

Governing Body Minutes – March 15, 2022

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 15, 2022. 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, Emerson, Kell, Dobler and Lesser -5; and Councilmembers Ortiz, Naeger and Duncan participated remotely -3. Mayor Padilla presided -1. Absent: Councilmember Valdivia-Alcala -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 March 15, 2022, 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 March 15, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Pastor Ray Rodriguez, Topeka Harvest Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Cynthia Hopp to the Topeka Human Relations Commission to fill an expired term ending March 21, 2024, was presented. (*Council District No. 8*)

Councilmember Lesser moved to approve the board appointment. The motion seconded by Councilmember Kell carried unanimously on voice vote. Mayor does not vote. (9-0-0)

AN UPDATE on the 2022 Redistricting of the City was provided by Amanda Stanley, City Attorney.

Councilmember Ortiz requested the redistricting population numbers from 2012 and asked what additional area in the redistricting process was given to the Oakland neighborhood.

Councilmember Duncan stated he would prefer to begin the process now to avoid being rushed.

Mayor Padilla stated he concurs with Councilmember Duncan.

Councilmember Kell requested a copy of a 2010 City of Topeka Council District map and the final map that was approved for redistricting in 2012.

Councilmember Hiller noted City precinct models are usually based on State and Federal elections.

Amanda Stanley, City Attorney, stated she would provide population numbers and the 2012 City of Topeka Redistricting Commission Report to the Governing Body and noted, during the previous redistricting process there was disagreement and a split vote of the Commission on where the district boundary lines should be located. She also stated the Governing Body could begin the process at any time, and traditionally the Deputy Mayor assumes the role of initiating the redistricting process.

CONSENT AGENDA was presented as follows:

APPROVAL of a Utilities contract for a Primary SCADA Integrator Professional Services between the City of Topeka and R.E. Pedrotti Company, Inc to aid the City with the integration of SCADA software for programmable logic control upgrades; to include programing, consulting, and hardware, was presented. (*Contract No. 50217*)

APPROVAL of a Utilities contract for a Secondary SCADA Integrator Professional Services between the City of Topeka and A.W. Schultz, Inc. to aid the City with the integration of SCADA software for programmable logic control upgrades; to include programming, consulting, and hardware, was presented. *(Contract No. 50218)*

APPROVAL of Utilities Contract for Pipeline Operator to provide operation and maintenance services for the Renewable Natural Gas (RNG) Pipeline that conveys RNG from the Oakland Wastewater Treatment Plant to the Interconnect station on the Southern Star interstate pipeline, roughly two (2) miles north of the City of Topeka. They will provide startup services, regulatory agency communications and continuous operational and maintenance required to maintain line integrity, public safety, and transmission performance, was presented. *(Contract No. 50220)*

APPROVAL of a Public Works Engineering contract between the City of Topeka and SBB Engineering LLC to perform engineering services for Hi-Crest Street Improvements T-281245.02, including SE Irvingham Street and SE Truman Court Water Main Replacement, was presented. *(Contract No. 50219)*

RESOLUTION NO. 9295 introduced by Councilmember Christina Valdivia-Alcala, approving a special event known as the NOTO in Bloom, was presented. *(Council District No. 2)*

MINUTES of the regular meeting of March 8, 2022, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (9-0-0)

PUBLIC HEARING

A public hearing to consider establishment of a Business Improvement District (BID) for the NOTO Arts and Entertainment District, was presented.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak.

Pedro Concepcion spoke in support of the Business Improvement District (BID) and stated the NOTO District is growing and the BID will help the District in regards to maintenance, safety and beautification of the area.

Thomas Underwood, read a statement from Monette Mark, owner of Fire Me Up Ceramics & Fine Art Studios, LLC located in the NOTO BID. (See Attachment A).

Councilmember Hiller inquired on the status of the ordinance language as it relates to BID participation. She asked what the NOTO Arts District Committee recommended.

