

Governing Body Minutes – December 7, 2021

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 7, 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, Naeger, Dobler and Duncan -6; and Councilmember Ortiz participated remotely -1. Absent: Mayor De La Isla, Councilmember Padilla and Councilmember Lesser -3. Brenda Younger, 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 by no later than 5:00 p.m. on December 7, 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 December 7, 2021, for attachment to the meeting minutes.

Brenda Younger, City Clerk, called the meeting to order, and announced due to the absence of Mayor De La Isla and Deputy Mayor Padilla she would accept nominations to chair the meeting.

Councilmember Emerson moved to nominate Councilmember Hiller to serve as the temporary meeting chair. The motion seconded by Councilmember Naeger carried unanimously on voice vote. (7-0-0)

Councilmember Hiller asked for a moment of silent meditation in recognition of December 7th Pearl Harbor Day and to honor the late Senator Robert J. Dole.

AFTER THE MEETING was called to order, Captain Cristian Lopez Azompa, Salvation

Army provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Brad Loveless to the Topeka-Shawnee County Riverfront Authority Board for a term ending December 11, 2024, was presented.

BOARD APPOINTMENT recommending the reappointment of Kurt Young to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023, was presented.

BOARD APPOINTMENT recommending the reappointment of Robert Bergquist to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023, was presented. (*Outside City Limits*)

BOARD APPOINTMENT recommending the reappointment of Dean Patel to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2023, was presented.

BOARD APPOINTMENT recommending the reappointment of Jeff Romine to the Board of Plumbing Examiners for a term ending December 31, 2023, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the reappointment of Neil Carlson to the Board of Plumbing Appeals for a term ending December 31, 2023, was presented. (*Council District No. 7*)

Councilmember Dobler moved to approve the board appointments. The motion seconded by Councilmember Duncan carried unanimously on roll call vote. Mayor does not vote. (7-0-0)

PRESENTATION on the 2021 Community Health Needs Assessment was presented by

Brett Martin, Chair of Heartland Healthy Neighborhoods.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20326 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period September 25, 2021 through October 29, 2021, and enumerating said expenditures therein, was presented.

NOTICE OF REDEMPTION authorizing and directing the partial call and redemption of \$5,965,000 of Taxable General Obligation Temporary Notes, Series 2021-B, of the City of Topeka, Kansas on December 18, 2021, originally issued in the amount of \$6,900,000 on November 3, 2021, was presented.

APPROVAL of a Utilities contract in the amount of \$555,058 for Professional Engineering Services between the City of Topeka and Black and Veatch Corporation to advise the City in developing, managing, and implementing a Compliance Program for the revised United States Environmental Protection Agency (USEPA) Lead and Copper Rule, was presented. *(Contract No. 49950)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Wood Environment and Infrastructure Solutions, Inc. to provide master planning services for projects along the Shunganunga Creek that will help reduce flood risk, but fall outside of the scope of work anticipated to be performed in conjunction with the United State Army Corps of Engineers, was presented. *(Contract No. 49955)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Alfred Benesch and Company to aid the City in addressing Capital Projects, was presented. *(Contract No. 49948)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Bartlett and West Inc. to aid the City in addressing Capital Projects, was presented. *(Contract No. 49947)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Cook, Flatt, and Strobel Engineers, PA to aid the City in addressing Capital Projects, was presented. *(Contract No. 49951)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Professional Engineering Consultants, PA to aid the City in addressing Capital Projects, was presented. *(Contract No. 49949)*

APPROVAL of a Public Works contract for Professional Engineering Services between the City of Topeka and Sunflower Design LLC to aid the City in addressing Capital Projects, was presented. *(Contract No. 49952)*

APPROVAL of a Public Works contract for Professional Engineering and Design Services between the City of Topeka and SBB Engineering, LLC to prepare preliminary design and estimates for Horseshoe Bend Subdivision No. 6 and No. 7 Sanitary Sewer Benefit District Project T-401103.00 project petition, was presented. *(Contract No. 49954)*

APPROVAL of a Public Works contract for Professional Engineering and Design Services between the City of Topeka and SBB Engineering, LLC to prepare preliminary design and estimates for Horseshoe Bend Subdivision No. 6 and No. 7 Street and Storm Sewer Benefit District Project T-601130.00 project petition, was presented. *(Contract No. 49953)*

Councilmember Hiller stated because the approval of consulting contract is a new process to the Governing Body she requested a brief explanation of the items.

