

Governing Body Minutes – December 19, 2023

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, December 19, 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, Ortiz, Emerson, Kell, Naeger, Dobler, Duncan and Hoferer -9. 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 December 19, 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 19, 2023, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A SERVICE RECOGNITION CEREMONY was conducted for Councilmember Tony Emerson and Councilmember Hannah Naeger. Councilmember Ortiz invited the Topeka High Drumline to perform.

BOARD APPOINTMENT recommending the reappointment of James Parrish to the Downtown Business Improvement District Advisory Board for a term ending December 31, 2025, was presented.

BOARD APPOINTMENT recommending the reappointment of Grant Sourk to the Topeka Landmarks Commission for a term ending December 31, 2026, was presented.

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(Council District No. 6)

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

BOARD APPOINTMENT recommending the appointment of Tim Laurent to the Topeka Tourism Business Improvement District Advisory Board for a term ending December 31, 2024, was presented. *(Outside City Limits)*

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

A PRESENTATION on the Prosecution of Property Maintenance Code Violations was provided by Kelly Trussell, Chief of Prosecution.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9488 introduced by Interim City Manager Richard U. Nienstedt, declaring the entire boundary of the City of Topeka for 2023, was presented.

MINUTES of the regular meeting of December 12, 2023, was presented.

Councilmember Naeger moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

ORDINANCE NO. 20471 introduced by Interim City Manager Richard U. Nienstedt, establishing a service fee levy for 2024 relating to the Capital City Downtown Business Improvement District, amending Section 3.40.030 of the Topeka Municipal Code and repealing original section, was presented.

Richard U. Nienstedt, Interim City Manager, reported the request was to continue the service fees at the 2023 rate and Ashley Gilfillan, President of Downtown Topeka, Inc., was present to answer questions.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Kell 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.

ORDINANCE NO. 20472 introduced by Interim City Manager Richard U. Nienstedt, establishing a service fee levy for 2024 relating to the Topeka Tourism Business Improvement District, amending Section 3.65.035 of the Topeka Municipal Code and repealing original section, was presented.

Richard U. Nienstedt, Interim City Manager, reported the request was to continue the service fees at the 2023 rate and Kurt Young, Topeka Lodging Association Executive Director, was present to answer questions.

Councilmember Kell asked how service fee payments were tracked.

Kurt Young, Topeka Lodging Association Executive Director, stated he receives a monthly report providing updates and makes every effort to collect past due fees.

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

ORDINANCE NO. 20473 introduced by Interim City Manager Richard U. Nienstedt, establishing a service fee levy for 2024 for the NOTO Business Improvement District, amending Section 3.70.030 of the Topeka Municipal Code and repealing original section, was presented.

Richard U. Nienstedt, Interim City Manager, reported the request was to continue the service fees at the 2023 rate and Thomas Underwood, NOTO Arts District Executive Director, was present to answer questions.

Councilmember Valdivia-Alcala moved to adopt the ordinance. The motion seconded by Councilmember Naeger 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.

APPROVAL of CONTRACT NO. 51784, an amendment to the Development Agreement (Contract No. 47841) dated May 14, 2019, implementing the Wanamaker Hills Community Improvement District between the City of Topeka, Kansas and EIG Wanamaker, LLC, was presented.

Richard U. Nienstedt, Interim City Manager, reported the proposed amendment was discussed at the December 12, 2023 Governing Body meeting and Jeff White, Columbia Capital Management and Bob Johnson, Polsinelli Law Firm were present to answer questions.

Councilmember Duncan moved to approve the contract amendment. The motion seconded by Councilmember Dobler carried unanimously. (10-0-0)

APPROVAL for the Social Service Grants recommendations for the 2024 Calendar, 2025 Priorities, Scoring Sheet and Continuation of Contract with Vendor, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval of the recommendations would authorize payment in the amount of \$50,000 to United Way of Greater Topeka as the outsourcing vendor for the 2025 grants process and \$491,904 for Social Service Grants.

Councilmember Ortiz, Social Service Grants Committee Chair, reported the Committee met to discuss and finalize the 2025 SSG Cycle including approval of the 2025 process calendar; the 2025 Priorities Sheet; the 2025 Score Sheet; and to continue with United Way of Greater Topeka as the outsourcing vendor for the 2025 process, with negotiated contract compensation changes.

Councilmember Dobler asked Committee members to comment on the service provided by the United Way of Greater Topeka.

Councilmember Hiller reported earlier in the year the Governing Body increased the amount to be allocated for the 2024 grants. She stated the increased amount was included as part of the recommendations along with retaining the same priorities as in previous years. She stated the United Way of Greater Topeka has done an incredible job with the process and noted the grant cap has been increased from \$25,000 to \$27,000.

