

Governing Body Minutes – January 16, 2024

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, January 16, 2024. 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, Banks, Kell, Dobler, Duncan and Hoferer-7. Councilmembers Valdivia-Alcala participated remotely -1. Mayor Padilla presided -1. Councilmember Miller was absent -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 January 16, 2024, 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 January 16, 2024, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Councilmember Ortiz joined the meeting remotely.

AN UPDATE on the City of Topeka Boil Water Advisory issued on January 14, 2024, was provided by Sylvia Davis, Utilities Director. She reported the advisory was due to a broken PVC pipe located on the roof of the Topeka Water Treatment Plant.

Councilmember Hiller commended Staff for their communication efforts in advising the community.

Councilmember Miller asked who will pay for the flushing of waterlines for residents.

Councilmember Kell expressed concern with implementing a more expedient form of notification system.

Mayor Padilla commended Staff for their efforts in communicating the emergency to the public.

Councilmember Valdivia-Alcala asked if the broken PVC pipe on the roof of the Water facility was caused from the extreme cold weather. She requested the City update applicable Standard Operating Procedures to include these types of emergencies and present these procedures to the Governing Body as information. She also requested the City of Topeka Emergency Management position be filled so the City does not have to depend on Shawnee County to communicate emergencies.

Councilmember Duncan spoke in support of hiring a City of Topeka Emergency Management Coordinator. He asked the Interim City Manager to evaluate the possibility of filling the position.

Councilmember Dobler stated he supports filling the City Emergency Management position; however, he does not want to duplicate services provided by Shawnee County Emergency Management.

Richard U. Nienstedt, Interim City Manager, stated with the proper dialogue he was confident a solid emergency management plan could be implemented for City.

Director Davis reported the volume of water the City was asking businesses and private citizens to use to flush their lines would cost approximately \$0.20 to \$0.25 per customer. She stated they have a long list of issues that the City needs to approve upon including a citywide communication system. She reported the City's website has information on how to flush waterlines

and Staff believes the broken pipe was due to the extreme cold weather. She thanked Staff for their hard work in helping identify the problem.

A PRESENTATION on the 2024 Annual Minority, Women and Disadvantaged Business Enterprises Utilization Goal Recommendation was provided by Luis Matos, Contracts and Procurement Manager.

Mayor Padilla asked if hearing or sight impaired individuals are being offered training opportunities.

Procurement Manager Matos stated they would include sensory impaired individuals in their program outreach efforts.

AN UPDATE on the Changing Our Culture of Property Maintenance (COCPM) 5-year initiative was provided by Councilmember Hiller specifically as it relates to LMI funding and the City of Topeka vegetation ordinance. Taylor Bugg, City Public Relations, provided a COCPM website walkthrough. John Schardine, Property Maintenance Division Director, provided an overview of Division operation changes focusing on customer service as well as updates to Housing Violations Standard Operating Procedures and the Housing Navigator and Property Inspector job descriptions.

Councilmember Kell spoke in support of the 5-year initiative allowing homeowners time to comply with code violations.

Councilmember Miller spoke in support of the efforts and suggested the website be placed under the “For Residents” dropdown on the City’s main webpage so it would be easy to locate.

Councilmember Hiller stated the updates as described by John Schardine were suggested in the May 8 Consulting Report provided by Karen Black.

Councilmember Valdivia-Alcala spoke to the extensive work being performed by Staff

resulting in positive changes such as the rallying of tenants forcing slum lords to make improvements.

Councilmember Duncan asked how habitual code violations that request multiple extensions are addressed

Division Director Schardine reported court extensions have been eliminated as an option and Staff works with property owners who are willing to make changes and issues court orders as a last resort.

Councilmember Hiller noted a COCPM update would be provided again in 3-4 months.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9489 introduced by Interim City Manager Richard U. Nienstedt 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. 9454, was presented.

RESOLUTION NO. 9490 introduced by Interim City Manager Richard U. Nienstedt concerning the City of Topeka's participation in the State of Kansas Municipal Investment Pool and rescinding City of Topeka Resolution No. 9453, was presented.