Brent Trout, City Manager, provided the highlights of the consulting contracts.

Councilmember Hiller asked if the intent of the Policy and Finance Committee has been met.

Councilmember Duncan, Policy and Finance Committee Chair, reported the intent of the Committee has been met and provides an opportunity for the Body to review in more detail. He noted the purpose of the process not only provides them with awareness but it also provides increased transparency.

Councilmember Valdivia-Alcala asked if it will be routine practice to not include the dollar amount in the contract.

Brent Trout reported that a portion of these particular consulting contracts are an anomaly, in that it will allow the City to move forward in seeking professional engineering services; therefore, they are not aware of the cost at this point in the process.

MINUTES of the regular meeting of November 9, 2021, and November 16, 2021, was presented.

Councilmember Naeger moved to approve the consent agenda. The motion seconded by Councilmember Duncan carried on roll call vote. Councilmember Dobler abstained. (6-0-1)

ORDINANCE NO. 20327 introduced by City Manager Brent Trout, amending City of Topeka Code Section 3.40.030 establishing a service fee levy for 2022 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section, was presented.

Brent Trout, City Manager, stated approval would continue the current service fee imposed on downtown businesses.

Rhiannon Freidman, Downtown Topeka, Inc. President, reported on the 2021 BID program of services, administration, maintenance of downtown, new marketing strategies,

website branding and the Downtown Master Plan. She also reported on the 2022 funding recommendations, administration, plans to streamline annual information and digital collection processes in 2022.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger, Dobler, and Duncan -7.

ORDINANCE NO. 20328 introduced by City Manager, Brent Trout, amending City of Topeka Code Section 3.65.035 establishing a service fee levy for 2022 relating to the Topeka Tourism Business Improvement District and specifically repealing said original section, was presented.

Brent Trout, City Manager, stated approval would continue the current service fee in 2022.

Kurt Young, Topeka Lodging Association Executive Director, provided an overview of the history of efforts that have taken place to generate Transient Guest Tax dollars to build the Downtown Plaza. He noted they are in the fourth year collecting approximately \$1.4 million to date. He reported the Board is recommending no increase to the \$1 fee in 2022.

Councilmember Duncan stated he would oppose the ordinance because it only contributes to one aspect of tourism for Topeka.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmember Duncan voted “no.” (6-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger, and Dobler -6. Nays: Duncan -1

ORDINANCE NO. 20329 introduced by City Manager Brent Trout, concerning Citizen Advisory Council amending Section 2.25.040 of the Topeka Municipal Code and repealing original section, was presented.

Brent Trout, City Manager, stated the amendments to the Citizen Advisory Council (CAC) ordinance was part of the overall update of Title 2, resulting from the abolishment of the Department of Neighborhood Relations (DNR) and the creation of the Community Engagement Division. He stated previously, DNR staff worked with the CAC and that responsibility now rests with the Community Engagement Division. He reported the ordinance has been reviewed by the CAC.

Councilmember Hiller stated the CAC bylaws do match the language in the proposed ordinance, so she will support the ordinance as presented.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger, Dobler, and Duncan -7.

RESOLUTION NO. 9275 introduced by City Manager Brent Trout approving the 2022 Topeka DREAMS Grants, was presented.

Brent Trout, City Manager, stated the item was discussed at the November 9, 2021, Governing Body meeting and staff recommends approval of the resolution as presented.

Councilmember Emerson moved to approve the resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (7-0-0)

PUBLIC HEARING

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

AN APPROPRIATION ORDINANCE NO. 20330 introduced by City Manager Brent Trout, approving and adopting certain amendments to the operating budget for the City of Topeka, for the year 2021, and appropriating the amounts for the purpose as set forth therein, was presented.

Brent Trout, City Manager, highlighted the budget amendments to include the expenditure budget increasing for Information Technology from \$4,162,087 to \$4,337,087 and also an amendment changing the Federal Funds Exchange amount from \$774,881 to \$1,562,166.

