

## **Governing Body Minutes – April 19, 2022**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 19, 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, Valdivia-Alcala, Emerson, Kell, Naeger, Dobler, Duncan and Lesser -8; and Councilmember Ortiz participated remotely -1. Mayor Padilla 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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on April 19, 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](mailto:cclerk@topeka.org) on or before April 19, 2022, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Valdivia-Alcala read a prayer written by the Northern Native American Ute Indian Tribe.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Scott Tummons to the Topeka Metropolitan Transit Authority for a term ending May 1, 2026, was presented. (*Council District No. 7*)

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

A PRESENTATION on the 2020-2021 ADA Advisory Council Report was presented by Steve Schoenberg and Joe Cheray, ADA Council Members.

Councilmember Naeger thanked the Council for providing a presentation. She asked who serves as the ADA Coordinator for the City and how does that person assist in the role of the City's responsiveness to ADA issues.

David Bevens, Community Information Manager, stated the Public Works Director and the City Engineer address ADA issues.

Steve Schoenberg reported the Advisory Council only meets one time a month; therefore, they would suggest the City provide a full-time ADA Coordinator to deal with every day issues to allow for more responsiveness to the important issues through a single point of contact.

AN UPDATE on the Polk-Quincy Viaduct Project was presented by Brian Armstrong, Bartlett and West Engineers, Inc.

Bill Cochran, Interim City Manager, stated he will provide the Governing Body with a report on project financials by April 21, 2022.

Councilmember Hiller asked for clarification on how many years the project would take to complete; if the 10<sup>th</sup> Street and 8<sup>th</sup> Street on-ramps and off-ramps would still exist; when will 1<sup>st</sup> Street access west of Topeka Boulevard be closed; and asked if there were plans to construct a low clearance bridge that would cause issues for cross-country truck traffic on I-470.

Councilmember Naeger inquired on contact information for individuals or community groups that would like to schedule a meeting to discuss the project with KDOT representatives.

Councilmember Duncan asked if there have been conversations on what will be placed in the "open space" areas under the viaduct, including the coordination of utility placements and the process to do so. He asked when those decisions will need to be made.

In response, Brian Armstrong reported construction would commence during years 2025 and 2026 with construction completing by the end of 2026; the 10<sup>th</sup> Street and 8<sup>th</sup> Street entrance and exit ramps would remain; the 1<sup>st</sup> Street access will be closed at the beginning of project in 2025 and remain closed; and additional project information is available online at <https://www.polkquincy.org/> and meeting requests can be emailed to [info@polkquincy.org](mailto:info@polkquincy.org).

Steve Baalman, Kansas Department of Transportation, reported the Kansas Turnpike portion of I-470 does have some lower clearance bridges they are working on system wide from Wichita to Topeka; however, the standard interstate size truck loads will not have an issue, only oversized and overweight loads may be more restricted on I-470. He noted I-470 east of downtown Topeka already has at least one, low clearance bridge, restricting oversize and overweight loads as well as oversize loads must be permitted in each state outlining the specific route they must follow.

Greg Gonzales, Principle Engineer, Kansas Department of Transportation (KDOT), referenced the open areas underneath the viaduct and reported, interested community groups need to contact the City and the City will coordinate with KDOT. He stated in order to place anything under the viaduct it would require approval from the Federal Highway Administration as well as identified funding sources.

Councilmember Emerson thanked Mr. Armstrong for their work on the project.

Mayor Padilla thanked Mr. Armstrong and stated they have done an excellent job in taking into consideration how the project will impact the neighborhoods and relieve congestion.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20352 introduced by Interim City Manager William E. Cochran removing certain real property from the Dynamic Core Redevelopment District, was presented.

RESOLUTION NO. 9298 introduced by Councilmember Christina Valdivia-Alcala, approving a special event known as the Kaw Valley Bank NOTO Party, was presented. (*Council District No. 2*)

RESOLUTION NO. 9299 introduced by Councilmember Christina Valdivia-Alcala granting Kaw Valley Bank an exception to the provisions of City of Topeka Code Section 9.45.150. *et seq.* concerning noise prohibitions, was presented. (*Council District No. 2*)

RESOLUTION NO. 9300 introduced by Interim City Manager William E Cochran, 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. 9286, was presented.

RESOLUTION NO. 9301 introduced by Interim City Manager William E Cochran, authorizing the City of Topeka's participation in the Kansas Municipal Investment Pool and authorizing signatories and rescinding City of Topeka Resolution No. 9285, was presented.

RESOLUTION NO. 9302 introduced by Deputy Mayor Spencer Duncan announcing the members of the 2022 Redistricting Commission, was presented.

MINUTES of the regular meeting of April 12, 2022, was presented.

