

Governing Body Minutes – December 5, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 5, 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, Naeger and Hoferer -6. Councilmember Ortiz, and Duncan participated remotely -2. Deputy Mayor Dobler presided -1. Absent: Mayor Padilla -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 December 5, 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 December 5, 2023, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Raegan Emerson provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Kelly Magerkurth to the Topeka Sustainability Advisory Board for a term ending December 22, 2025, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the reappointment of Cassandra Taylor to the Topeka Landmarks Commission for a term ending December 31, 2026, was presented. (*Council District No. 9*)

BOARD APPOINTMENT recommending the reappointment of Dean Patel to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2025, was presented.

BOARD APPOINTMENT recommending the reappointment of Kurt Young to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2025, was presented.

BOARD APPOINTMENT recommending the reappointment of Robert Bergquist to the Topeka Tourism Business Improvement District Advisory Board for an unexpired term ending December 31, 2025, was presented. (*Outside City Limits*)

BOARD APPOINTMENT recommending the appointment of John Gaches to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2025, was presented. (*Council District No. 1*)

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

AN UPDATE on the City of Topeka Winter Operations was provided by Tony Trower, Public Works Deputy Director.

Deputy Mayor Dobler and Councilmember Hiller thanked City street crews for their work clearing streets during the recent snowstorm.

CONSENT AGENDA was presented as follows:

APPROVAL of Information Technology Consultant and Specialized Technical Support Contract NO. 51745 between the City of Topeka and ConvergeOne, Inc., in an amount not to exceed \$58,611.19 for consulting services, was presented.

RESOLUTION NO. 9481 introduced by Deputy Mayor Neil Dobler, cancelling Governing Body meetings for calendar year 2024, was presented.

ORDINANCE NO. 20466 introduced by Interim City Manager, Richard U. Nienstedt, allowing and approving City expenditures for the period September 30, 2023 to October 27, 2023 and enumerating said expenditures therein, was presented.

APPROVAL of EMPLOYMENT AGREEMENT NO. 51746 between the City of Topeka and Richard U. Nienstedt to serve as Interim City Manager for the City of Topeka, until such a time a permanent City Manager commences employment, was presented.

MINUTES of the regular meeting of November 21, 2023, was presented.

APPROVAL of the following Cereal Malt Beverage license applications was presented:

<u>Business Name</u>	<u>Address</u>
Dickey's Barbecue Pit	609 NW US 24 Hwy
Glory Days Pizza	1033 SW Gage Blvd
Glory Days Pizza	3310 SE 29 th St, Ste 600
Hooters of Topeka	6100 SW 10 th Ave
Odin's Lair	921 N Kansas Ave

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

APPROVAL of the Alcohol and Drug Abuse Advisory Council funding recommendation in the amount of \$670,534 for the City of Topeka 2024 Special Alcohol and Drug (SAD) Program Fund, was presented. (*Deferred from the meeting of November 14, 2023.*)

Carrie Higgins, Housing Division Director, reported the scoring summary for funding recommendations, a FAQ document detailing the overall process, how applications are scored as well as who could serve on the review committee was shared with the Governing Body. She

stated they are working on a better process for next year and highlighted the following process improvements:

- They are working with the executive committee on updates to the Bylaws, creating and updating additional policies and procedures and updating the Request for Proposal document.
- Mandatory training has been added to the process for the review committee as well as applicants in regards to inputs and outcomes.
- They are working with the City's Legal Department to include Kansas Open Meetings Act (KOMA) training for all members.

Director Higgins continued to report the executive committee would prefer the review process remain with the SAD Council verses outsourcing it elsewhere. She stated all of the process updates will be presented to the SAD Council for approval before implemented; and the SAD Council felt confident in keeping the review process with the new processes in place. She stated Staff was seeking approval of the funding recommendations as presented.

