEC facility.

Brent Trout confirmed Staff was seeking direction from the Governing Body regarding their preference to move forward with evaluating the current facility or building a new facility in a different location.

DISCUSSION concerning the establishment of a fee for all defendants placed on probation was presented.

Karan Thadani, Administrative Municipal Court Judge, reported during the 2021 City of Topeka Budget deliberations, the idea of assessing a fee for defendants placed on probation was discussed as a fair and reasonable consequence of being on probation and placing part of the financial burden for the supervision costs on the defendant. He stated most municipal courts in Kansas impose probation fees ranging between \$25 and \$250 and Staff recommends a \$100 fee for the City of Topeka. He noted in 2020, there were 184 probation cases, a low number due to disruptions from the COVID-19 pandemic, and they anticipate approximately 275 probation cases in 2021.

Councilmember Valdivia-Alcala asked what occurs if the individual placed on probation does not have the funds to pay the fee and how many individuals does Staff anticipate will pay the fee. She also asked if there would be costs associated with administering the new fee, and if the accounts sent to collection agencies would have an impact on future cases of that same individual.

Councilmember Hiller asked if the fee would help cover general expenses for the City or used as a deterrent.

In response, Judge Thadani stated the following:

- An individual could schedule a monthly payment plan as low as \$25 a month. He reported issues arise when the individual stops making payments and does not attend court dates.
- There are currently 300 people on probation and there are approximately 18,000 court cases a year.
- There would be no costs associated with administering the fee and fines sent to collection agencies would have no impact on future court cases for that same individual.
- The fee would help cover City expenses such as laboratory fees, mouth swabs and urinalysis.

DISCUSSION regarding the 2022 Consolidated Action Plan and Budget was presented.

Corrie Wright, Housing Services Division Director, provided an overview of the 2022 Consolidated Action Plan. She stated the Consolidated Action Plan was a strategic planning document required by the U.S. Department of Housing & Urban Development (HUD) for eligibility to receive certain federal grant funds. She highlighted the following HUD administered programs:

- Housing Development/Redevelopment
- Major and Exterior Rehabilitation
- Emergency Rehabilitation
- Accessibility Modifications
- Voluntary Demolition
- Topeka Opportunity to Own (TOTO)
- Infill
- Housing Weatherization
- Housing Development/Redevelopment partnerships - Cornerstone, Housing and Credit Counseling and Habitat for Humanity

Councilmember Ortiz thanked Ms. Wright for the presentation and asked when the next Homeless Task Force meeting was scheduled.



Councilmember Hiller expressed her appreciation for the information provided on the housing programs. She asked if there were agreements in place that prevent landlords from increasing rent for a certain period of time, and if landlords receiving grant funding could increase the rent of their tenants. She questioned if rental assistance funds are being paid back by the borrowers and if any of the funds being collected for second mortgages is being paid back to the City. She expressed concern with the decrease in inmate program volunteers and asked how the program would be funded.

In response, Corrie Wright reported the following:

- Homeless Task Force meetings are held the second Wednesday of each month at 1:00 p.m.
- As it relates to preventing increases in rent, the renter must have a lease in place with their landlord.
- Funds are being repaid to the City and those funds are allocated back to the program where the funds originated as required by HUD.
- These particular inmate programs are funded by CDBG funds.

Brent Trout stated two of the inmate crews would be funded by the Community Engagement Division through the funds transferred from Public Works. He stated staff will create an inmate crew list and provide it to the Governing Body.

Councilmember Naeger left the meeting.

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

Brent Trout, City Manager, stated budget discussions would continue from the July 13, 2021, Governing Body meeting on Municipal Court and Information Technology Department budgets.

Karan Thadani, Administrative Municipal Court Judge, reported the following:

- The 2022 proposed budget increased \$30,000 from 2021.
- To date, there have been seven graduates of the Alternative Sentencing Court in 2021.
- Jail dockets are being performed by video conferencing and is something that will likely continue.

Councilmember Emerson asked if there will be an opportunity in the future for the Court to allow for more virtual meetings, specifically related to the Code Enforcement docket. He noted the majority of those who receive Code Enforcement violations tend to be in an older age bracket and do not feel comfortable attending Court dockets in person.

Councilmember Ortiz asked about the fingerprinting process.

Judge Thadani stated Zoom meetings will continue; however, there are certain crimes that require the individual to be present to submit their fingerprints at the time of conviction. He noted that Municipal Court accepts fingerprints from other law enforcement agencies and continues to work towards allowing the public better access to Court services. He reported Court dockets for inmates are held via Zoom.

Mark Biswell, Information Technology Director, reported the proposed Information Technology Department budget for 2022 is \$4.35 million, a slight increase from 2021 due to an increase in service licenses and the request to reinstate the full-time position for a web developer.

