

Governing Body Minutes – September 12, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 12, 2023. 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, Dobler, Duncan and Hoferer -7. Councilmembers Ortiz participated remotely -1. Mayor Padilla presided -1. Absent: Councilmember Naeger -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 September 12, 2023, 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 September 12, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Pastor Jeanette Cook, Oakland Church of the Nazarene, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Councilmember Naeger joined the meeting remotely.

CONSENT AGENDA was presented as follows:

APPROVAL of a Public Works Engineering Contract NO. 51583 between the City of Topeka and SBB Engineering in an amount not to exceed \$188,880 for engineering services for Project No. T-701063.00, was presented. (*NW/NE Curtis Street - Curtis Flyoff to Monroe Street*)

APPROVAL of a professional services contract exceeding \$50,000 between the City and Henson, Hutton, Mudrick, Gragson and Vogelsberg to represent the city in a civil lawsuit, was presented.

MINUTES of the regular meeting of September 5, 2023 was presented.

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

PUBLIC HEARING

To consider a petition filed by Michael L. and Elizabeth F. Cromwell to vacate a portion of an existing 16 foot wide public sanitary sewer easement, was presented.

ORDINANCE NO. 20451 introduced by Interim City Manager Richard U. Nienstedt relating to the partial vacation of a 16 foot wide sanitary sewer easement located on Lot 1, Block A, Helping Hands Humane Society Subdivision at 2625 NW Rochester Road to allow for a building expansion and alignment of the sanitary service line serving the new building addition, was presented. (V23E/02) (Council District No. 2).

Richard U. Nienstedt, Interim City Manager, stated approval by the Governing Body was a statutory requirement and all City departments recommend approval.

Dan Warner, Planning Division Director, reported the segment of the platted 16 foot wide sanitary sewer easement along with the 16 foot wide "prescriptive easement" was held by the City of Topeka and no longer needed by the City. He stated it was located at the end of the public sewer main with no need to extend the main to serve any other properties in the future. He noted it was determined the prescriptive easement should be vacated by Governing Body action since it covers a public main and was not part of the platted easement.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one appearing, the public hearing was closed.

Councilmember Naeger moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, Hoferer and Mayor Padilla -10.

PUBLIC HEARING

To consider a petition filed by Clay Sherwood Rentals, LLC to vacate a public alley right-of-way, was presented.

AN ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20 foot wide public alley extending east-west and located between properties lying at 410 SW 6th Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas, was presented. (V23A/01) (*Council District No. 1*)

Richard U. Nienstedt, Interim City Manager, stated the applicant requests the vacation of a public alley between the two properties enabling the owner to install a security fence across the area.

Dan Warner, Planning Division Director, reported the applicant requests the vacation of a 150 feet of the 20 foot wide public alley between the two properties he owns fronting on SW Harrison and SW 6th Avenue. He stated the Vacation of the alley will enable the owner to install a security fence across the area, and the owner will provide a public utility easement to allow access through and across the vacated alley needed by the City of Topeka and Evergy to maintain their public assets.

Mayor Padilla opened the public hearing and asked if there was anyone present who

would like to speak to the matter.

Clay Sherwood, applicant, stated he plans to maintain the sewer and would prefer that an easement for public utility access was not allowed. He asked for additional time to revise his application.

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

Division Director Warner suggested postponing action for one week to allow Staff time to work with the applicator on a revised request.

Councilmember Emerson moved to defer the ordinance until September 19, 2023.

The motion seconded by Councilmember Kell carried unanimously on roll call vote.

(10-0-0)

ACCEPTANCE of Land Dedications in the FINAL PLAT for Elk Lake Shawnee Subdivision located at 3440 SE 29th Street within the City of Topeka, Shawnee County Kansas, was presented. (P23/11)

Dan Warner, Planning Division Director, reported the Subdivision was a two-lot plat intended for development of 26 dwellings contained on 3.13 acres. He stated Staff and the Planning Commission recommend approval.

Councilmember Emerson moved to accept the land dedications and approve the final plat. The motion seconded by Councilmember Dobler carried unanimously on roll call vote. (10-0-0)

APPROPRIATION ORDINANCE NO. 20452 introduced by Interim City Manager Richard U. Nienstedt, approving and adopting the operating budget for the City of Topeka for the year 2024 and appropriating the amounts for the purpose as set forth therein, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval of the ordinance was the final step in the adopting the 2024 Operating Budget.