Councilmember Hiller opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one else appearing the public hearing was closed.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Naeger, Dobler, and Duncan -7.

RESOLUTION NO. 9276 introduced by City Manager Brent Trout, relating to the City of Topeka's legislative agenda for the 2022 legislative session, was presented.

Councilmember Duncan provided a brief overview of the proposed priorities specifically as it relates to the Docking State Office Building and the Kansas Neurological Institute (KNI) Lab. He stated there was an addition of the Menninger Tower Preservation and Taxpayer Bill of Rights to the priorities. He stated the City's preference is to retain home rule authority rights. He stated the City did not take a position on the proposal to eliminate food sales tax but would prefer local government control their portion. He stated the Committee plans to create a policy

regarding the approval of annual Legislative priorities for the Governing Body to include the use of a “living” document that is continually edited and updated so Governing Body members and the public are aware of the City’s position on active bills.

Councilmember Hiller commended the Committee for their work. She stated if the City lost its share of the food sales tax it would be approximately \$5 million annually.

Stephen Wade, Director of Administrative and Financial Services, stated loss of food sales tax revenue would cause exposure to funding cuts in the General Fund, Save Our Streets Sales Tax Fund and the JEDO Fund.

Councilmember Dobler asked about the likelihood of the elimination of the food sales tax and State enforcement on municipalities without consent.

Whitney Damron, P.A., City of Topeka Lobbyist, stated it is not likely food sales tax will be eliminated at a local level. He stated he anticipates a budget overage in 2022 that would allow the possibility for the elimination of the food sales tax.

Councilmember Valdivia-Alcala requested information as stated by Stephen Wade to be distributed to the Governing Body.

Councilmember Naeger expressed her appreciation to Councilmember Duncan for sharing his legislative experiences with the Committee so they can make informed decisions.

Joseph Ledbetter expressed his appreciation to the Policy and Finance Committee and the work they are doing as it relates to many items to include transparency of contracts. He expressed the importance of lobbying for sufficiently funded the highway fund. He encouraged the Governing Body to push the abandoned housing issue at a State level and noted the City has many tools readily available to address the issue locally.

Councilmember Naeger moved to approve the resolution. The motion seconded by

Councilmember Valdivia-Alcala carried unanimously on roll call vote. (7-0-0)

DISCUSSION regarding the allocation of American Rescue Plan Act (ARPA) funds for the City of Topeka was presented.

Braxton Copley, Utilities Director, reported the Kansas Department of Transportation (KDOT) would consider allowing the application of any money the City used for the Polk-Quincy Viaduct Project utility relocations to apply towards the \$20 million for the City's matching share for the project, provided the utilities are located within City Right-of-way. He highlighted the following requests for the use of ARPA funding:

- Utility relocation costs will be over \$20 million for the Polk-Quincy Viaduct Project
- Waterline relocations required by the Polk-Quincy Viaduct Project will be approximately \$1.64 million
- Phase 2 of the 21st Street water main project from SW Washburn Avenue to SW Oakley Avenue is \$2.5 million
- Private and public lead service line replacement is approximately \$2 million
- Sanitary sewer relocations required by the Polk-Quincy Viaduct project is approximately \$14.03 million
- Sewer main extension to remove homes from septic systems (Half of the cost of benefit district in Shadywood Project along Shunga Creek) is approximately \$14.03 million
- Stormwater relocations for Polk-Quincy Viaduct cost is \$5.63 million
- SCADA and Enterprise Computer System Managed Defense services is approximately \$1.7 million over a 5-year period

Councilmember Duncan questioned how the utility costs for the Polk-Quincy Viaduct Project could increase to over \$20 million. He stated Staff and the Governing Body have to ask better questions in order to make informed fiscal decisions.

Braxton Copley stated the initial cost was unknown as the City was in the process of hiring a consultant to help determine actual costs. He stated he would be happy to share details with the Governing Body as there is a lot more design and exploration to conduct.

Brent Trout, City Manager, stated as it relates to the utility costs, Staff did not have an idea of what those costs would be until consulting services were complete. He stated Staff knew

there would be expenses related to the utilities located in City right-of-way, but they had no idea that the expense would be that great. He stated the \$20 million could be used for road networking for the project; however, there is now an option to use ARPA funding instead of bonding the funds.