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

CHARTER ORDINANCE NO. 123 introduced by Interim City Manager William E. Cochran regarding issuance of general obligation bonds, amending Charter Ordinance 89, Section 1 as codified at Section A12-1 of the Topeka Municipal Code, was presented.

Bill Cochran, Interim City Manager, reported the item was discussed at the April 12, 2022, Governing Body meeting.

Councilmember Emerson moved to adopt the charter ordinance. The motion seconded by

Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

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

RESOLUTION NO. 9303 introduced by Interim City Manager William E Cochran, authorizing Improvement Project No. T-401098.00 that provides for sanitary sewer improvement for 660 NE Hwy 24 as more specifically described herein, was presented.

Bill Cochran, Interim City Manager, reported approval of the proposed resolution authorizes sanitary sewer improvement project located at 660 NE Hwy 24 as petitioned by the applicant.

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

MOTION to temporarily suspend Governing Body Rules and Procedure 8.2 and appoint a fourth governing body member to the Public Health and Safety Committee, was presented.

Bill Cochran, Interim City Manager, stated the item was discussed at the April 12, 2022 Governing Body meeting and reported, due to the Committee workload the recommendation is to add a fourth committee member which Councilmember Duncan has agreed to fill.

Councilmember Naeger moved to temporarily suspend Governing Body Rules & Procedures 8.2 and appoint a fourth Governing Body member, Councilmember Duncan to the Public Health and Safety Committee. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9304 introduced by Councilmember Spencer Duncan supporting serious discussion and consideration of reducing mill levies for budget year 2023 by the City and other taxing subdivisions in light of significant property value increases, was presented.

Victor Miller spoke to the Shawnee County property tax increases for 2022 and advised that the mill levy should not “hold the line” on taxes. He referenced language on line 14 of the proposed resolution which states “mill levies determine the amount of property taxes that will be due,” and noted this statement is incorrect. He reported City expenditures have increased from \$267 million in 2019 to \$339 million in the adopted City of Topeka 2021 Operating Budget. He advised the City to be careful with spending and the message they are sending taxpayers.

Joseph Ledbetter stated the City should reduce spending and have benchmarks of productivity. He expressed concern with the city remaining affordable to live in and spoke in support of the proposed resolution if the City makes sure there is no unnecessary spending.

Councilmember Duncan referenced restrictions the State of Kansas has placed on municipalities as it relates to their budgets. He stated the proposed resolution would be one way to try and help citizens that are faced with higher property tax valuations.

Councilmember Valdivia-Alcala expressed concern with misleading taxpayers and questioned how the proposed resolution would assist with increased property taxes.

Mayor Padilla encouraged Governing Body members to ask questions so they better understand the intent of the resolution and noted, approval of the resolution would not commit the City to lowering the mill levy.

Councilmember Duncan confirmed the intent of the resolution to make property tax relief a feasible option to consider, not mislead citizens.

Councilmember Valdivia-Alcala requested a meeting with Finance Director Wade to help her better understand the resolution and process being proposed.

Councilmember Hiller expressed concern with misleading citizens. She stated various local entities have their own mill levy and noted, it may be a good time to discuss with Washburn

University if there is an interest in becoming a Regents university. She asked if Councilmember Duncan plans to speak to the other entities regarding their budget. She encouraged the Governing Body to stay on track to review what the best long-term options would be for citizens.

Councilmember Duncan stated there are no plans to speak to the other taxing entities only to distribute the resolution asking them to review and consider if they are able to reduce the mill levy.

Councilmember Ortiz asked the City Attorney to clarify if the Governing Body votes to approve the mill levy.

Amanda Stanley, City Attorney, reported the State of Kansas made changes to budgeting laws in 2021, and the Governing Body votes on a total dollar amount that converts to a mill levy rate that is revenue neutral. *(The tax rate for the current tax year that would generate the same amount of property tax revenue as levied the previous tax year, using the current tax year's total assessed valuation.)*

Councilmember Ortiz moved to defer the resolution until May 10, 2022. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Emerson spoke in support of voting on the resolution and distributing it to other taxing authorities. He stated he believes there is no reason government should grow faster than inflation rates and spoke in favor of a revenue neutral tax rate; however, is not in favor of raising the taxes and the proposed resolution addresses that policy statement.

Councilmember Naeger stated she concurs with Councilmember Emerson and believes they should commit to using funds in the most prudent way possible and vote on the resolution at this time.

Councilmember Lesser stated he concurs with Councilmembers Emerson and Naeger. He

stated the resolution gives the Governing Body the time to review the City budget and the mill levy. He spoke in support of moving forward with the resolution.

Councilmember Kell stated he is in favor of the City cutting wasteful spending and lowering taxes.

Councilmember Dobler made a substitute motion to amend line 24 of the resolution by replacing the words “lowering its mill levy” with “lowering the portion of its budget funded by property tax.” The motion was seconded by Councilmember Ortiz.