09-12-23

381

Freddy Mawyin, Chief Financial Officer, reported the proposed FY24 Proposed Budget lowers the City's overall mill levy by one mill while supporting the priorities set forth by the Governing Body. He stated the mill levy reduction aims to address the financial needs of constituents while ensuring effective resource allocation and responsible fiscal management.

Councilmember Valdivia-Alcala referenced concerns raised by Topeka JUMP regarding the S.A.V.E. (Strategies Against Violence Everywhere) program and the \$30,000 of proposed allocation of funds in the 2024 budget. She asked when the proposed amount increased to \$75,000 and questioned the services being provided by the program that seem to be focused on youth intervention. She also questioned why routine program updates have not been given to the Governing Body and why the initial 30 community organizations have been eliminated from the program structure. She referenced the increased number of violent crimes being committed by adults and the importance of addressing the needs of the community.

Lindsey Anderson, S.A.V.E. Program Manager, provided an overview of the history of the positions related to the program and stated the increase was due to the growth of the program and the need for additional support personnel. She noted they received \$30,000 in 2021 and \$40,000 in 2022.

Councilmember Valdivia-Alcala moved to remove the \$75,000 earmarked for the S.A.V.E. (Strategies Against Violence Everywhere) Program. The motion was seconded by Councilmember Naeger.

Councilmember Kell spoke to the direct impact the Boys & Girls Club has on area youth and the much needed guidance being provided by the S.A.V.E. Program to help reduce the crime statistics in the youth population through intervention.

Councilmember Dobler asked if the City has a binding contract for the S.A.V.E. Program.

Interim City Manager Neinstedt reported there was no contract or Memorandum Of Understanding (MOU) in place. He asked if there was a dollar for dollar match being received from the Shawnee County District Attorney's Office.

Lindsey Anderson stated the District Attorney's Office has allocated \$90,000 to the Program and they have also received Kansas Department of Corrections grant funding. She reported the S.A.V.E. program was awarded \$300,000 from the Topeka Community Foundation and following an extensive dive into area crime statistics it was determined youth intervention would have the biggest impact on reducing crime.

Interim City Manager Neinstedt suggested an MOU be executed that outlines strategic goals and outcomes to ensure the program provides needed services.

Councilmember Valdivia-Alcala referenced other cities where the S.A.V.E. Program has been successful because of community involvement. She expressed her disappointment in the number of community organizations that were removed from the involvement of the program and the change in program direction.

Don McWilliams, Boys & Girls Club of Topeka Chief Executive Officer, reported the program addresses at risk youth such as children of adults who have committed crimes. She stated the Boys & Girls Club has always been willing to communicate with other community organizations and would welcome the opportunity to be part of a broader discussion of the program with the other 29 organizations. She stated she too was uncomfortable with not having a formal MOU in place because their goal has always been to work with the community.

LeRoy Alston spoke to his positive experience with the Boys & Girls Club of Topeka and the S.A.V.E. program and the effect the programs have had on his family. He stated he agrees there needs to be improved dialog and communication to make sure the programs continue.

Councilmember Kell requested the motion to eliminate funding be withdrawn because he believes this will hinder services needed by many families. He suggested they continue to work with program representatives to better understand the program services.

Councilmember Hiller cautioned the Governing Body against removing funding for contracted services by particular departments without understanding the consequences to the community. She suggested that procedurally the Governing Body could provide direction to the City Manager on how to manage these types of services.

Councilmember Valdivia-Alcala stated her motion was based on the information she has received from Topeka JUMP and other constituents. She spoke in support of helping youth, however, the program also needs to provide intervention for adults.

Councilmember Dobler called the question. The motion was seconded by Councilmember Emerson.

Amanda Stanley, City Attorney, stated the motion was not debatable and requires at least seven votes of the Governing Body. She noted that the call of the previous question shall not be implemented until all members of the Governing Body have had an opportunity to speak to the current motion. After the formal vote has been taken, all further discussion of the matter shall cease.