Councilmember Ortiz reported United Way has done a great job since the beginning and continues to do so.

Councilmember Kell commended United Way of Greater Topeka for their work on the grant process.

Councilmember Ortiz moved to approve the Social Service Grants recommendations for the 2024 Calendar, 2025 Priorities, 2025 Scoring Sheet, continuation of the contract with United Way of Greater Topeka including the authorization of payment in the amount of \$50,000 to United Way of Greater Topeka as the outsourcing vendor for the 2025 grants process, and the

allocation of \$491,904 for Social Service Grants. The motion seconded by Councilmember Kell carried unanimously. (10-0-0)

ORDINANCE NO. 20474 introduced by Interim City Manager Richard U. Nienstedt concerning the creation of Common Consumption Areas and designating area boundaries, was presented. (*The Policy and Finance Committee recommended approval by a vote of 2-0-0 on December 6, 2023.*)

Richard U. Nienstedt, Interim City Manager, reported the ordinance was discussed at the December 5 and December 12, 2023 Governing Body meetings.

Councilmember Duncan, Policy and Finance Committee Chair, stated he has not received any questions or concerns; therefore, he believes the ordinance should be considered for action.

Councilmember Duncan moved to suspend the rules pursuant to Governing Body Rules & Procedures 9.1 for the purposing of adding the ordinance to the agenda as an action item. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. (10-0-0)

Amanda Stanley, City Attorney, reported the ordinance language on lines 42-46 has been revised to clarify boundaries, and sidewalks would not be included as part of the CCA unless located in a CCA boundary.

Councilmember Duncan asked Governing Body members if they would like to amend the starting and ending times listed in the ordinance.

City Attorney Stanley reported the State of Kansas allows alcohol beverages to be served starting at 6:00 a.m. daily.

Councilmember Hiller moved to amend the hours for the possession and consumption of alcoholic liquor or cereal malt beverage in each CCA to be allowed only between the hours of

8:00 a.m. and 11:59 p.m. Sunday through Saturday. The motion seconded by Councilmember Duncan carried. Councilmember Ortiz voted “no.” (9-1-0)

Councilmember Hiller stated she believes the boundaries should include both sides of the streets as well as the Topeka Performing Arts Center (TPAC) property.

City Attorney Stanley noted events blocking streets will require the appropriate special event permits.

Councilmember Duncan stated the boundaries could be amended at a later date as needed and he believes a larger conversation needs to take place in regards to including the TPAC property.

Councilmember Duncan moved to adopt the ordinance as amended. The motion seconded by Councilmember Dobler 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 COMMENT was provided by the following individual:

Henry McClure expressed concern with how Joint Economic Development Organization (JEDO) economic development funds are being spent by the Growth Organization (GO) of Topeka which includes a 38% administrative fee along with renting elite office space. He suggested GO Topeka utilize office space in County or City buildings free of charge and use a portion of the annual \$5 million carry-over JEDO funds to demolish the Travelers Inn. He referenced the failures of the Lauren’s Bay Benefit Improvement District and requested \$1.6 million of economic development funds be used for sewer and water improvements along NE Rochester Road.

ANNOUNCEMENT BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE

COUNCIL;

Each Governing Body member personally thanked Councilmember Emerson and Councilmember Naeger for their service and commended them for their contributions.

Councilmember Kell encouraged citizens to utilize the ride share service during the holiday season.

Councilmember Hoferer announced the Gage Boulevard Improvement Project has been completed.

Councilmember Hiller thanked Staff and Governing Body members for their hard work and all that was accomplished in committees in 2023.

Councilmember Valdivia-Alcala commented on the success of the Three Shields Boxing Club Christmas Party and the importance of the program volunteers. She congratulated the Jardine Middle School Girls Basketball Team for winning the 2023 city championship. She stated she looks forward to the upcoming year and encouraged those who can give to those in need to do so.

Councilmember Emerson and Councilmember Naeger thanked citizens for allowing them to serve on the City Council and Governing Body members for their guidance and friendship.

Councilmember Emerson moved to recess into executive session not to exceed one hour to discuss performance and other employment matters related to one or more non-elected personnel, pursuant to KSA 75-4319(b)(1). The open meeting resumed in the City Council Chambers. The following staff assisted the Governing Body in its deliberations Interim City Manager Nienstedt and other staff he deemed necessary. The motion seconded by Councilmember Ortiz carried. Councilmember Emerson voted “no.” (9-1-0)

At the conclusion of the executive session, 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 8:20 p.m.

(SEAL)

Brenda Younger City Clerk