Henry McClure spoke to the open record requests he has made related to active Advisory Council members and the importance of how funds are being managed as well as the need to generate more funding through increased taxing on alcohol and drug products or raising private funds. He stated if they address the alcohol and drug problems, by default it would help address the homeless issues.

Councilmember Duncan spoke to the issues with the process and the fact it was no one person's fault; however, the Governing Body serves as the stop gap for the funding allocations. He inquired on the additional funding needed to fully fund the PARS Program at the 2023 funding level.

Rhiannon Friedman, Planning and Development Services Director, reported the PARS Program would need an additional \$25,393 to be funded at the 2023 level.

Councilmember Duncan moved to increase funding for the PARS Program in the amount of \$25,393 and approve the Alcohol and Drug Abuse Advisory Council funding recommendation in the amount of \$670,534. The motion seconded by Councilmember Kell carried unanimously on roll call vote. (9-0-0)

Councilmember Hiller spoke in support of the funding recommendation as presented. She stated she concurs with Councilmember Duncan and expressed her appreciation to Staff for their work to improve processes and ensure the proper leadership was in place.

Deputy Mayor Dobler inquired on the funding source of the additional PARS Program funding.

Freddy Mawyin, Chief Financial Officer, reported the funds would be expended from the General Fund.

RESOLUTION NO. 9482 introduced by Interim City Manager Richard U. Nienstedt approving the 2024 Topeka DREAMS Grants, was presented.

Ernestor De La Rosa, Chief Diversity Equity and Inclusion Officer, reported approval would allocate \$200,000 for the Topeka DREAMS grants 2024 Neighborhood Improvement Initiatives Program.

Monique Glaude, Community Engagement Division Director, announced a DREAMS 2021 through 2023 Program Debriefing meeting with neighborhood leaders would be held January 17, 2023, from 6:00 p.m. to 8:00 p.m. at the Cyrus K. Holiday Building located at 620 SE Madison Street, Topeka.

Michael Bell, Tennessee Town Neighborhood Improvement Association President, thanked the Governing Body for approving the grant funding. He provided an overview of the

proposed improvements to the neighborhood basketball and playground complex as well as the Heritage House Museum.

Councilmember Naeger moved to approve the resolution. The motion seconded by Councilmember Emerson carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9483 introduced by Interim City Manager Richard U. Nienstedt amending the project list approved by Resolution No. 9392 to revise the mill and overlay project list for 2023 Citywide Half-Cent Sales Tax projects, was presented. (*The Public Infrastructure Committee recommended approval by a vote of 3-0-0 on December 1, 2023.*)

Richard U. Nienstedt, Interim City Manager, reported Staff was requesting to substitute the street projects due to scheduled utility projects.

Braxton Copley, Public Works Director, stated there was a need to replace water lines under the Knollwood Neighborhood streets and to avoid the replacement of new pavement it has been removed from the list. He noted the SW 28th Street project would have included SW 28th Terrace, SW Brooklyn Avenue and SW Withdean Street.

Councilmember Emerson, Public Infrastructure Committee Chair, thanked Staff for tracking projects closely and using resources responsibly.

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

RESOLUTION NO. 9484 introduced by the members of the Public Infrastructure Committee comprised of Councilmembers Tony Emerson, Neil Dobler and Michelle Hoferer recommending approval of Project No. 841097.04 for street improvement on River Road, was presented. (*The Public Infrastructure Committee recommended approval by a vote of 3-0-0 on December 1, 2023.*)

Braxton Copley, Public Works Director, reported the project includes mill and overlay with full-depth patching on NE River Road between NE Crane Street and NE Emmett Street. He spoke to the need of completing the project in 2024 to allow for an alternate detour route to the Oakland area when the Kansas Avenue and Topeka Boulevard bridges are closed for the construction of the Polk Quincy Viaduct.

Councilmember Valdivia-Alcala spoke to the much needed improvements to the area and stated she looks forward to distributing the good news to Oakland residents. She thanked Public Works Director Copley for being proactive.