The motion to call the question carried on roll call vote. Councilmember Ortiz voted “no”.
(9-1-0)

Councilmember Ortiz spoke in support of programs that help our youth. She stated she supports the S.A.V.E. program from the aspect of the volunteers that talk with troubled youth and address deep rooted trauma as well as mental health, homelessness, drugs and alcohol addiction. She stated she would oppose the elimination of S.A.V.E. program funding.

Councilmember Naeger stated she believes there was mistrust and miscommunication as it relates to the S.A.V.E. program, however, the program does have a huge effect on many families. She spoke to the importance of revisiting the subject matter and keeping program funding in place.

The motion to remove the \$75,000 earmarked for the S.A.V.E. (Strategies Against Violence Everywhere) Program failed. Councilmembers Hiller, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, Hoferer and Mayor Padilla voted “no.” (1-9-0)

Councilmember Dobler stated due the funding amount the contract and/or MOU for the S.A.V.E. program would require Governing Body approval.

Councilmember Duncan thanked Staff for their work on the budget. He spoke in support of the proposed budget as it provided for a one mill reduction as well as supports the 2024 City of Topeka Property Tax Rebate program pursuant to Resolution No. 9469 approved September 5, 2023. He reported consistently over the past several years there have been excess funds at the end of the year, therefore, he would like to propose an additional one mill reduction in the 2024 Operating Budget.

Councilmember Duncan moved to reduce the budget by an additional one-mill. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Hiller listed areas that she believes need attention in the budget to be used as guidance to the Interim City Manager to make sure as a Governing Body they own the observations and/or priorities outlined in the budget. She suggested they vote on the budget as proposed and challenge Staff to reduce the budget by a full 2 mills which totals \$3 million to be used from reserve funds for alternative debt funding.

Adam Vaughn, City Budget Manager, suggested the budget could be reduced by additional mill by financing the DREAMS program with general obligation bonds instead of using cash.

City Attorney Stanley suggested they cut revenue from Ad Valorem Taxes and make up the difference from the reserve fund.

Councilmember Dobler spoke in support of a two mill cut. He stated he would present a resolution on a future agenda stating at the end of the year any reserve funding over 22.5% will be allocated into a special fund to relieve debt. He referenced the City's reserve balance policy and noted the absolute bottom percentage was 15%.

Councilmember Duncan announced both USD 501 and Shawnee County will likely approve a decrease in their mill levy and noted the City has reduced their mill levy by three over the past two year.

Councilmember Dobler proposed a friendly amendment to reduce the budget an additional one mill through the reduction of Ad Valorem Taxes and make up the difference from the reserve fund.

Councilmember Duncan accepted the friendly amendment. The second concurred.

Councilmember Hiller suggested the Governing Body challenge Staff to reduce expenses by \$3 million over the course of the year.

Councilmember Naeger moved to adopt the ordinance as amended. The motion seconded by Councilmember Kell carried unanimously. (9-0-0) *The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.*

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan, and Hoferer -9.

ORDINANCE NO. 20453 introduced by Deputy Mayor Dobler and Councilmembers Duncan and Valdivia-Alcala concerning unlawful camping, amending § 9.45.350 and § 9.45.360 of the Topeka Municipal Code, was presented. *Item was presented as a discussion item with possible action of proposed amendments to Article III of Chapter 9.45 of the Topeka Municipal Code and repealing original sections concerning unlawful camping*

Richard U. Nienstedt, Interim City Manager, reported Staff will continue discussion on the unlawful camping ordinance proposals and present various map scenarios.

Amanda Stanley, City Attorney, reported on August 22, 2023, the Governing Body was presented with four different ordinance proposals. At that same meeting, Staff recorded detailed questions asked by the Governing Body and requests for different map scenarios. She stated Staff will provide answers to those questions and Travis Lathrop, TSG Technical Services Manager, will provide an overview of various interactive map scenarios. Scenarios included:

- All the public property in the city of Topeka including school districts, city, county, state and federal government properties, accounting for 656 properties totaling 5,720 acres.
- The City of Topeka owns 267 properties totaling 1,265 acres, and of those 267 properties, the Shawnee County Appraiser deems 174 properties vacant totaling 671 acres. These numbers are relevant because if camping is banned in certain zones there still must be public land available for camping unless there enough alternative beds available for those that would otherwise be homeless. Not all 174 properties are vacant as some are used for City facilities.
- There are approximately 84 known encampments predominately along the Shunga Trail and the Kansas Riverbank.
- A buffer zone of 500 feet from trails including the levee trail as well as a buffer zone of 30 feet from sidewalks. This buffer zone scenario captures 77 of the 84 encampments. It is important for the Governing Body to understand which public properties are located outside the buffer zone and would be available for camping. It was noted a 250 feet buffer zone would make little to no change and would cover the majority of the riverbank surrounding the levee.