Councilmember Ortiz asked why the position was being reinstated.

Brent Trout reported Staff was aware it would cost more to reinstate a full-time position compared to the cost to outsource the services, however, having a full-time web developer on site would be more effective.

Joseph Ledbetter referenced handouts he distributed at the beginning of the meeting during public comment. He suggested reductions be made to middle management to make Staff more effective, expressed concern with addressing slumlords located throughout the city, supports a fully funded Police Department, and expressed the importance of the City being more business and citizen friendly. He suggested the Planning and Development Department come up

with ideas on how to grow the city and the Governing Body be more involved in the contract approval process.

Councilmember Dobler inquired as to when the last time the mill levy was increased and encouraged citizens to consider how that relates to current property values.

Brent Trent reported the mill levy was increased by 4 mills in 2013.

Councilmember Hiller asked how much revenue was expected to be generated from the Downtown Tax Increment Financing (TIF) District.

Councilmember Duncan reminded everyone that the mill levy was not being increased and the valuation of properties is determined by Shawnee County not the City of Topeka.

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

Councilmember Valdivia-Alcala announced there will be a COVID-19 vaccine clinic, free of charge, held from 11:00 a.m. to 1:00 p.m. at the Oakland Community Center located at 801 NE Popular at on July 28, 2021, and again on August 18, 2021, for the second vaccine shot. She announced the Santa Fe Park Art Mural dedication has been rescheduled to July 31, 2021 at 10:00 a.m. She announced the Topeka Fiesta Fundraiser for Holy Family School hosted by Brass Rail Tavern located at 401 NE Emmett Street on July 30-31, 2021. She reported the Oakland Community Garden continues to thrive and they are in need of more volunteers. She referenced the homeless issues that continue throughout the city, specifically in the Oakland area.

Councilmember Ortiz announced SE 6<sup>th</sup> Street has reopened and is no longer under construction. She reminded citizens to vote in the upcoming August 3, 2021, Primary Election. She announced the screening of Coco the movie on August 21, 2021, at Hummer Sports Park in

which donations will be accepted for the Topeka Housing Trust Fund. She reported approximately 100 children participated in the Chase Middle School youth basketball camp and noted it was a great success. She thanked School Resource Officers and USD 501 for their assistance with the camp.

Councilmember Hiller announced that Dirty Girl Adventures and Topeka United hosted a Kansas River Float Event on July 25, 2021. She referenced the book titled *Civil Rights Trail* written by Lee Sentell. She noted Mr. Sentell would host a book signing at the Topeka-Shawnee County Public Library on July 27, 2021 at 3:30 p.m. and would be distributing copies of the book free of charge.

Councilmember Ortiz reminded citizens to attend the National Night Out events throughout the city on August 7, 2021. She announced the retirement of Community Officer Robby Simmons.

Councilmember Emerson moved to recess into executive session for 20 minutes to discuss acquisition of property, as authorized by KSA 75-4319(b)(6). To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Interim Administrative and Financial Services Director, Steve Wade; Deputy City Attorney, Mary Feighny; Public Works Deputy Director, Hannah Uhlrig; and Planning and Development Director, Bill Fiander. No action was anticipated when the open meeting resumed in the First Floor Conference Room. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (7-0-0)

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

Councilmember Emerson moved to recess into executive session for 30 minutes to discuss employer/employee negotiations relating to the Fire Department labor agreement, as authorized by K.S.A. 75-4319(b)(3). To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Interim Administrative and Financial Services Director, Steve Wade; Deputy City Attorney, Mary Feighny; Senior Assistant City Attorney, Mary Kuckelman; Human Resources Director, Jacque Russell; and Fire Chief Craig Duke. No action was anticipated when the open meeting resumed in the First Floor Conference Room. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (7-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Chairperson Ortiz announced no action was taken during the Executive Session.

Councilmember Duncan left the meeting.

Councilmember Emerson moved to extend the meeting beyond 10:00 p.m. pursuant to Governing Body Rule 5.9. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (6-0-0)

Councilmember Emerson moved to recess into executive session for 20 minutes to continue the discussion on employer/employee negotiations relating to the Fire department, as authorized by K.S.A. 75-4319(b)(3). To aid in the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Interim Administrative and Financial Services Director, Steve Wade; Deputy City Attorney, Mary Feighny; Senior Assistant City Attorney, Mary Kuckelman; Human Resources Director, Jacque Russell; and Fire Chief Craig Duke. No action was anticipated when the open meeting resumed in the First Floor

Conference Room. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (6-0-0)

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

NO FURTHER BUSINESS appearing the meeting adjourned at 10:15 p.m.