Deputy Mayor Dobler asked Director Copley to highlight project details.

Director Copley reported they anticipate project bids to be released in January and award the contract in March or April 2024, followed by public meetings that will include project contractors. He stated the project would require full closure of NE River Road and they anticipate the project will take 2-3 months to complete.

Councilmember Hiller complimented Public Works and Utilities for their work on organizing public meeting sessions as they have been very useful. She encouraged Governing Body members to closely consider upcoming road closures in its entirety as it relates to rerouting and signage.

Councilmember Valdivia-Alcala moved to approve the resolution. The motion seconded by Councilmember Hoferer carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9485 introduced by the Public Infrastructure Committee comprised of Councilmembers Tony Emerson, Neil Dobler and Michelle Hoferer recommending approval of the revised project budgets for two traffic signal projects, revising Resolution No. 9471, was

presented. *(The Public Infrastructure Committee recommended approval by a vote of 3-0-0 on December 1, 2023.)*

Richard U. Nienstedt, Interim City Manager, reported the project budgets for the traffic signal projects exceed \$250,000.

Braxton Copley, Public Works Director, reported an intersection costs approximately \$600,000 to signalize; therefore, they must prioritize and delay certain projects. He noted the low bid for SE 6th Avenue and SE Golden Avenue was significantly higher than the approved project budget.

Councilmember Hiller thanked Staff for reviewing all traffic signal replacements to determine usefulness and need.

Director Copley reported all project consultants are asked to review traffic counts to make sure signals are warranted.

Councilmember Hoferer moved to approve the resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9486 introduced by the members of the Public Infrastructure Committee comprised of Councilmembers Tony Emerson, Neil Dobler and Michelle Hoferer recommending approval of three traffic signal replacement projects, was presented. *(The Public Infrastructure Committee recommended approval by a vote of 3-0-0 on December 1, 2023.)*

Richard U. Nienstedt, Interim City Manager, reported the project budgets for the traffic signal projects exceed \$250,000.

Braxton Copley, Public Works Director, stated the bids for the traffic signal projects were significantly higher than the approved project budget.

Councilmember Emerson moved to approve the resolution. The motion seconded by Councilmember Hoferer carried unanimously on roll call vote. (9-0-0)

ORDINANCE NO. 20467 introduced by Interim City Manager Richard U. Nienstedt, concerning adoption of the 2021 International Residential Code, amending and repealing several sections of Chapter 14.55 of the Topeka Municipal Code. *(The Policy and Finance Committee recommended approval by a vote of 3-0-0 on October 27, 2023.)*

Richard U. Nienstedt, Interim City Manager, reported approval would adopt the 2021 International Residential Code (IRC) for One and Two-Family Dwellings with local amendments.

Richard Faulkner, Development Division Director, stated the proposed IRC has been reviewed and approved by the Board of Building Fire and Appeals (BBFA) as well as the Policy and Finance Committee.

Councilmember Hoferer questioned the amendment concerning the requirement for internal garage doors leading into residences to be self-closing. She reported the doors must be solid and the cost will vary. She noted the ordinance would not be effective until 90 days from the publication date.

Director Faulkner stated the regulations would not apply to construction already taking place.

Councilmember Naeger 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.

PUBLIC COMMENT was submitted by Teresa Miller (Attachment A) and provided by the following individuals:

Henry McClure announced December 5th was the City of Topeka's birthday, founded this day in 1854. He expressed concern with the high administrative fees associated with the Growth Organization of Topeka's consulting fee to promote Topeka-Shawnee County economic development. He encouraged citizens to get involved and help attract much needed economic development and offer resolutions to do so. He requested a copy of the list of companies that did not sign a non-disclosure statement with the Growth Organization of Topeka.

Paul Lassley, Caravan Community Mobile Home Park resident, asked how to propose an ordinance to address public safety issues for the Governing Body to consider.