City Attorney Stanley, reminded the Governing Body of the guiding principles from a public policy perspective to consider as they debate options. She stated constitutionally, the City must have alternative public camping locations if there was not enough available beds. She reported there are other alternatives to consider to decrease the City's liability risk such as allowing a permitting system to allow camping in other locations to address a shortage of beds; change the penalty from civil to criminal; set time limitations on camping or decrease buffer zones.

Councilmember Kell requested a map that clearly marks the areas where camping would be allowed if an ordinance was approved.

Councilmember Duncan thanked Staff for providing the detailed map scenarios. He asked if Staff considered any buffer zone distance lower than 250 feet, and if the areas could be amended at a later date.

City Attorney Stanley reported Staff did not run any map scenarios with a buffer zone lower than 250 feet; and the Governing Body could amend the ordinance at any time to change designated and/or non-designated camping areas.

Councilmember Hiller asked how many beds the City was short in regards to the unsheltered population.

Carrie Higgins, Housing Division Director, stated she could not provide an exact number at this time, however, there are currently 1,200 names on the E.A.S. (Equity. Shelter. Access) program wait list and of that number, there are approximately 500 people waiting for funding assistance for first month's rent and deposit or homeless prevention; and approximately 600 people are waiting to receive voucher type program assistance based on income, leaving

approximately 400 homeless individuals (*200 people in shelters and 200 people living in encampments*). She noted both wait lists include encampment individuals.

Councilmember Duncan stated he believes based on the legal definition of an “available bed” they are probably short slightly over 200 beds.

Councilmember Hiller referenced the additional crisis beds that have been added by Valeo Behavior Health Care or any other detox/mental health facility, and asked if those would be considered always available even if people decline the service – demonstrating beds are available. She asked City Attorney Stanley to expand on the current legal standing of what would be considered an available bed.

City Attorney Stanley reported that at this time a final legal ruling has not been established. She stated there have been jurisdictions that have been strict about available beds only being counted if located at a nondenominational organization, however, there are those jurisdictions that do not impose these types of stipulations and accept beds located in churches and other religious organizations. She stated in regards to the Tenth Circuit, a decision has not been made so it remains up for discussion.

Councilmember Kell stated he believes the proposals do not have a clear definition of what was considered unlawful camping. He suggested the language address recreational camping as it relates to RV Parks, tourists, Girl Scout, Boy Scout and 4-H groups, *etc.* as well as over-the-road truck drivers. He expressed the importance of not restricting potential business or tourist dollars as it relates to recreational camping activities.

City Attorney Stanley cited the following definition of “Camp” as stated in the TMC 9.45.350:

“Camp” means to use property for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping); or storing personal property (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material); or making any fire, regularly cooking meals, using any tents, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using such property as a living accommodation.

Councilmember Valdivia-Alcala asked if there has been an increase of cities being sued as the public health and safety issues grow worse in neighborhoods and along the Shunga Trail.

City Attorney Stanley stated she could not provide answer at this time. She reported there was an increase after the City of Boise, Idaho law suite, however, cases seems to settle when there are pending Supreme Court decisions to be made. She noted the uptick in cases are due to the shift in types of litigation such as ADA accessibility filed by business owners against cities for blocking sidewalks or public nuisance cases.

Councilmember Hoferer inquired on commercial RV Parks and if they would be exempt.

Councilmember Dobler referenced the Shawnee County resolution recently passed banning camping on all county property. He asked how many beds the County was required to be made available.

City Attorney Stanley stated she would confirm if commercial licensed RV businesses would be exempt; and the Shawnee County Counselor was relying on the violation being a civil penalty not a criminal penalty, however, it has not yet been determined by the Supreme Court if that will be allowed.