MINUTES of the regular meeting of January 9, 2024, was presented.

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

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board, was presented.

Mayor Padilla reported Resolution No. 8848 states that two Council members are elected by the governing body at the third Governing Body meeting in January of even-numbered years to

serve on the Metropolitan Topeka Planning Organization (MTPO) Policy Board for a two-year term. He stated each councilmember must receive at least six votes.

Mayor Padilla opened the floor for nominations.

Councilmember Dobler nominated Councilmember Miller.

Councilmember Hiller nominated Councilmember Duncan.

Councilmember Banks nominated Councilmember Kell.

Upon hearing no more nominations, the nominations were closed.

Brenda Younger, City Clerk, announced the nominees include Councilmembers Kell, Miller and Duncan

After roll call tally of the vote, the City Clerk announced Councilmembers Miller and Kell would serve as the MTPO Policy Board members. Councilmembers Miller received 10 votes; Councilmember Kell received 8 votes; and Councilmember Duncan received 2 votes.

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board, was presented.

Mayor Padilla stated the Governing Body shall elect two (2) council members to serve a one-year term as voting members on the JEDO Board. The Mayor and Deputy Mayor will also serve as voting members. Each council member can self-nominate. The two council members receiving the highest number of votes will be elected, providing they have a minimum of six (6) votes; and votes will continue until the voting requirement is met.

Mayor Padilla opened the floor for nominations.

Councilmember Hoferer nominated Councilmember Duncan.

Councilmember Duncan nominated Councilmember Hoferer.

Councilmember Miller nominated himself.

Councilmember Valdivia-Alcala nominated Councilmember Banks.

Upon hearing no more nominations, the nominations were closed.

Brenda Younger, City Clerk, announced the nominees include Councilmembers Banks, Miller, Duncan and Hoferer.

After the roll call tally of the vote, the City Clerk announced Councilmembers Banks and Duncan would serve on the JEDO Board as voting members. Councilmember Banks received 7 votes; Councilmember Duncan received 6 votes; Councilmember Miller received 2 votes; and Councilmember Hoferer received 2 votes.

ORDINANCE NO. 20475 introduced by Interim City Manager Richard U. Nienstedt amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on a 11.3 acre property located approximately 1,200 feet south of NW U.S 24 Highway frontage road and 1,000 feet west of NW Vail Avenue from “R-1” Single Family Dwelling District TO “I-1” Light Industrial District, was presented. *(Z23/11) (Council District #2)*

Dan Warner, Planning Division Director, reported the request to change zoning was to accommodate a future, undisclosed light industrial development. He stated the proposed zoning was consistent with the policies of the Land Use and Growth Management Plan 2040 designating the area for Industrial land uses. He noted, the applicant conducted a neighborhood information meeting on December 7, 2023, and the Planning Commission and City Planning Division recommended approval of the request.

Mayor Padilla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or

against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared by Governing Body members.

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

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

ORDINANCE NO. 20476 introduced by Interim City Manager Richard U. Nienstedt amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on property located at 901 SW Topeka Blvd rezoning from “O&I-2” Office and Institutional District all to “PUD” Planned Unit Development District with O&I-2 uses and restaurant with drive-through use, was presented. (*PUD 23/08*) (*Council District No. 1*)

Dan Warner, Planning Division Director, reported the request to change the zoning was to accommodate a restaurant with drive-through service with carry out and delivery service only. He stated the zoning was consistent with the Land Use and Growth Management Plan 2040, and a Neighborhood Information Meeting on November 27, 2023. He noted the Planning Commission and City Planning Division recommended approval.

Mayor Padilla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Hiller.