Mayor Padilla spoke in support of approving the resolution as it allows the Governing Body to review the mill levy.

The substitute motion to amend line 24 of the resolution by replacing the words “lowering its mill levy” with “lowering the portion of its budget funded by property tax.” failed.

Councilmembers Hiller, Emerson, Naeger, Duncan and Mayor Padilla voted “no.” (5-5-0)

The motion to defer the resolution until May 10, 2022 failed. Councilmembers Hiller, Emerson, Kell, Naeger, Dobler, Duncan, Lesser and Mayor Padilla voted “no.” (2-8-0)

Councilmember Duncan moved to approve the resolution. The motion seconded by Councilmember Emerson carried on roll call vote. Councilmember Valdivia-Alcala voted “no.” Councilmember Ortiz abstained. (8-1-1)

DISCUSSION of the proposed 2023-2032 Capital Improvement Plan and 2023-2025 Capital Improvement Budget, was presented.

Bill Cochran, Interim City Manager, stated the discussion would continue from the meeting of April 12, 2022.

Stephen Wade, Administrative and Financial Services Director highlighted the following CIP Projects:



- He referenced the South Topeka Boulevard Project 701045.00 from 15<sup>th</sup> to 21<sup>st</sup> Street on page 64 of the CIP Book. The project design phase would begin in 2026 and construction phase in 2027; however, he would suggest the City accelerate the project because it is funded with Countywide Sales Tax. Staff is reviewing financial opportunities as a way to accelerate the construction and they would have a proposal for the Governing Body to consider on May 3, 2022.
- In reference to the projects and maintenance items that have ending balances as referenced by Councilmember Hiller on April 19, 2022, Staff continues to discuss reserve balances and placing these projects on hold in order to spend down the 2022 and 2023 reserve fund balances. Staff will have recommendations for the Governing Body to consider on May 3, 2022.

Councilmember Hiller asked if there are enough Countywide Sales Tax revenue funds to cover the construction phase of the S. Topeka Boulevard Project.

Councilmember Duncan inquired on the current Utilities Reserve Fund balance.

Finance Director Wade reported an additional \$1.3 million would be needed for the construction phase of the project and he would provide reserve fund balances to the Governing Body.

Councilmember Hiller asked Staff to highlight the details of the City Hall renovations outlined in the memo distributed by Staff on May 3, 2022. She questioned the need for the TPAC design study and the funding source used to remodel spaces in City Hall.

Interim City Manager Cochran referenced the City Hall/TPAC Project Update Memo and noted the net project cost is \$6.5 million. He reported the TPAC design study has not yet occurred and they are allocating at least \$1 million to ensure there are enough funds available to complete the study. He explained this study is for the Topeka Performing Arts Center (TPAC) to ensure the Heating, Ventilation and Air Condition (HVAC) system is sufficiently replaced.

PUBLIC COMMENT was submitted via email by Joseph Ledbetter (Attachment A).

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

Councilmember Kell encouraged everyone to be mindful of the environment and announced April 22, 2022 is Earth Day and April 29, 2022 is Arbor Day.

Councilmember Naeger announced the retirement of Dr. Jerry Farley, President of Washburn University on September 20, 2022. She expressed her appreciation to Dr. Farley and his family for their contributions to the community. She offered her condolences to the family of former Council representative Clark Duffy who passed away April 17, 2022.

Councilmember Duncan announced he will participate in the Northwest Arkansas (NWA) Inter-City visit from April 26-29, 2022 in Bentonville, Arkansas, an event hosted by the Greater Topeka Partnership and Lawrence Chamber of Commerce.

Councilmember Hiller announced the Hotel Topeka at Center City located at 1717 SW Topeka Boulevard, hosted the 2022 Annual African America Travel Conference (ATC) from April 12-14, 2022.

Councilmember Naeger moved to recess into executive session for a period of time not to exceed 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; Interim City Manager, William Cochran; and other staff he deems necessary. 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 on voice vote.

Councilmember Ortiz voted “no.” (8-1-0)

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 8:40 p.m.

(SEAL)

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Brenda Younger  
City Clerk

# Attachment A

## Kelly L. Bogner

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**From:** Joe Ledbetter <joe\_ledbetter@yahoo.com>  
**Sent:** Tuesday, April 19, 2022 7:36 PM  
**To:** City Council; Neil Dobler; Michael Lesser; Tony Emerson; Sylvia Ortiz; City Clerk; Mayor  
**Subject:** CIP. Discussion comments.

I still have concerns about \$10 millions being spent on HVAC on City Hall. We spent \$2millions on this system in 2018. Additionally I would like to also see more crack and seal repairs done on road repairs because proper maintenance prevents huge costs down "the road." Those can be done effectively by contractors. Joseph Ledbetter.

Sent from my iPhone