(SEAL)

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Brenda Younger  
City Clerk

## Attachment A

**Kelly L. Bogner**

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**From:** Joseph Ledbetter <joe@josephledbetter.com>  
**Sent:** Tuesday, July 27, 2021 1:06 PM  
**To:** City Clerk; City Council; Michael Padilla; Neil Dobler; Spencer Duncan; Tony Emerson; Michael Lesser; Michelle De La Isla  
**Subject:** Growth of Tax base in Topeka since 2013. Approx. 18% Please add to the Budget discussion on record.

**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.

Tables below.

**City assessed values 2013-2021**

10 messages

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**Rea, Lori** <Lori.Rea@snco.us>  
To: "Ledbetter, Joe" <Joe.Ledbetter@snco.us>  
Cc: "Beck, Cyndi" <Cyndi.Beck@snco.us>

Joe,

Below I have listed the November *assessed* values for the City of Topeka for 2013-2021. The 2021 value is for July value as we don't set levies with the TIF value included.

**Topeka City**

		*Real Estate	Personal Property	State Assessed	Total	% inc/dec
2013	November	894,984,964	41,831,952	89,386,409	1,026,203,325	
2014	November	895,572,657	30,943,505	94,770,762	1,021,286,924	-0.48%
2015	November	914,116,013	26,812,623	100,696,193	1,041,624,829	1.95%
2016	November	937,165,606	25,459,071	105,959,117	1,068,583,794	2.52%
2017	November	953,739,621	23,432,186	106,184,976	1,083,356,783	1.36%
2018	November	997,220,927	22,611,873	110,288,167	1,130,120,967	4.14%
2019	November	1,014,748,924	20,263,443	108,320,245	1,143,332,612	1.16%
2020	November	1,043,917,590	19,995,977	113,213,051	1,177,126,618	2.87%
2021	July	1,072,681,558	19,705,381	130,663,337	1,223,050,276	3.76%

\* Real estate value excludes the TIF value as we don't set levies with it.



**Lori Rea**

**Tax Administration Officer**

**Shawnee County Clerk's Office**

**785-251-4157**

**lori.rea@snco.us**

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**Joseph Ledbetter** <joe@josephledbetter.com>

Mon, Jul 26, 2021 at 3:03 PM

To: "Rea, Lori" <Lori.Rea@snco.us>

Cc: "Ledbetter, Joe" <Joe.Ledbetter@snco.us>, "Beck, Cyndi" <Cyndi.Beck@snco.us>

Thank you!

This is really good info.

Joseph Ledbetter

[Quoted text hidden]

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**Joseph Ledbetter** <joe@josephledbetter.com>

Mon, Jul 26, 2021 at 3:04 PM

To: cwillet <cwillet@aol.com>, Carol Marple <hedgetree@yahoo.com>, q4jaz <q4jaz@aol.com>, Terri Roberts <director@ahna.org>

Cc: Timothy Zur <tim@tz407.com>, Alan Cobb <Alanc@kansaschamber.org>, Teresa Miller <teresa-miller@att.net>, Tony Emerson <tony@emcon.us>, Michael Lesser <mlesser@topeka.org>

[Quoted text hidden]

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**Joseph Ledbetter** <joe@josephledbetter.com>

Mon, Jul 26, 2021 at 3:08 PM

To: "Rea, Lori" <Lori.Rea@snco.us>

Would you happen to have 2012? Thank you!

On Mon, Jul 26, 2021 at 1:22 PM Rea, Lori <Lori.Rea@snco.us> wrote:

[Quoted text hidden]

**Kelly L. Bogner**

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**From:** Joe Ledbetter <joe\_ledbetter@yahoo.com>  
**Sent:** Tuesday, July 27, 2021 7:44 PM  
**To:** Neil Dobler; City Clerk; City Council  
**Subject:** Budget Discussion for the record. My words only.

**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 believe all debt and all reserves and all funds should open and transparent as part of the budget discussion. It should not have to be asked by this Board. The public wants this knowledge and for it to be part of all discussions. Last week I said not all MPA programs are the same. I will add not all military personnel are trained the same way either. Leadership is something I have not seen for awhile at the highest levels of our staff unfortunately. Problem solving is key to leadership. The CIP budget process this year showed me how weak we have become. There were so many mistakes and items left out. It seems like the Council and the public are being left out of contracts and large projects and it feels very uncomfortable to me as a concerned citizen and tax payer. There was a time when public opinion and knowledge was welcomed by City staff. I feel like that has changed and current leadership has become aloof, and disinterested in our opinions or concerns. It seems like there is a disdain by a number of staff, for the Board and even citizens. It is very uncomfortable to watch.

Joseph Ledbetter JD, MPA  
Sent from my iPhone