

## **Governing Body Minutes – March 5, 2024**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, March 5, 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, Oritz, Banks, Kell, Miller, Dobler and Hoferer -8. Mayor Padilla presided -1. Councilmember Duncan participated remotely -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](mailto:cclerk@topeka.org) by no later than 5:00 p.m. on March 5, 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](mailto:cclerk@topeka.org) on or before March 5, 2024, for attachment to the meeting minutes.

AFTER THE MEETING was called to order Pastor Delmar White, New Mt. Zion Baptist Church and Topeka Police Department Chaplain provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

A PRESENTATION on the 2023 City of Topeka 4th Quarter Financial Report was provided Rachelle Mathews, Interim Director of Finance.

Councilmember Dobler asked what percentage of the 2023 General Fund was reserve funds.

Councilmember Ortiz spoke in support of the Eastgate Rural Housing Incentive District and thanked Governing Body members for approving the development.

AN UPATE on the Metropolitan Topeka Airport Authority (MTAA) and the future of Aviation in

Shawnee County for the Topeka Regional Airport and the Philip Billard Airport, was provided by Brian Armstrong, MTAA Board Chair, and Curtis Sneden, MTAA Director of Development.

Councilmember Valdivia-Alcala referenced anticipated State of Kansas funding allocations and stated she looks forward to how it will payout. She requested that MTAA become more community friendly as they move forward with the process as well as consider the replacement of the military type fencing that was erected on Billard Airport property and located 160-feet adjacent to neighboring residents. She also requested to be invited to all meetings moving forward so she can represent District 2 constituents. She asked how an Oakland resident could serve on the MTAA Board. She thanked MTAA for the presentation and spoke in support of future economic development and the success of small businesses in Oakland.

Mayor Padilla expressed the importance of MTAA considering all aspects of the industry and they could support it.

Councilmember Banks stated he was excited for the opportunity; however, he remains concerned with the dislocation of Tammy's Restaurant, a small business owner that was located in the Philip Billard Airport. He spoke to the importance of having a food service that fits the character of the Oakland neighborhood.

Curtis Sneden reported as part of the Kansas Aerospace Triad, which includes the cities of Topeka, Salina and Wichita, all aspects of the aviation field will be covered. He thanked the Growth Organization of Topeka for introducing MTAA to interested companies along with other opportunities to support the aviation initiative. He reported the Board was in the process of determining who will provide the food service at the Philip Billard Airport.

Mayor Padilla requested MTAA provide routine updates to the Governing Body and gather input from area residents on significant changes to the Philip Billard Airport and surrounding area.

He spoke to the economic development opportunities of expanding the Topeka Regional and Philip Billard Airports.

Councilmember Ortiz spoke to the importance of supporting small businesses and noted, Tammy's Restaurant was in business for 30 years. She requested updates be provided to the Governing Body.

Brian Armstrong stated they are committed to providing updates to the City of Topeka Governing Body and the Shawnee County Commissioners.

Councilmember Hiller inquired on consideration of passenger service.

Curtis Sneden stated they have a consultant that continues to work on attracting passenger service which remains an important priority for MTAA.

Mayor Padilla reminded citizens MTAA Board meetings are open to the public.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9494 introduced by Councilmember Karen Hiller approving a special event known as the 2024 Mater Dei Irish Fest, was presented.

RESOLUTION NO. 9495 introduced by Councilmember Karen Hiller approving a special event known as the Eats & Beats Summer 2024, was presented.

RESOLUTION NO. 9496 introduced by Councilmember Christina Valdivia-Alcala approving a special event known as the NOTO in Bloom, was presented.

APPROVAL of Public Works Engineering Contract NO. 51962 between the City of Topeka and Finney & Turnipseed Consulting Engineers, Transportation and Civil Engineering, LLC, in an amount not to exceed \$133,400 for engineering services for Project No. 701039.00, was presented.

ORDINANCE NO. 20479 introduced by Interim City Manager, Richard U. Nienstedt,

allowing and approving City expenditures for the period October 28, 2023 to November 24, 2023 and enumerating said expenditures therein, was presented.