Councilmember Kell proposed to add a requirement for commercial recreational property to obtain an annual permit and if it becomes a nuisance property the City can revoke the permit.

He also proposed to add a 24 to 48 hour permit requirement for organizations such as Boy Scouts, Girl Scouts and 4-H clubs to allow recreational camping.

City Attorney Stanley cautioned against discrimination under the Equal Protection Clause to not discriminate against people and understand the true public purpose as it relates implementing a permitting system.

Councilmember Duncan expressed concern with the proposed language not allowing a person to camp on their own private property.

Councilmember Dobler suggested they include language stating, “The owner on record can camp on their own property.” He stressed the importance of the language being simple, measurable and straight forward as possible. He reminded the Governing Body they can always come back at a later date and amend the ordinance to address issues that arise.

City Attorney Stanley proposed the following underlined language amendment to the Unlawful Camping Section (Line 50) of the ordinance. “It is unlawful and a public nuisance for any person to camp in the following areas, unless otherwise allowed by the Topeka Municipal Code:”

Councilmember Ortiz asked how repeat offenders will be addressed, and if the language amendment would allow a person to buy a vacant lot and live in a tent.

Councilmember Dobler asked if a time limit could be set on camping on private property such as 3 days. He suggested a tiered approach be considered to address repeat offenders.

City Attorney Stanley stated she believes there was a rational public purpose behind the reasoning of implementing a time limit and it could be legally supported. She noted the City has similar rules already in place as it relates to zoning regulations for temporary structures.

Councilmember Kell questioned why there would still be areas that would allow camping in Districts 2 and 5.

Councilmember Emerson questioned how the areas of the city with no sidewalks would be addressed.

Sylvia Davis, Utilities Director, stated in most cases, the areas with no sidewalks have a portion of public right-of-way located between the street and the private property which was owned by the City.

City Attorney Stanley stated all City owned easements would be considered public land.

Councilmember Valdivia-Alcala stated it was crucial to have the proper dialog regarding the plan of action for implementation if approved. She stated she concurs with Councilmember Kell and would like to research why camping would still be allowed in Districts 2 and 5.

Nick Zidis, Hazel Hill Chocolate, spoke to his own experiences as it relates to an increase in homeless interactions in the downtown area, on Every Plaza and other popular downtown areas. He reported downtown merchants are forced to pick up trash and human waste; witness criminal behavior and mental health issues; and overall bad behavior without consequences to the offender. He proposed the homeless population have consequences for their behavior including a tiered approach to require minimum penalties; the second offense would be a \$100 fine with five days of imprisonment; the third offense would be a \$250 fine with a minimum of 15 days of imprisonment; and a fourth offense would be at least a \$450 fine or 25 days of imprisonment.

Chelsea Huston, Axe & Ale, stated she wants to help the community grow and be better, however, dealing with the homeless population makes it difficult. She reported on the increased number of homeless people occupying the alley behind her business and the safety issues associated with those increased numbers. She appreciates the discussion and asked the Governing

Body to move forward in approving the unlawful camping ordinance, making the city more welcoming and safe.

Ashley Gilfillan, Downtown Topeka, Inc., President, spoke in support of moving forward with the proposed unlawful camping ordinance. She spoke on behalf of the downtown businesses and expressed their support of working together as a community.

Ken Scott referenced his service on many downtown boards including the Safe & Clean Committee and Riverfront Authority Committee. He spoke to the seriousness of the unsheltered population and the effect it has on the trails and community areas of the city. He thanked the Governing Body for their work on the issue and spoke in support of approving the unlawful camping ordinance.

City Attorney Stanley summarized the proposed amendments as follows:

1. It is unlawful and a public nuisance for any person to camp in the following areas, unless otherwise allowed by the Topeka Municipal Code:
2. Camping does not include camping on a property by the owner of record.
3. (e) Within a levee critical zone, within 500 feet of the centerline of any trail, or within 50 feet of the centerline of any sidewalk inside city limits to protect the health, safety and general welfare of the citizens of the City.
4. "Levee" means the Waterworks Levee Unit, the South Topeka Unit, the Auburndale Unit, the Oakland Unit and the North Topeka unit.
5. "Levee critical zone" means 500 feet from the centerline of the land side of a levee and 300 feet from the centerline of the levee to the water's edge.