Councilmember Hiller stated she hopes the City can offset a substantial amount with grant funding.

Brent Trout stated the City plans to apply for a \$100 million Infrastructure For Rebuilding America (INFRA) grant for the project.

Councilmember Emerson asked if any utilities work will be credited towards the \$20 million to offset the City's match and inquired on the City's responsibility for private lead service line replacements.

Councilmember Duncan stated he continues to support the project; however, the large funding amounts needed by the City should have been anticipated as part of the conversation.

Braxton Copley stated the City will have to offer to repair the lead lines at the cost of private customer.

Councilmember Dobler referenced the deadlines for spending of grant funding and stated there is time to make these decisions.

Councilmember Valdivia-Alcala thanked Councilmember Dobler for clearly explaining that this allocation of ARPA funding is not a rushed process which helps citizens understand funding opportunities.

Councilmember Hiller reminded Governing Body members it takes an extensive amount of time to organize infrastructure projects. She asked for a plan moving forward as it relates to ARPA funding.

Brent Trout stated there are no more scheduled discussions in December 2021. He requested the Governing Body send requests to him to compile a list of recommendations.

Councilmember Hiller inquired about scheduling a special meeting in January 2022.

Councilmembers Duncan and Dobler spoke in support of scheduling a special meeting to discuss the process.

Councilmember Hiller stated it was the consensus of the Governing Body to conduct a special meeting in January 2022 to discuss the ARPA project funding process.

Joseph Ledbetter requested details of utilities projects. He suggested a trade off with the State. He expressed concern with the increase in water fee rates by 7.5% each year for water repairs. He questioned why the water line projects specifically have not already been replaced; and he will continue to question these projects.

Lazone Grays referenced the project lists that have been presented to date for proposed ARPA funded projects. He recommended some of the ARPA funds to be used for small business assistance at an amount of \$9.1 million. He stated he believes the City will get INFRA grants funding for infrastructure. He stated he will be submitting a revised list of recommendations.

Councilmembers Hiller, Naeger, and Valdivia-Alcala agreed suggested ideas be forwarded to the City Manager to compile until the formal process is established in January 2022.

Councilmember Valdivia-Alcala recommended establishing a commission that can serve as a gate keeper of federal funding to avoid any potential conflicts of interest by Governing Body members.

DISCUSSION concerning the execution and delivery of necessary agreements to maximize the City of Topeka's allocation of the opioid settlement funds was presented.

Amanda Stanley, City Attorney, reported multiple class action lawsuits have been filed throughout the nation concerning the negative impacts to communities and government resources caused by opioid abuse and addiction. She stated many states and local governmental entities initiated or joined the class action suits as plaintiffs. She stated in Kansas, the Attorney General's office joined multiple class action suits on behalf of the state. She stated in addition to the State of Kansas, six cities and multiple counties joined various suits. She stated the various suits have begun to settle and, in many instances, financial compensation will be paid to offset and mitigate negative impacts of opioid abuse and addiction in communities. She stated in order to maximize the settlement funds and avoid future litigation, the settlements offer additional financial incentives to states who gain participation and releases of claims from local governments. She stated in order to maximize settlement dollars, the Kansas Legislature enacted House Bill 2079, the Kansas Fights Addiction Act, authorizing non-litigating cities such as the City to access opioid litigation settlement funds and become eligible for certain state grants. She stated it also preempted cities who had not already filed suit, from filing suit for opioid damages without the express consent of the Attorney General. She stated the consideration for this preemption was guaranteed access to a pot of money made up of 25% of all settlement dollars received by the State if the City completed all necessary steps to participate. She stated this means, it is essential for the City to complete all required steps to participate in the state settlement if it wants access to these funds. She stated the Governing Body must pass a resolution by the end of the year for this to occur.

Councilmember Duncan asked if the resolution could be approved at this time.

Councilmember Hiller inquired about the City previously filing a lawsuit.

Councilmember Valdivia-Alcala asked if the Governing Body will receive detailed

information on the allocation of funds

Amanda Stanley stated the resolution can be approved at this time; no lawsuit has been filed by the City; and when the Attorney General releases detailed funding information it will be forwarded to the Governing Body.

