

Governing Body Minutes – February 20, 2024

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, February 20, 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, Ortiz, Kell, Miller, Dobler, and Duncan -7. Mayor Padilla presided -1. Absent: Councilmembers Banks and Hoferer -2.

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 February 20, 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 February 20, 2024, for attachment to the meeting minutes.

AFTER THE MEETING was called to order, Councilmember Dobler asked for a moment of silent meditation to honor the victims of the February 14, 2024, shooting at the Kansas City Chiefs Super Bowl Rally.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

BOARD APPOINTMENT recommending the reappointment of Carol Roberts to the Topeka Human Relations Commission to fill an unexpired term ending February 28, 2026, was presented. (*Council District No. 7*)

BOARD APPOINTMENT recommending the appointment of Kevin Siek to the Topeka Sustainability Advisory Board for a term ending March 1, 2026, was presented. (*Council District No. 6*)

BOARD APPOINTMENT recommending the appointment of Michaela Kerls to the Human Relations Commission to fill an unexpired term ending February 20, 2026, was presented. (*Council District No. 5*)

Councilmember Dobler moved to approve the appointments. The motion seconded by Councilmember Kell carried unanimously on roll call vote. Mayor does not vote. (7-0-0)

Councilmember Hoferer joined the meeting remotely.

A PRESENTATION on the Topeka Human Relations Commission (THRC) Annual Report was provided by Carmen Romero-Nichols, THRC Chair and Carol Roberts, Vice Chair.

Councilmember Hiller referenced the updated THRC Charter and thanked the Commission for implementing improved processes.

Mayor Padilla thanked the Commission and Chief Diversity, Equity and Inclusion (DEI) Officer Ernestor De La Rosa for making much needed changes.

Councilmember Duncan stated he will continue to remind citizens of the work being done by THRC.

Councilmember Dobler thanked the THRC for the detailed report and their improved efforts in the community.

Carol Roberts thanked Director De La Rosa for his leadership.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9492 introduced by Councilmember Karen Hiller, approving a special event known as the 2024 St. Patrick's Day Street Party, was presented. (*Council District No. 1*)

RESOLUTION NO. 9493 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 1*)

APPROVAL of Information Technology Contract No. 51936 between the City of Topeka and Info-Tech Research Group Inc., in an amount not to exceed \$74,682.92 for professional consulting and advisory services, was presented.

APPROVAL of an Information Technology Contract No. 51937 between the City of Topeka and Carahsoft Technology Corporation in an amount not to exceed \$81,286.29 for professional consulting and application migration and implementation services, was presented.

MINUTES of the regular meeting of February 13, 2024, was presented.

Councilmember Miller moved to approve the consent agenda. The motion seconded by Councilmember Hiller carried unanimously on roll call vote. Councilmember Hoferer did not vote due to technical difficulties. (8-0-0)

Councilmember Banks entered the room.

APPROVAL of Contract No. 51953 a three-year labor agreement effective January 1, 2024, through December 31, 2026, between the City of Topeka and United Workers of Environmental Trades of Topeka, representing employees of the Water Pollution Control Utility Division, was presented.

Richard U. Nienstedt, Interim City Manager, reported Staff recommends approval as presented and Mary Spinelli, Senior Attorney, and Sylvia Davis, Utilities Director, were present for questions.

Councilmember Dobler commended WPC Union members for being easy to work with.

Interim City Manager Nienstedt commended the Governing Body and Union representatives for their work on the labor agreement.

Councilmember Dobler moved to approve the 2024-2026 WPC Labor Agreement. The motion seconded by Councilmember Valdivia-Alcala carried unanimously on roll call vote.

Councilmember Hoferer did not vote due to technical difficulties. (9-0-0)

PUBLIC COMMENT was provided by the following individuals:

Rachelle Hamilton referenced the email (Attachment A) she sent to the City Clerk and asked if the Governing Body had reviewed the email expressing her views on the way the law works in dealing with the unsheltered population. She expressed concern with removing the unsheltered population near the Kansas River and believes that action along with other code enforcement processes were unconstitutional.