In response, Mr. Underwood reported the following:

- The preference would be for businesses to have the option to participate on an annual basis. The proposed ordinance language states on line 63, “However, businesses that had a physical presence in the district on or before January 1, 2008 are not obligated to pay the fee.”
- The Committee was formed to develop a proposal for the Governing Body to consider and was promoted from NOTO businesses. He stated they received very few negative comments regarding establishing the BID.

Upon no one else appearing, Mayor Padilla announced the public hearing was closed.

Councilmember Duncan asked how many BID districts are located in the city and if the NOTO BID would be different in comparison to the Downtown BID.

Interim City Manager Cochran stated the NOTO BID would be the second business improvement district created in the city and it would be a similar model to the Downtown BID.

DISCUSSION concerning Land Banks was presented.

Bill Cochran, Interim City Manager, reported Staff has been working on a Land Banks initiative for the Governing Body to discuss.

Amanda Stanley, City Attorney, and Bill Fiander, Planning and Development Director

provided information on the following:

- What is a Land Bank and its Authority?
- What is unique about a Land Bank?
- Ad Valorem Tax Forgiveness
- How is property accepted in a Land Bank?
- Topeka Land Bank Process
- Pilot Land Bank
- Key Benefits

In response, Governing Body members commented on the following:

- Questioned if the City could utilize nonprofit partners such as SENT Topeka, an organization that performs similar work.
- If a recurring property continues to have multiple property maintenance violations and the property owners wish to sell the property, could it be land banked. It was suggested the ordinance language address homes that are a burden to property owners and encourage neighbors to be a productive partner with the city to improve housing.
- What funding resource will be used for the initial funding of the land bank and will the fund be self-sustaining?
- How many distressed or abandoned properties are located in the city; how would the land bank initiative be incorporated in the City's current housing plan; and how could this initiative make an impact when purchasing 5-7 homes.
- Consider focusing on one area of the city.
- Could the City limit who purchases the properties as it relates to landlords that do not maintain their property.
- Could the City keep the property and rent it after it has been renovated. It was suggested homes be rented to those considered low to moderate income residents and use those funds generated to maintain the property with any excess funding reverting back to the Land Bank fund balance.
- If the maintenance of land bank properties would require additional work for the City or costs.
- If land bank properties would be utilized for donated properties. It was suggested the City could convey donated properties to builders who in turn would renovate the homes.
- The importance of having diverse board members that are invested in the community that have a clearly defined role in the land bank process.
- The importance of the ordinance language being clarified and vetted prior to approval by the Governing Body.
- It was suggested the City utilize the (Topeka Opportunity to Own) TOTO or the Housing and Urban Development (HUD) Dollar Home Program.
- The need for the City to implement more tools to deal with blighted properties and take better care of neighborhoods.

- It was suggested the land bank programs in Wyandotte County, Kansas, and Pittsburg, Kansas, be reviewed by Staff.

City Attorney Stanley and Planning and Development Director Fiander reported the following:

- The Governing Body would decide which nonprofit services to utilize; however, they must consider conflict of interest.
- If a property owner was willingly to donate their property to the land bank they could; however, there should be clear guidance to ensure homeowners are not being pressured into selling their property.
- In reference to funding a land bank, Staff requested \$500,000 through the American Rescue Plan Act (ARPA) funding for the land bank program. There would be a \$50,000 minimum cost for rehabilitation of 5-7 properties and up to \$25,000 to acquire a property (the amounts used to determine the initial cost needed). It was intended that funds would not be required every year; however, if property is acquired at a fairly low price, the income from the sale of the properties could replenish the funds.
- At this time Staff does not have the number of abandoned or stressed properties in the city; however, there are between 5,000 - 6,000 vacant units in the city based on the housing study.
- Staff suggested the Governing Body include criteria in the ordinance specifying if they want more properties rehabilitated or to focus in one area; to allow the board to decide on the focus area and if the property is viable; limiting the pool of land bank properties and utilizing contracted services and real estate agents.
- The board would need to remain objective if they are allowed to decide who the buyers are and rental property would need to be a separate conversation; however, there are no legal restrictions.
- The City could create a land trust and create deed restrictions as income based housing.