RESOLUTION NO. 9277 introduced by City Manager Brent Trout, approving the execution and delivery of necessary agreements to maximize the City of Topeka's allocation of opioid settlement funds, was presented.

Councilmember Duncan moved to approve the resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (7-0-0)

DISCUSSION of final recommendations by the Public Health and Safety Committee on November 8, 2021 for two items, (*Changing the Culture of Property Maintenance Goals, Challenges and Initiatives*) was presented. (*The Committee recommended approval of each item by a vote of 3-0-0.*)

Councilmember Hiller stated they will bring both documents as one document for approval at the Governing Body meeting next week if there are no objections.

Councilmember Valdivia-Alcala provided an overview of the series of public meetings resulting in 27 pages of recommendations that has been narrowed down to a detailed draft initiatives document. (See Attachment A).

Councilmember Naeger thanked Committee and Staff for their dedication and work on the initiatives. She inquired if they plan to replace noxious vegetation with pollination gardens.

Councilmember Emerson asked if this will require a series of documents to be approved in 2022.

Councilmember Hiller stated they will continue to work on implementing pollination

gardens and all policies and ordinances would need to be approved by the Governing Body.

Councilmember Dobler stated this is an important element in growing the community and commended Councilmembers Hiller and Valdivia-Alcala for their extensive work on the initiative. He stated he looks forward to seeing community changes in the future.

Monique Glaude, Division Director of Community Engagement, provided a high level overview of the services Community Engagement Division could provide in partnership with other organizations as it relates to recommendations by the Committee.

Councilmember Valdivia-Alcala thanked Division Director Glaude for her extra work on the initiative.

Councilmember Naeger thanked Division Director Glaude for providing information and guidance on how the Community Engagement Division will be assisting.

Councilmember Hiller expressed her appreciation to Staff for their work on the initiative.

Joseph Ledbetter stated he wants landlords to be held accountable. He referenced the gap of affordable housing that is not being met and studies show it is directly related to landlords not being held accountable. He suggested to waive court costs with a signature of affidavit of income. He suggested the City cease all code violation waivers and hold people accountable for the maintenance of their properties.

Lazone Grays spoke in support of a basic skills training at Washburn Tech East and those individuals that attend the training can utilize those skills to address property code violations. He stated this is an opportunity for work force training programs and opportunities.

PUBLIC COMMENT was submitted via email (Attachment B) by Joseph Ledbetter. The following individuals provided public comment:

Sandra Lassiter thanked the City for the completion of the construction and reopening of

12th Street. She expressed concern with the selection of the current police chief; however, as a representative of the community she will continue to work for the betterment of all people.

John Rush stated he believes the health and safety of citizens is the foundation of the city. He stated he continues to seek answers to the helicopter incident that took place at his residence in August 2021. He stated he has reached out to the City with no response.

Lazone Grays distributed a handout related to Urban Economic Revitalization & Redevelopment Considerations. He spoke to the federal funds available for initiatives for skilled trade workers to support Topeka Employment & Training Partnerships.

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

Brenda Younger, City Clerk, provided an overview of the December 14, 2021, Governing Body meeting agenda.

Brent Trout, City Manager, reported work has already begun on the 2023 City of Topeka Operating Budget and noted the Governing Body would be receiving information from Staff requesting assistance with gathering volunteers to help provide input on the 2023 operational budget with the goal of using a new format of Outcome Based Budgeting instead of Traditional Budgeting.

Councilmember Hiller announced the USS Frank E. Petersen Jr. DDG 121, is a new guided-missile destroyer that was named after U.S. Marine Corps Lieutenant General Frank E. Petersen Jr., who is from Topeka. She stated on December 15, 2021, Topeka United will host “Peace: A Multicultural Holiday Evening at First United Methodist Church. She encouraged all to shop locally.

Councilmember Dobler stated he requested staff draft an ordinance regarding the retirement age for police and fire department employees. He referenced the passing of Senator

Robert Dole, who brought people together and who campaigned for Americans with Disabilities Act.

Councilmember Duncan announced the City of Topeka turned 167 years old on December 5, 2021.