Councilmember Kell moved to adopt the ordinance. The motion seconded by Councilmember Banks carried unanimously. (10-0-0)

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

ORDINANCE NO. 20477 introduced by Richard U. Nienstedt, Interim City Manager, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Historic Holliday Park Neighborhood Plan Update, was presented. *(CPA 23/01)*

Richard U. Nienstedt, Interim City Manager, stated approval would adopt recommendations of the Historic Holliday Parking Neighborhood Plan Update and DREAMS 1 Grant Program implementation.

Bryson Risley, Planning Division Director, reported the neighborhood plan update provides updated conditions related to housing, infrastructure, crime, owner occupancy and includes a general timeline for plan implementation.

Councilmember Kell inquired on the restoration of brick streets.

City Planner Risley stated the neighborhood residents spoke in support of mill and overlay for the neighborhood.

Councilmember Hiller thanked Staff for being flexible and allowing neighborhood residents to take an active role in the decision making processing of the plan.

Mayor Padilla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmember Hiller.

Councilmember Kell moved to adopt the ordinance. The motion seconded by Councilmember Banks carried unanimously. (10-0-0)

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

APPROVAL of the City of Topeka's FY 2024 Annual Consolidated Action Plan and Budget, was presented.

Richard U. Nienstedt, Interim City Manager, reported submission of the plan to HUD will help secure over \$2.5 million dollars in federal funding for housing and neighborhood improvements in the community. He stated Staff was recommending approval.

Councilmember Dobler moved to approve the 2024 Consolidated Action Plan and Budget. The motion was seconded by Kell carried unanimously on roll call vote. (10-0-0)

DISCUSSION regarding the recommendation of from the Public Health and Safety Committee to approve supplemental funding in the amount of \$200,000 for LMI Grant Funding, was presented.

Councilmember Hiller, Public Health and Safety Committee Chair, reported in February 2022, the City of Topeka's Property Maintenance Rehabilitation Program received a \$750,000 grant from Federal Home Loan Bank (FHLB) of Topeka. She stated the City's Housing Services Division administers the Property Maintenance Rehabilitation Program, which assists low-income homeowners who need repairs to bring their homes up to code; however, the FHLB has limited where grants funds could be spent. She reported the Committee asked Staff how much additional funds would be needed to assist LMI families that were distressed and it was determined \$200,000 of additional funding would be needed. She stated the City's Finance Department suggested using 2023 year-end surplus dollars from the General Fund for this one-time allocation of funds for capital improvement type projects.

John Schardine, Property Maintenance Division Director, provided an example of the collaboration between the Property Maintenance Division and the Housing Services Division.

Carrie Higgins, Housing Division Director, providing an overview of how the Housing Division plans to fill the grant funding gaps.

Rachelle Mathews, Interim Finance Director, reported Staff recommends using 2023 year-end surplus dollars from the General Fund for this one-time allocation of funds for capital improvement type projects. She noted, the complete list of suggested uses for 2023 surplus funds will be presented to the Governing Body for approval in March and this one-time funding

allocation will be included in the list.

DISCUSSION regarding the recommendation of from the Public Health and Safety Committee to approve a Vegetation Ordinance, was presented.

Councilmember Hiller, Public Health and Safety Committee Chair, reported the Governing Body adopted the Changing Our Culture of Property Maintenance 2022-2026 Goals and Challenges on December 14, 2021, and the fourth challenge within the set goals was to improve the appearance of the community through management of uncultivated and overgrown vegetation. She stated at that time the vegetation ordinance that was adopted addressed overgrown grass; however, the proposed amendment will require a minor amendment or new legal interpretation of the Code about vegetation that is over 12” that has turned into shrubs, trees or vines as well as a synch-up with a non-International Property Maintenance Code (IMPC) section of the Topeka Municipal Code that addresses the same issue.

John Schardine, Property Maintenance Division Director, stated the amended definition of vegetation has been suggested to address larger parcels and easements to be implemented in a 3-year plan to include an education campaign in year one; partial enforcement in year two; and full enforcement of the code as adopted by the Governing Body in year three.

Councilmember Valdivia-Alcala stated education has become priority with the 5-year COCPM in order to better understand all aspects of the initiative.