Interim City Manager Cochran, asked the Governing Body if they want to create a land bank and noted the other detailed decisions could be determined at a later time.

Councilmember Hiller expressed her disappointment in the proposal being geared towards new development instead of addressing the City's housing needs. She stated it was important to have a clear plan and understanding of what is to be expected from the establishment of a City of Topeka Land Bank before moving forward with approval by the Governing Body.

Planning and Development Director Fiander clarified Staff intends to concentrate on the rehabilitation of homes not new construction.

Joseph Ledbetter stated he remains indecisive on the matter; however, a land bank would be an additional tool for the City to utilize in order to take care of property code issues.

PUBLIC COMMENT was submitted via email by Joseph Ledbetter (Attachment B) and the following individuals provided public comment in-person:

David Jackson requested that the City not destroy the historic property he has part ownership in located at 911 N. Kansas Avenue. He provided background information regarding the inspections and current condition of the building and noted the required repairs were completed at a cost of approximately \$20,000. He stated the goal is to save the structure from further deterioration and they would be willing to donate the property.

Joseph Ledbetter referenced the many instances where blighted property has not been addressed in the city having a negative effect on the City's tax base and budget.

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

Kelly Bogner, Assistant City Clerk, provided an overview of the March 29, 2022, Special Meeting Capital Improvement Plan (CIP) Workshop agenda.

Bill Cochran, Interim City Manager, announced the demolition of the White Lakes Mall located at 3600 SW Topeka Boulevard has begun and requested the public refrain from trespassing on the property as it is extremely dangerous. He announced on March 29, 2022, a Special Meeting CIP Workshop of the Governing Body would be held to discuss the City's CIP.

Councilmember Hiller referenced the great St. Patrick's Day events held on March 12, 2022. She gave kudos to the Interim City Manager and City Attorney Stanley regarding the Legislative Reports the Governing Body has received. She offered condolences to the family of Jim Ogle who passed away on March 13, 2022. She referenced David Jackson's comments

regarding the property located at 911 N. Kansas Avenue, and stated it was understood there is work that needs to be done on the property; however, she stated she would be willing to reconsider the action that the Governing Body previously approved.

Councilmember Emerson offered his condolences to the family of Jim Ogle.

Councilmember Kell offered his condolences to the family of Jim Ogle. He announced March 16, 2022, is National Small Business Development Day and encouraged everyone to support small businesses in the city as it is a great way to drive the community and open up opportunities of employment.

Councilmember Naeger asked that everyone remember those who lost their lives in the March 16, 2021, Atlanta Spa Shooting. She stated if anyone is interested in learning about what is happening with Asian Americans and Pacific Islanders, to visit the website www.stopaapihate.org. She announced the Topeka-Shawnee County Public Library Alice C. Sabatini Art Gallery will display the “Resilience – A Sansei Sense of Legacy” exhibit honoring eight artists whose work reflects on the effect of the Japanese internment in the United States during World War II, from March 11, 2022 until May 22, 2022.

Councilmember Dobler offered his condolences to the family of Jim Ogle. He stated the Blarney Breakfast held on March 12, 2022, was a great event for the Capper Foundation.

Councilmember Lesser offered his condolences to the family of Jim Ogle.

Mayor Padilla offered to his condolences to the family of Jim Ogle. He announced GO Topeka in collaboration with the Kansas City Small Business Administration are hosting a Small Business Symposium on March 26, 2022 starting at 8:30 a.m. He reminded everyone about the Topeka Dino Day events at various locations throughout the city. He recognized Helen Rhodes,

Homestead of Topeka resident and World War II veteran who will turn 100 years old on April 2, 2022.

Councilmember Dobler moved to recess into executive session for a period of 25 minutes for consultation with the city attorney to discuss attorney-client privileged matters regarding specific litigation as justified by K.S.A. 75-4319(b)(2). To aid in the discussion, the following individuals were present: Members of the Governing Body; Interim City Manager, William Cochran; City Attorney, Amanda Stanley; and Chief of Litigation, Shelly Starr. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Lesser.