Henry McClure expressed concern with the difficulty of introducing new economic ideas to the City of Topeka Governing Body and Shawnee County Commission. He stated he has a location for the new City Fleet Service Garage.

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

Richard U. Nienstedt, Interim City Manager, reported Staff was working to finalize a date for the Special Fire Commission Taskforce to meet soon. He stated the mission of the Taskforce was to identify what type of Emergency Medical Service (EMS) was needed for the community.

Councilmember Duncan announced the next District 8 Open Office Hours would be held on February 25, 2024 at the Fairlawn Plaza from 3:00 p.m. to 4:30 p.m.

Councilmember Valdivia-Alcala raised the following concerns about changes being made to Billard Airport by the Metropolitan Topeka Airport Authority (MTAA):

- Claims MTAA was unprofessional and non-communicating for meetings with Oakland residents
- MTAA failed to meet in a consistent way to inform elected officials of the upcoming changes to airport
- The type of fencing (barb wire) that has been erected without a City permit and it concerns neighbors that the fence has devalued surrounding properties
- Tammy's Café closed February 29, 2024. The business claims there was no communication and the original agreement was not upheld

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- She was informed there was an additional member added to MTAA Board of Directors
- Claims she was left out of conversations and feels like changes were made behind her back
- Believes Oakland has been disregarded through the entire process until MTAA attended the February 19, 2024 Neighborhood Improvement Association (NIA) meeting
- Believes the fence should be removed, Tammy should receive compensation for destroying her business, and goodwill be given to Oakland residents
- Claims MTAA's only attempt to communicate with Oakland residents was providing a menu of the new restaurant at the February 19, 2024 NIA meeting

Councilmember Kell reported area student athletes will be participating in Regional and State Championships in the upcoming weeks and noted, Topeka will be hosting the qualifying round for 6A High School Bowling. He encouraged all citizens to support Student Athlete events.

Councilmember Miller stated he concurs with comments made by Councilmember Kell regarding the importance of supporting student athletes. He wished area student athletes' good luck as they advance to Sub-State basketball championships.

Councilmember Kell moved to recess into executive session for a time period not to exceed 2 hours to discuss applicants for city manager as allowed under KSA 75-4319(b)(1). The open meeting resumed in the City Council Chambers. The following staff was deemed necessary to assist the Governing Body in its deliberation, Interim City Manager Nienstedt and other staff he finds necessary. The motion was seconded by Councilmember Banks.

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 voted "no." Councilmember Hoferer did not vote due to technical difficulties. (8-1-0)

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.

Councilmember Dobler moved to recess into executive session for a time period not exceed

30 minutes to continue discussion on the applicants for city manager as allowed under KSA 75-4319(b)(1). The open meeting resumed in the City Council Chambers. The following staff was deemed necessary to assist the Governing Body in its deliberation Interim City Manager Nienstedt and other staff he finds necessary. The motion was seconded by Councilmember Duncan.

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NO FURTHER BUSINESS appearing the meeting adjourned at 9:22 p.m.

(SEAL)

Brenda Younger City Clerk

Brenda Younger

From: Rachelle Hamilton <r.hmltn92@gmail.com>
Sent: Friday, February 16, 2024 8:26 PM
To: City Clerk
Subject: City Council Public Input

This message originated from outside your organization

i This message needs your attention

- You've never replied to this person.
- This is a personal email address.

Powered by Mimecast

Hi, my name is Rachelle Hamilton and I was hoping to be heard at the next city council meeting about the homeless camps on the river. I am not currently living in the camps, but I have kept a campsite in the woods along the river since middle school, and have been visiting people living along the river since I was in strollers. It is UNCONSTITUTIONAL, according to EXISTING case law, to ban camping [therefore those statutes which ban camping are UNLAWFUL, INVALID, and ILLEGAL TO ENFORCE]. People have the RIGHT to LIFE, LIBERTY, and PROPERTY. Therefore they have the RIGHT to LIVE and the LIBERTY to LIVE in such a manner as they choose, no matter what their lifestyle choices may be.