Councilmember Valdivia-Alcala requested projected costs for the relocation of businesses for the Polk-Quincy Viaduct project. She reported 1,200 pounds of produce was distributed by the Oakland community garden in 2021. She stated she attended the Topeka Alliance for Good Government (TAGG) meeting and wants to continue dialog with stakeholders in the big decisions as it relates to police reform.

Brent Trout stated the relocation of businesses will be handled by the State with the exception of the City's maintenance shed located next to Law Enforcement Center (LEC) which will need to be demolished. He stated once a fair value from State is received Staff will find a new location for the shed.

Councilmember Emerson commented on the great leadership of the late Senator Robert Dole. He requested a status list of all project applications from development services for each council district.

Councilmember Naeger encouraged all those that can give during the season to do so and give to Topeka Housing Trust Fund, Doorstep Inc. and the Topeka Rescue Mission.

Councilmember Emerson moved to extend the Governing Body meeting beyond 10:00 p.m. The motion seconded by Councilmember Dobler.

Councilmember Hiller asked all those in favor of extending the Governing Body meeting past 10:00 p.m. to indicate so verbally by saying "yea" and those opposing to indicate so verbally

by saying “no.” After the voice vote occurred, Councilmember Hiller announced the motion carried unanimously on voice vote. (7-0-0)

Councilmember Emerson moved to recess into executive session for a period of 10 minutes to discuss the acquisition of real property for utility purposes, pursuant to KSA 75-4319(b)(6). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; Chief of Staff, Bill Cochran; Utilities Director, Braxton Copley; and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Naeger.

Councilmember Hiller asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Councilmember Hiller announced the motion carried unanimously on voice vote. (7-0-0)

Following a 10-minute time period, the meeting reconvened into open session and Councilmember Hiller announced no action was taken during the executive session.

Councilmember Emerson moved to recess into executive session for a period of 30 minutes to discuss the City’s cybersecurity audit, pursuant to KSA 75-4319(b)(12). To aid in the discussion, the following individuals were present: Members of the Governing Body, City Manager, Brent Trout; Chief of Staff, Bill Cochran; Information Technology Director and CISO, Mark Biswell; Human Resources Director, Jacque Russell; Financial and Administrative Services Director, Stephen Wade; and City Attorney, Amanda Stanley. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Naeger.

Councilmember Hiller asked all those in favor of recessing into executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” After the voice vote occurred, Councilmember Hiller announced the motion carried unanimously on voice vote. (7-0-0)

Following a 30-minute time period, the meeting reconvened into open session and Councilmember Hiller announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 10:35 p.m.

(SEAL)

Brenda Younger
City Clerk

Attachment A

Changing our Culture of Property Maintenance - Initiatives Draft
11/2/21 - All initiatives should operate within the adopted Guiding Principles and be measured for success against the adopted Aspirational Goal and four Challenges. Initiatives expected to start in early 2022, last 5 years or longer; to be reviewed for success and renewal annually in October/November.

- **(1) Legal Code, Interpretation, Policy and Procedures** - 2022 - PHS Committee + Legal; GTP and 2 others might share or cover consultant expenses
 - 22+ points in list compiled from input sessions
 - City of Topeka
 - Property Maintenance Code
 - Procedures
 - Billing
 - Court
 - Collections
 - Service of Notice (including out of state)
 - Repeat Offenders
 - Practices with disadvantaged residents
 - Interface with other departments and other parts of TMC
 - Consider having consultant assistance
 - [See below for Vegetation]
 - [See below for Rehab/Self-Help permits]
 - State Law - related laws that limit or otherwise guide/control

- **(2) Vegetation** - January 2022 - PHS Committee and Council
 - Approve ordinance change and set date for implementation
 - Synch with Forestry ordinance, operations and billing
 - Set administrative guidelines for phase-in
 - for enforcement
 - for community and communitywide initiatives

- **(3) Community Engagement (in vegetation, trash, mowing)** - Dec 2021
Assign a City Staff “point person” and look for a partner(s) to assist in leading programs; 1st Qtr 2022 PHS Committee and Community Engagement staff set program
 - (3)(A) Training/Small Business/Entrepreneurship** - most could be done by partner nonprofit or for-profit entities
 - Summer youth mowing program funded by money already set aside in the budget for inmate crew.
 - Could be adult (homeless, ex-offender, community service) program additionally or in the alternative

