

Governing Body Minutes – November 21, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, November 21, 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, Kell, Duncan and Hoferer -4. Councilmember Ortiz, Valdivia-Alcala, Emerson, Naeger and Dobler participated remotely -5. 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 by no later than 5:00 p.m. on November 21, 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 November 21, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Councilmember Kell provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Carly Feldhausen to the Shawnee County Community Corrections Advisory Board for a term ending November 30, 2025, was presented. (*Council District No. 1*)

BOARD APPOINTMENT recommending the reappointment Robert Banks to the Topeka Housing Authority Advisory Board to fill unexpired term ending December 31, 2027, was presented. (*Council District No. 9*)

Councilmember Kell moved to approve the appointments. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. Mayor does not vote. (9-0-0)

AN UPDATE on the City of Topeka Recruitment efforts was provided by Jacque Russell, Human Resources Director.

Councilmember Kell asked if the City partners with other community colleges and technical schools besides Washburn Tech.

Councilmember Duncan questioned the temporary restrictions on employees being trained in specific fields such as the Commercial Driver's License and Emergency Medical Technician programs.

Councilmember Hiller thanked Director Russell for her years of service with the City. She asked Staff to comment on the progress being made regarding the hiring of engineering recruits, and suggested it might be helpful to promote the hiring of an entire class for engineers in a similar manner as fire and police recruits.

Director Russell reported the City has begun to renew partnerships with other technical schools; employees participating in the CDL Program must remain in the program for one year or they are required to reimburse the \$3000 program cost; and employees participating in the EMT Program have a scaled repayment program option. She stated there is work being done directly with City engineers to assist with recruiting to help promote interns.

Mayor Padilla thanked Director Russell for her years of service with the City.

CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20461 introduced by Interim City Manager, Richard U. Nienstedt, allowing and approving City expenditures for the period July 29, 2023 to August 25, 2023 and enumerating said expenditures therein, was presented.

ORDINANCE NO. 20462 introduced by Interim City Manager, Richard U. Nienstedt, allowing and approving City expenditures for the period August 26, 2023 to September 29, 2023 and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9479 introduced by Councilmember Sylvia Ortiz, granting Midwest Demo Kings an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 3*)

MINUTES of the regular meeting of November 14, 2023, was presented.

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

ORDINANCE NO. 20463 introduced by Councilmember Spencer Duncan, concerning merchant or private security guard, amending Sections 5.90.010, 5.90.020 and 5.90.150 of the Topeka Municipal Code and repealing original sections, was presented.

Richard U. Nienstedt, Interim City Manager, reported the amendment would exempt Topeka Police officers employed by State agencies or security agencies only. He stated the proposed ordinance was discussed at the November 14, 2023 Governing Body meeting, and Staff was recommending approval as presented.

Councilmember Duncan, Policy and Finance Committee Chair, reported the amendments only applies to working with State agencies.

Councilmember Duncan moved to adopt the ordinance. The motion seconded by Councilmember Naeger carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Hoferer -9. *The Mayor does not vote. The ordinance involves a matter of home rule on which the Mayor has veto authority.*

ORDINANCE NO. 20464 introduced by Interim City Manager Richard U. Nienstedt, concerning Vacant Property Registration, amending Chapter 8.65 of the Topeka Municipal Code and repealing original sections, was presented.

Richard U. Nienstedt, Interim City Manager, reported the amendments were being proposed because the company that provided the service was no longer in business, and the City needed to find a more workable solution to the problem.

Councilmember Duncan moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hiller, Valdivia-Alcala, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Hoferer -9. *The Mayor does not vote. The ordinance involves a matter of home rule on which the Mayor has veto authority.*

RESOLUTION NO. 9480 introduced by Interim City Manager Richard U. Nienstedt, relating to the City of Topeka's legislative agenda for the 2024 legislative session, was presented.

Richard U. Nienstedt, Interim City Manager, reported Whitney Damron, City Lobbyist would provide an overview of proposed priorities.

Whitey Damron, City Lobbyist, provided an update on the City of Topeka proposed priorities as it relates to the upcoming 2024 Legislative Session:

Finance and Taxation

- Taxing and Spending Powers; Local Ad Valorem Reduction Fund (LAVTR)
- Business Competition
- Sales Tax
- Unfunded Mandates

Public Welfare

- Abandoned Housing
- Mental Health
- Medicaid Expansion

- Homelessness
 - Minimum Wage
- Community Development
- Menninger Property
 - Broadband

Councilmember Hiller stated she has been advised against proposing local gun regulations as well as and temporary signage regulations for the next Legislative Session. She asked Mr. Damron to comment on the two issues.

Councilmember Kell inquired on the approval of medical marijuana and the expansion of sports wagering including more casinos or kiosk machines.