The way law works is that the PEOPLE have NO RESTRICTIONS, ONLY RIGHTS;
the GOVERNMENT has NO RIGHTS, ONLY RESTRICTIONS.

That means the government has no authority to go forcing anyone to move, or any right to go cutting down trees in the woods. People have the right to choose to build a life from the ground for themselves instead of paying rent towards a home already built. It is a lot of work to live off of the land and should not be disrespected as somehow less than a person who chooses to pay to live in a house someone else built instead. Were people allowed to build for themselves without worry of the government displacing them, they would be able to build more permanent fixtures instead of having temporary tents and nowhere to keep their things picked up and out of sight.

A better short-term solution to the homeless "problem" would probably be to only give a tax break to churches who keep their doors open 24/7 and actually serve the function of taking care of the poor so that it is possible for a person to get back on their feet in hard times so that they can become functioning members of society again. If they want to lock their doors like tax paying citizens, they should pay taxes like tax paying citizens. Otherwise, they need to earn their tax break by helping their communities in a tangible way. According to scripture [of various faiths, they all seem to have in common] the church traditionally provides emergency housing, administers medicine [which would significantly reduce drug abuse and overdose by taking the profit motive out of the medicine industry as well as the street drug trades], handles situations of justice, provides help for parents in need [new parents used to go stay with the church for every new baby, be it the first when everything is new and overwhelming, or be it their fifth baby so they can get help with the older children while bonding with the new baby. If home was not a safe place for the baby to go to, the baby stayed at the church instead of getting lost in the foster care system, and parents had the option of staying in the church with the child instead of being separated from them, which is traumatic for everyone involved]. The church also functions as a way to cut down on waste by being a place to donate things that are unwanted but perfectly reusable. This would cut down on dumpster diving and theft throughout the city and raise the standard of living

considerably. Having church doors open 24/7 would also provide addicts with 24/7 access to recovery, which again, would drastically improve the quality of life for many people going through that, as well as everyone who interacts with people going through that.

An important point of preventing homelessness is for the city to stop violating its citizens CONSTITUTIONAL RIGHT to LIFE, LIBERTY AND PROPERTY. In order to sustain a human life, according to the public school system, we need food, water and shelter to survive. We may not have the right to have someone build our house, clean our water, or grow our food, but we have a right to do these things for ourselves, at least. It would make more sense, city planning wise, to provide clean water to each of its citizens for free, paid for by taxes, because of the existing plumbing system, and because it is too densely populated for it to make sense for each person to dig their own well. If it is not practical for each person to provide this survival essential for themselves, then to not provide it to the people is in fact, preventing the people from accessing it. To prevent people from water prevents them from having their right to LIFE. Therefore, public water is a CONSTITUTIONAL RIGHT.

It is UNCONSTITUTIONAL to condemn and seize properties for inability to pay companies to provide water or utilities to a house. This causes homelessness and the statues are UNLAWFUL, INVALID, AND ILLEGAL TO ENFORCE.

It is UNCONSTITUTIONAL for the city code enforcement to steal property out of the yards of its citizens, therefore every statute which allows code enforcement to remove anyones property from where they live is UNLAWFUL, INVALID, AND ILLEGAL TO ENFORCE. Often, the city robs the proptery owner of their livelihood and ability to provide for themselves, which leads to that person losing their home and having no other option than to live on the river.

I hope to be able to make the city council meeting personally, but i hope that my ideas will be added to the agenda and considered by the council members. These should be bigger picture solutions which address some of the underlying issues which will create the desired outcome better than the current strategy of attacking the symptoms we are experiencing, which is only making those symptoms worse and harder to manage.

Thank you so much for your time,
Rachelle Hamilton