- Programs could be set up to establish fees and work for people directly or for the city
- Establish contractor bid list - for properties deemed safe for contractors to bid on via RFP, reserving properties deemed less safe for staff crew - PMU staff
- Establish neighbor mowing relationships between neighbors and neighborhood contractors and those in need - could be in-kind or paying for mowing and vegetation maintenance - could include training engagements from Washburn Tech and Washburn Tech East or alternative - NIA/NA's with assistance as needed from Community Engagement staff
- Central list of identified providers placed on City's website, updated regularly
- SeeClickFix reports could be forwarded to vendors/organizations

(3)(B) Community-based

- Identify churches or other groups/individuals who would offer to pay for "x" amount of additional
- Properties, promote successes CE Staff and/or AHTF fundraising
- Identify businesses who would be willing to add an extra donated mow or two to their existing mowing contracts - CE Staff and/or AHTF fundraising
- Establish marketing program to educate the public about the difference in cost between using a mowing service regularly vs. city abatement, fines and fees - City Communications in consultation with PHS Committee, PMU and CE staff.
- Promote advisory program to landlords to include mowing and vegetation maintenance in rent on single family properties rather than waiting for tenants to fail, possibly reversely giving discount or end of season return for tenants who perform the service themselves, promote successes with landlord partnerships. City Communications in consultation with PHS Committee, PMU and CE staff

(3)(C) Public/Private Partners

- Work with local hardware stores, lumber yards and possibly organizations for a program to rent equipment or get materials - donated by the businesses or through coupon programs CE Staff and Neighborhoods
- Develop referral program to private businesses regarding advisory and educational programs offered. CE Staff
- Public-Private partnerships (also see "Trash/Dumping") - identify ways to address dump fees and being able to have volunteers, or anyone, haul trash to the dump without requiring the \$75 fee. - CE Staff, neighborhoods

- **(4) Round Table of Rehabbers** - Explore issues of allowing permits for work typically limited to homeowners, also allowing for homeowners when they are not in their homes. 1st and 2nd Qtrs 2022 - Development Services, in conjunction with PHS Committee, building trades representatives and rehabbers invited

- **(5) Trash/Dumping** - Establish program 1st Qtr 2022, establish any needed funding from existing CDBG funds - Community Engagement (CE) staff
 - Look into having more flexibility with dumping programs with NIA's and their NIA funds.
 - Ideas to have a couple of community wide dump days throughout the community, in addition or instead of NIAs placing dumpster(s) in their neighborhoods.
 - Explore partnerships with mental health programs to address hoarding.
 - NIA's utilize NIA funds or coupon to help take loads to the dump.
 - Explore funding strategies for "free" dumping, samples include tax-supported weekend dumping, partnership with County or haulers/landfill(s) for free dumping for certified volunteers. Explanation is that could minimize hoarding waiting for dump opportunities.

- **(6) Education/Community Connection** - Start 1st Qtr 2022, Community Engagement Staff and Partners
 - See list of 20+ topics compiled from the input sessions
 - Standing lists, kept up to date, of social services, programs, incentives, repair resources.
 - Video spots to Facebook, Channel 4 platforms, other media partner platforms - consider using members of the community to do those educational spots.
 - Noxious weed versus native plants - for staff and community members - Shawnee County Extension.
 - CPTED training with invitations for community to attend - TPD.

- **(7) Retail Parking Lots/Trash** - Establish 1st Qtr 2022, CE staff
 - Reminders to or through Community Engagement for retailers who are repeat violators.
 - Consider having media partners also assist in reminders to businesses and COT social media for chronic violators to post photos or list.
 - Friendly letters from NIAs to encourage repeat violators to address issues before Property Maintenance becomes involved - may help neighborhoods look inward and be better received than the letter that

comes from Property Maintenance. Could also be a single team that would run a circuit. Training to be provided by PMU and Legal.