Councilmember Kell inquired on the effective date of the ordinance.

City Attorney Stanley reported Staff recommends the effective date be delayed 30 to 60 days from approval.

Councilmember Dobler moved to approve the language amendments as stated by the City Attorney with an effective date 60 days from the date of approval. The motion was seconded by Councilmember Valdivia-Alcala.

Councilmember Kell expressed the importance of further defining 10 days within a certain time frame.

Councilmember Dobler made a friendly amendment not to exceed 10 days within a 6 month period. The second concurred.

Councilmember Hiller stated she believes it would be better to wait a week to allow the City Attorney sufficient time to draft specific language for approval. She spoke to ordinances already in place that need to be enforced related to trash, human waste, *etc.* even if the unlawful camping ordinance was approved. She suggested permission for camping on private property be affirmed within 24 hours or otherwise default to not having permission; and to include permitting language in the ordinance.

The motion to adopt the ordinance as amended carried unanimously. (9-0-0) *The Mayor does not vote. The proposed ordinance involves a matter of home rule on which the Mayor has veto authority.*

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Hoferer -9.

DISCUSSION concerning the 2023 Standard Traffic Ordinance (STO) and local amendments amending Topeka Municipal Code Sections 10.15.010 and 10.15.020, was presented.

Amanda Stanley, City Attorney, reported the STO was updated annually. She stated The League of Kansas Municipalities (LKM) prepares and publishes the Standard Traffic Ordinance on an annual basis in July following the legislative session. She stated the book was a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. She also stated it was

necessary for the Topeka Police Department's Records Division reporting system; the system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used. The following Sections were amended:

1. Section 163(f). Additional Lighting Equipment.
2. Section 179. Spilling Loads on Highways Prohibited.
3. Section 194. Driving While License Canceled, Suspended or Revoked Penalty.

DISCUSSION concerning the adoption of the 2023 Uniform Public Offense Code (UPOC) and local amendments, amending Topeka Municipal Code Section 9.05.080, was presented.

Amanda Stanley, City Attorney, reported the UPOC was updated annually. She stated The League of Kansas Municipalities (LKM) prepares and publishes the Uniform Public Offense Code on an annual basis in July following the legislative session. She stated the book was a codification of all relevant statutory changes and the City now practices adopting these changes as soon as possible after publication in order to stay consistent with state law. She also stated it was necessary for the Topeka Police Department's Records Division reporting system. The system used for crime statistics to the FBI will not function properly unless the most current versions of the statutes are adopted and used. The following Sections were amended:

1. Section 1.1 Definitions.
2. Section 3.2.3. Battery Against a Health Care Provider.
3. Section 3.6. Unlawful Restraint.
4. Section 3.8. Violation of Protection from Abuse Order.
5. Section 3.13. Stalking.
6. Section 5.5. Watercraft; Lifesaving Devices Required.
7. Section 10.5. Unlawful Discharge of a Firearm.
8. Section 11.3. Commercialization of Wildlife.
9. Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.
10. Section 6.7. Criminal Trespass.
11. Section 6.22. Criminal Hunting.
12. Section 6.27. Counterfeit Airbag Violation.
13. Section 7.2. Interference with Law Enforcement.

14. Section 10.30. Operating an Aircraft Under the Influence.

PUBLIC COMMENT was submitted via email by Betty Phillips (Attachment A) and provided by the following individuals:

Jay Patterson spoke to a recent violent rape crime that took place on the Shunga Trail. She asked what the reporting protocol was regarding the Topeka Police Department and the media on these types of matters. She stated people need to feel safe and protected on the trail.

Robert Secord spoke about a brutal incident that happened to his granddaughter and the criminal behavior of Shawn Michael Ward. He asked what the City was going to do about it.

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

Brenda Younger, City Clerk, provided an overview of the September 19, 2023, Governing Body meeting agenda.

Richard U. Nienstedt, Interim City Manager, commended the Governing Body for approving the unlawful camping ordinance.

Councilmember Valdivia-Alcala spoke to the importance of having an implementation plan in place for the unlawful camping ordinance and communicating that plan to the public. She questioned what was being done to address the violent crimes in coordination with the Shawnee County. She thanked everyone for attending the Oakland Community Garden Pig Roast on September 9, 2023; she added there was nearly 100 people that attended and she was hopeful the event would become an annual tradition.