Whitney Damron reported the regulation of guns at a local level will not happen, and it is a campaign right concerning the placement of temporary signs. He stated the medical marijuana issues has been stagnate and receive a fair amount of opposition by law enforcement agencies. He noted most surrounding states do allow it.

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

Mayor Padilla announced he needed to leave the meeting and Deputy Mayor Dobler would preside.

AUTHORIZING a public hearing date of December 12, 2023, for the purpose of hearing and answering objections of taxpayers relating to the proposed amendments to the 2023 Operating Budget, was presented.

Richard U. Nienstedt, Interim City Manager, reported budget amendments are a statutory requirement if needed and the amendments would not increase taxes.

Freddy Mawyin, Chief Financial Officer, reported the amendment totals \$3,729,962 and includes the following funds:

- Information Technology Fund increase from \$4,462,045 to \$5,239,991
- Facilities Fund increase from \$1,828,426 to \$3,405,342
- Alcohol and Drug Safety Fund increase from \$87,009 to \$125,416
- Opioid Fund: \$28,584
- Economic Development Fund: \$500,000
- Eastgate Subdivision No. 4 RHID Fund: \$150,000
- Parking Fund increase from \$2,909,474 to \$3,567,583

Councilmember Emerson moved to approve a public hearing date of December 12, 2023 and authorize publication in the official City of Topeka Newspaper. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20465 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 ordinance was deferred from the meeting of October 17, 2023, and the required public hearing was conducted on September 12, 2023.

Dan Warner, Planning Division Director, reported approval would vacate a public utility easement and Staff was recommending approval.

Councilmember Duncan asked if an additional public hearing was needed.

Director Warner confirmed that an addition public hearing was not required because the applicant has agreed to the initial Staff recommendation.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Kell carried unanimously. (9-0-0)

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

Councilmember Ortiz left the meeting due to technical difficulties.

DISCUSSION regarding the 2024 Topeka DREAMS Neighborhood Improvement Initiatives Program Awardees, was presented.

Bianca Burnett, Senior Community Engagement Program Coordinator, provided an overview of the 2024 Topeka DREAMS Neighborhood Improvement Initiative Program including the budgetary impact, program application schedule review and scoring, and final program funding recommendations from the Citizen Advisory Council.

DISCUSSION concerning the adoption of the 2021 International Residential Code, was presented.

Richard Faulkner, Development Division Director, provided an overview of notable changes to the 2021 IRC including internal garage doors leading into residences would be required to be self-closing; a specific code for decks would be implemented; and smoke detectors would be allowed to be interconnected wirelessly.

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

Councilmember Kell reminded citizens about the change in the holiday trash and recycling pickup schedule. He announced the Community Thanksgiving Dinner at Stormont Vail Event Center on November 23, 2023, he encouraged citizens to volunteer for the event.

Councilmember Naeger thanked all councilmembers for their service as well as council-elect members David Banks and Marcus Miller.

Councilmember Hoferer announced a public meeting would be held November 30, 2023 at the Cyrus K Holliday Building, 620 SE Madison Street, Topeka at 5:30 p.m. to discuss the

Polk-Quincy Viaduct Utilities Relocation Project. She encouraged all businesses and residents that will be impacted to attend.

Councilmember Hiller encouraged everyone to attend the November 30, 2023 Polk-Quincy Viaduct Relocation Project public meeting. She announced upcoming holiday events in various parts of the city; and requested a composite of 2023 completed streets & utility projects as well as upcoming 2024 projects.

Councilmember Ortiz joined the meeting remotely.

Councilmember Emerson congratulated council-elect David Banks for being elected as the new District No. 4 representative.

Councilmember Naeger moved to recess into executive session not to exceed 45 minutes to discuss matters related one or more individual companies regarding a possible business dealing with the City which will involve the discussion of financial affairs or trade secrets pursuant to KSA 75-4319(b)(4). The open meeting resumed in the City Council Chambers. The following staff assisted the Governing Body in its deliberations: Interim City Manager Nienstedt and any other staff he deemed necessary including council-elect members David Banks and Marcus Miller. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll call vote.

(9-0-0)

Following a 45-minute time period the meeting reconvened into open session, and Deputy Mayor Dobler announced no action was taken during the executive session.

Councilmember Duncan moved to recess into executive session not to exceed 20 minutes for consultation with the City Attorney to discuss attorney-client privileged matters regarding one or more contracts and agreements, pursuant to KSA 75-4319(b)(2). The open meeting resumed in

the City Council Chambers. The following staff were requested to assist the Governing Body in its deliberations, City Attorney Amanda Stanley. The motion was seconded by Councilmember Kell.

Deputy Mayor Dobler 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 unanimously on voice vote. (9-0-0)

Following a 20-minute time period the meeting reconvened into open session, and Deputy Mayor Dobler announced no action was taken during the executive session.

NO FURTHER BUSINESS appearing the meeting adjourned at 8:35 p.m.

(SEAL)

Brenda Younger City Clerk