- **(8) Neighborhood Self-Help Model** - Starting 1st Qtr 2022 and throughout - Community Engagement staff
 - Seek guidance and partnership for neighborhoods through national networks/models/trainings.
 - Additional training for Community Engagement Staff.
 - Highlight neighborhoods and teams (perhaps even within neighborhoods) that have been working hard together on strategies, perhaps making it a friendly competition or awards for such categories as “best” or “most improved” - to be recognized on the City’s website and otherwise promoted.
- **(9) Profiles of Various Neighborhoods used in Promotions** - Plan 1st Qtr 2022, implement by 3rd Qtr 2022 - Community Engagement staff and CAC or representative neighborhood team; alternative would be GTP, corporate or nonprofit lead(s) or cosponsor(s).
- **(10) KDOT/Others not keeping up with mowing/trash** - Settle strategy 1st Qtr 2022 - Team to include key staff (i.e. Public Works Dept head, others) possibly with City Elected officials, Shawnee County state delegation, COT lobbyist, others.
- **(11) Vacant Properties** - Develop and implement a viable plan to develop/redevelop our vacant properties and vacant lots - include a plan for securing that includes owner responsibility, additional tax sales, responsibility for negligent owners with means to retain obligation to pay past debts even after tax sales, and strategies for connecting vacant/dilapidated properties with responsible buyers, preferably without government intervention - PHS Committee, advised by PMU, Legal, Housing and other staff as well as consultants

Definitions:

AHTF = Affordable Housing Trust Fund

CAC = Citizen Advisory Council

CE = Community Engagement

CDBG Funds = Community Development Block Grant

COT = City of Topeka

CPTED = Crime Prevention Through Environmental Design

GTP = Greater Topeka Partnership

KDOT = Kansas Department of Transportation

NA = Neighborhood Associations

NIA = Neighborhood Improvement Associations

PHS = Public Health & Safety

PMU = Property Maintenance Unit

RFP = Request For Proposal

TMC = Topeka Municipal Code

TPD = Topeka Police Department

Attachment B

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Tuesday, December 7, 2021 2:22 PM
To: City Council; City Clerk; Spencer Duncan; Michael Lesser; Karen A. Hiller
Subject: Meeting



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I would really like the Council to set up it's own agenda starting immediately. It would be very good for the City and the Public. The manager has resigned. We need an interim Manager appointed immediately.

Also, I am concerned about open amount contracts, and multi year contracts for consulting. I am concerned about bidding requirements being met. I also remember some cautions in law school about cash basis language in multi year public contracts in Kansas.

But a good discussion is needful about where we are going with this.

Just some of my thoughts, and on very short notice. Thank you.

Joseph Ledbetter, JD, MPA

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, December 7, 2021 8:51 PM
To: City Clerk; City Council; Tony Emerson; Neil Dobler; Michael Lesser; Spencer Duncan; Michael Padilla; Karen A. Hiller; Michelle De La Isla; Bill Cochran
Subject: Public comments

My concern with the way Council meeting agendas are created has not changed. The council needs to set its own agenda. Additionally everything should be posted with any proposed contracts 2 weeks in advance. And it should be set and not changed so Council and the public can review with two weeks for that process. Last week the agenda was down part of Thursday and changed. Additionally I would like to see ALL contracts AND change orders over \$50,000 to come before the Council in the future.

Thank you. Joseph Ledbetter JD MPA.

Sent from my iPhone

Kelly L. Bogner

From: Joe Ledbetter <joe_ledbetter@yahoo.com>
Sent: Tuesday, December 7, 2021 10:33 PM
To: City Council; Neil Dobler; Michael Lesser; Tony Emerson; City Clerk; Michael Padilla; Spencer Duncan; Karen A. Hiller; Michelle De La Isla
Cc: Bill Cochran
Subject: Ref my comments tonight on slum lords and codes. For record.

True story about a jerk living in a new 3200 sq ft house / w five stall garage on 40 acres living in Osage county on a highway. He had around \$40,000 a month coming out of Hi Crest west NIA in rents and would not replace a 60 year old furnaces that quit working or repair broken drains et Al. Code enforcement gave him breaks all the time. The other slum lord i mentioned with the four stall garage lived in a half million dollar house outside the city at South Point. None of these slum lords in Topeka that I have met live inside the city.

Yet we let them abuse our citizens. Shame.

Sent from my iPhone