Councilmember Emerson thanked the Susan Guffy family for donating \$5 million to the Highland Park High School.

Councilmember Ortiz thanked Staff for their work on the budget.

Councilmember Kell requested a common news release page for the public to review media releases. He announced the 28th Annual Sertoma Great Duck Race on September 16, 2023 at Lake Shawnee.

Councilmember Naeger thanked Staff for their hard work on the budget and mapping scenarios for the unlawful camping ordinance.

Councilmember Dobler thanked all Topeka Police officers for their service and offered a special thank you Police Officer Conrad Unruh on his retirement with Topeka Police Department.

Councilmember Duncan referenced the crimes reported during public comment and stated the City and County are working in collaboration to increase safety on trails as well as passing laws to address unlawful camping. He announced the Kansas Book Festival on September 16, 2023 at Washburn University.

Councilmember Hoferer thanked Staff for their work on the budget and the unlawful camping ordinance. She also recognized the hard work of the Water Division in repairing broken water lines.

Councilmember Hiller thanked Staff for their work on the budget and the unlawful camping ordinance. She also recognized the hard work of Water Division employees in repairing broken water lines. She thanked those that organized the Touch-A-Truck Event on September 9, 2023; and those serving on the Downtown Clean & Safe Committee; and the Property Maintenance Code Division for stepping up enforcement of camping on private property.

Mayor Padilla commended Police Officer Conrad Unruh for his years of service with the Topeka Police Department.

Councilmember Emerson moved to extend the meeting past 10:00 p.m. The motion was

seconded by Councilmember Kell.

Mayor Padilla asked all those in favor of extending the meeting past 10:00 p.m. to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” The motion carried on voice vote. Councilmembers Ortiz and Duncan voted “no.” (8-2-0)

Councilmember Dobler moved to recess into executive session for a time period not to exceed 20 minutes for consultation with the City Attorney to discuss the city’s cybersecurity, pursuant KSA 75-4319(b)(12). The open meeting resumed in the City Council Chambers. The following Staff assisted the Governing Body in its deliberations: City Attorney Amanda Stanley. The motion was seconded by Councilmember Emerson.

Mayor Padilla asked all those in favor of recessing into to an executive session to indicate so verbally by saying “yea” and those opposing to indicate so verbally by saying “no.” The motion carried on voice vote. Councilmember Ortiz and Duncan voted “no.” (8-2-0)

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 10:35 p.m.


(SEAL)

Brenda Younger City Clerk

Tonya L. Bailey

From: Betty@networksplus.net
Sent: Monday, September 11, 2023 8:57 AM
To: City Council
Cc: Mayor; Richard U. Nienstedt; Michael Bell; mkrehbiel@trmonline.org; Clark Trammell; Nellie Hogan; Joe Ledbetter; City Clerk; Tomari Quinn; Jonathan Sublet; Jill Rice; Mary Thomas; Timothy Hrenchir
Subject: Homelessness fund

This message originated from outside your organization

 **This message needs your attention**
• You've never replied to this person.
Powered by Mimecast

I was SHOCKED! SHOCKED! To read this headline:

Topeka council doesn't act on proposal to create \$1M homelessness fund

Topeka City Council members were told the city — which had a \$27.5M surplus at end of last year — should have \$5M ...

Maybe no one explained that investing in the homeless saves money in various ways, so it's actually an investment, as mentioned in my previous email:

After living for a year in supportive housing, participants in the Corporation for Supportive Housing's Health, Housing and Integrated Services initiative reported:

- * 57% decrease in emergency room visits.
- * 58% drop in the number of inpatient days.
- * 100% drop in usage of public residential mental-health program facilities.

How many tiny home communities are there in the United States?

There are about 10,000 tiny homes in the United States. Aug 1, 2022

Not only do tiny houses perform better and have better outcomes and more exits to permanent housing, the tiny house villages are in high demand and have high occupancy rates compared to congregate shelters.

If put to a vote of the people that such an investment would pay for itself in lower taxes needed to pay for "three hots and a cot" in jail, emergency room visits, etc., I think they'd vote for investing several million of the \$27.5 surplus for housing the homeless.

Why don't you ask them?

Betty Phillips