Councilmember Valdivia-Alcala reported a proposed ordinance was being drafted and finalized. She also reported the City has gone above and beyond in regards to taking care of overgrown vegetation and addressing code violations in the Caravan Community Mobile Home Park located near NW Highway 24.

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

Brenda Younger, City Clerk, provided an overview of the December 12, 2023 Governing Body meeting agenda.

Richard Nienstedt, Interim City Manager, thanked Topeka Police Chief Bryan Wheelles for providing important training to Topeka's police officers and recruit graduations that welcome family members. He announced while attending the 2023 Kansas Association of City/County Management (KACM) Conference the City of Topeka was awarded the 2023 American Council of Engineering Companies of Kansas (ACEC of Kansas) Public Improvement Award for the 12th Street Project. The project reconstructed 2.5 street miles from Gage Boulevard to Kansas Avenue and included pedestrian and bicyclist-friendly features.

Councilmember Emerson expressed his appreciation to Utility Staff members for their work in trying to maintain and repair water mains. He spoke to the high rate of water main breaks and the importance of using only PVC piping. He suggested creating a program to fix water mains similar to the City's Red Water Program.

Councilmember Kell thanked Staff for finding a compromise as it relates to the allocation of Special Alcohol and Drug Program funding. He reminded folks to be mindful of City workers as they work to clear streets from the recent snowfall and repair streets around the city.

Councilmember Naeger announced the Topeka Zoo Lights would be open until December 30, 2023 from 5:00 p.m. to 9:00 p.m.; and Winter Wonderland at Lake Shawnee Campground would be open until December 30, 2023.

Councilmember Duncan thanked companies that are rehabbing homes in much needed areas of the city. He announced a search firm has been engaged to find a new Zoo director.

Councilmember Hoferer congratulated the seven new police officers that recently graduated from the Police Academy and thanked them for serving the community.

Councilmember Hiller offered her condolences to the family of Rose Padilla. She announced holiday events across the city, and encouraged residents to view the new website www.785design.com and www.visittopeka.com which provides a calendar of city events. She announced Cornerstone of Topeka completed a new home at 506 Filmore that was built with American Rescue Plan Act (ARPA) funds.

Councilmember Valdivia-Alcala spoke to the importance of the homeless and mental health challenges being acknowledged and addressed by all levels of government. She expressed concern with difficulties the City may face in trying to accomplish their 2024 City Legislative priorities. She spoke to the horrific conditions of homeless encampments in District No. 2 and

ensured her constituents that the code enforcement violations, petty crimes and trespassing are being dealt with.

Councilmember Dobler offered his condolences to the family of Rose Padilla.

Topeka Police Chief Bryan Wheelles thanked the Governing Body for attending the many Police recruit graduations. He thanked City Attorney Amanda Stanley for her impactful speech as the keynote speaker at the recent Police recruit graduation ceremony.

NO FURTHER BUSINESS appearing the meeting adjourned at 7:24 p.m.

(SEAL)

Brenda Younger City Clerk

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, December 5, 2023 3:33 PM
To: City Council
Cc: Brenda Younger
Subject: Council persons, City Manager Applications

This message originated from outside your organization

Hello everyone,

Today I would like to ask all of you to keep in mind all of the Neighborhood Improvement Associations that are in each and everyone's Districts. This is where you can find out what is going on in your district. I do know that some of you already go to the NIA's meeting. Thank you for doing so. Because you don't have to do so.

Now I would like to talk to you about the hiring of our next City Manager. Last time the applicants were not interviewed by the Staff group that were hired to do so. One of the applicants has applied once again for the City Manager Job, so I hope this time we take time to do interviews with the applicants. This person that I know, which has applied for the City Managers job is very qualified to run our city. He has over the years saved our city several thousands of dollars. He loves our city and the people who live here. So please give this person a chance to be heard.

Sincerely,

Teresa Miller

P.S.

I would be there tonight to talk to you in person, but I'm not feeling as well as I should. I will be there in spirit.