Councilmember Duncan stated throughout the process, constant consideration was giving regarding what type of vegetation would be considered intrusive.

Councilmember Hiller reported the education campaign would begin in February. She asked Governing Body members or residents to bring forward resource ideas or approaches.

PUBLIC COMMENT was provided by the following individuals:

Michael Skelton spoke to the violation of her civil rights by the Topeka Police Department. She stated she was raped and assaulted due to a personal vendetta held against her by jail employees which she believes was recorded on video and being sold to the community. She asked the Governing Body what actions they are going to take to protect other inmates, women and children from the same fate.

Henry McClure referenced comments made by Chuck Dultmeier at the January 9, 2024 Governing Body meeting regarding the delay of special assessments on Laurens Bay Subdivision Phase 1. He spoke to the subsidizing of the Laurens Bay Pond Dam with Industrial Revenue Bonds and questioned if it was legal to levy a special assessment tax on properties that have delinquent taxes.

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

Brenda Younger, City Clerk, announced there would be a Special Meeting of the Governing Body held on January 17, 2024 at The Great Overland Station located 200 NW Railroad Road from 10:00 a.m. to 12:00 p.m. This will be a joint meeting with the Shawnee County Commission at the request of the City's Homeless Initiative Core Team, seeking input from the Policy Makers on the next stage of the process, Ideation.

Richard U. Nienstedt, Interim City Manager, thanked all City employees for their service during the severe winter weather. He recognized the City's Homeless Initiative efforts and the warming center efforts of Rhiannon Friedman, Planning and Development Division Director and Carrie Higgins, Housing Division Director. He spoke to the Boil Water Advisory mandate issued on January 16, 2024 and stated Staff will continue to work to improve the communication aspect as well as meet with the Shawnee County Emergency Management.

Councilmember Miller promoted Sole Reason, a non-profit organization who collect new shoes and give them free to those in need. He announced Sole Reason will be hosting a fundraiser on January 18, 2024, at QDOBA Mexican Eats and a golf tournament in June.

Councilmember Dobler expressed new appreciation for the City of Topeka's water system. He commended City Utility Staff members for their hard work in making sure residents have clean drinking water.

Councilmember Duncan thanked all organizations who have opened their doors and are serving as a warming center and expressed his pride in the community for helping those in need. He thanked 785 Brewing Company for boiling water and delivering it to the Topeka Rescue Mission.

Councilmember Hiller also conveyed her appreciation to City staff for their hard work and dedication during the extreme cold temperatures and in addressing the Boil Water Advisory. She recognized the thoughtfulness of recent local Martin Luther King celebrations and spoke to the importance of continuing the legacy.

Councilmember Ortiz cautioned residents to slow down when driving the roads and be careful of the severe cold weather conditions. She thanked Vine Missionary Baptist Church for serving as a warming center. She expressed her appreciation to all the volunteers that make the warming centers happen for those in need.

Councilmember Banks expressed his appreciation to Staff for their assistance during his orientation period as a new councilmember, and thanked Carrie Higgins, Division Director of Housing Services for helping with constituent requests. He expressed his pride in serving as a Governing Body member.

Councilmember Kell thanked community organizations for serving as warming centers. He also encouraged folks to donate warm clothing or blankets. He expressed his appreciation to all City of Topeka employees working in the severe cold weather.

Mayor Padilla acknowledged City of Topeka employees and expressed his appreciation for their dedication and hard work during the severe cold weather and all year long. He encouraged Topeka residents to be a good neighbor and take care of those in need.

Councilmember Kell moved to recess into executive session not to exceed 45 minutes to discuss employer/employee negotiations relating to one or more unions as justified by KSA 75-4319(b)(3). The meeting will resume in the City Council Chambers. The following staff to assist the Governing Body in its deliberations: City Manager Nienstedt and any other staff he deems necessary. The motion was seconded by Councilmember Miller.

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. (10-0-0)

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 9:12: p.m.

(SEAL)

Brenda Younger City Clerk