Mayor Padilla 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, Mayor Padilla announced the motion carried unanimously on voice vote. (9-0-0)

Following a 25-minute time period, the meeting reconvened into open session and Mayor Padilla announced no action was taken during the executive session.

Councilmember Dobler moved to recess into executive session for a period of 20 minutes to discuss matters related to an individual employee, pursuant to KSA 75-4319(b)(1). To aid in the discussion, the following individuals were present: Members of the Governing Body and Interim City Manager, William Cochran. No action was anticipated when the meeting resumed open session in the City Council Chambers. The motion was seconded by Councilmember Kell.

Mayor Padilla 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, Mayor Padilla announced the motion carried unanimously on voice vote.

(9-0-0)

Following a 20-minute time period, the meeting reconvened into open session and 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



March 14, 2022
Topeka City Council
215 SE 6th St # 255
Topeka, KS 66603

Dear City Council,

Thank you for your time. As one of the appointed committee members I wholeheartedly support the Business Improvement District for the NOTO Arts and Entertainment District. I believe it will elevate the Topeka community and benefit our reputation as a place to visit.

However, I have one concern with the final letter sent out to businesses. It did not include the 'opt out' option. Instead, it broadly excludes all businesses in the area before 2008 from financially supporting the BID. In the original document submitted by the BID committee there was a provision under the Exemptions section that stated,

In addition to exemptions outlined by statute (e.g. non-profit, residential), the committee recommends an annual 'opt out' option for those businesses that had a physical presence in the in the area before it became the "NOTO" district. For the purpose of a clearly determined cut-off, 2008 is the year Heartland Visioning identified the North Topeka business district as an area for development as an arts district.

The letter sent out to businesses clearly states,

Based on the NOTO BID Report, the NOTO BID will be financed by an annual service fee identified in Exhibit A that will be imposed annually on the businesses within the District. However, no annual service fee will be imposed on businesses that had a physical presence within the proposed BID boundaries on or before January 1, 2008.

In my opinion, I believe the "opt out" option is also a choice to "opt in" to support the BID as the business sees fit. Excluding all businesses in the district before 2008 does two things. First, it creates a separation between business who may want to be included in the BID services. Second, the wording is open to interpretation and unclear. Does this mean that the older businesses enjoy the benefit of the BID without any financial contribution or are they excluded from all BID services? I believe including an annual "opt out" option allows individual business a choice. In addition, I think it should be stipulated that to "opt out" means Beautification and Promotion BID services are unavailable to those who choose this option. My reasoning, in simple terms, is there could be hard feelings toward those getting all services for free while others are paying their way. The annual "opt out" option is an important part of the NOTO BID and should be included in the final documentation.

Thank you for considering my support for the Business Improvement District for the NOTO Arts and Entertainment District and concerns regarding the exclusion of the "opt out" option.

Sincerely,

A handwritten signature in black ink, appearing to read "Monette Mark". The signature is fluid and cursive.

Monette Mark

Attachment B

Kelly L. Bogner

From: Joseph Ledbetter <joe@josephledbetter.com>
Sent: Wednesday, March 16, 2022 10:06 AM
To: City Clerk; City Council; Tony Emerson; Michael Lesser; Neil Dobler; Spencer Duncan; Michael Padilla; Sylvia Ortiz
Cc: Bill Cochran
Subject: My Last nights Public comments 3-15-2022

Governing Body:

I had intended to talk about city financial records, however Mr Jackson's comments helped steer me to Code Enforcement issues. I am not blaming our current Interim Manager or our City attorney for this fiasco with codes. However we still have serious issues with Codes, and they impact our poorest citizens who rent, and our tax base, and our population decline(which is a HUGE red flag for ANY city). We don't protect our most vulnerable, poor, citizens , or Neighborhoods, from well financed landlords that have NO fear of our Courts, or Code Enforcement department, or prosecution. Period.

Thank you.

Joseph Ledbetter JD, MPA