ORDINANCE NO. 20480 introduced by Interim City Manager, Richard U. Nienstedt, allowing and approving City expenditures for the period November 25, 2023 to December 29, 2023 and enumerating said expenditures therein, was presented.

MINUTES of the regular meeting of February 20, 2024, was presented.

Councilmember Duncan moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9497 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 601133.05, 291111.06 and 291128.01 for Alley Repair in the 1800 block between SW Lincoln and SW Buchanan, was presented. *(The Public Infrastructure Committee recommended approval on February 20, 2024)*

Braxton Copley, Public Works Director, reported the project would replace both the sewer main along the alley and the service connections attached to the main. He noted the alley would be replaced with a concrete surface.

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

RESOLUTION NO. 9498 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 841200.01, 291111.06 and 291128.01 for Alley Repair in the 1900 block between SW Lincoln and SW Buchanan, was presented. *(The Public Infrastructure Committee recommended approval on February 20, 2024.)*

Braxton Copley, Public Works Director, reported the project was part of the 2024 Alley Repair Program and consists of removing and replacing the concrete pavement in the alley between Lincoln and Buchanan, south of 19th Street. He stated the sanitary sewer located below the pavement will be replaced due to age and condition.

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

RESOLUTION NO. 9499 introduced by the Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler, amending the 2024-2033 CIP and the 2024-2026 CIB to increase cost of Project No. 841103.00 for the 2024 Street Preventative Maintenance Program, was presented. *(The Public Infrastructure Committee recommended approval on February 20, 2024.)*

Braxton Copley, Public Works Director, reported the increase to the 2024 Street Preventative Maintenance Program budget from the approved amount of \$2,000,000 to \$3,000,000, will fund Ultrathin Bonded Asphalt Surface (UBAS) treatment to segments along SE 6th Street from MacVicar to Monroe as well as portions of Monroe and Madison, allowing the section to serve as a detour route in preparation of Polk-Quincy Viaduct construction in 2025.

Councilmember Kell commended Staff for the UBAS repair work on Kansas Avenue. He asked if this process should be used on other major thoroughfares throughout the city and for pothole repair.

Councilmember Dobler commended Public Works for their great work while finding cost savings in different repair processes.

Councilmember Valdivia-Alcala referenced heavy truck traffic on city streets and asked if there are plans to use the UBAS repair process more often and if it would be used to repair

residential streets.

Councilmember Hiller inquired on the funding source of the additional \$1 million.

Councilmember Hoferer asked how the UBAS process compares on project timeline to other street repair processes; and inquired if this process would cover more lane miles compared to the mill and overlay repair process.

In response, Director Copley provided the following information:

- The UBAS process costs approximately \$50,000 a lane mile compared to approximately \$90,000 a lane mile for micro surfacing and approximately \$250,000 a lane mile for mill & overlay.
- Staff reviewed what sister cities are doing in regards to the use of UBAS. They plan to use more of the UBAS treatment in the future for arterial and collector streets, and continue to use micro surfacing for residential streets.
- The project would be funded with Citywide Half-Cent Sales Tax surplus dollars.
- Micro surfacing was the fastest and easiest process; UBAS was applied quickly with no milling involved; and the mill and overlay process takes the most time.
- UBAS was intended to keep the good streets good with a 70 Pavement Condition Index (PCI) and higher and mill and overlay projects are used for streets with a 50 PCI and higher.
- The highest number of potholes are located on streets with the lowest PCI and typically, UBAS would not be the best solution.

Mayor Padilla spoke to the excellent end product produced by UBAS and thanked Staff for finding alternatives to repair streets.

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

RESOLUTION NO. 9500 introduced by the Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler, amending the 2024-2033 CIP and the 2024-2026 CIB to add Project No. 861044.00 for the street light replacement program, was presented. (*The Public Infrastructure Committee recommended approval on February 20, 2024.*)

Braxton Copley, Public Works Director, reported the Street Light Replacement Program

would be used for repairing and replacing street lights owned by the City. He stated the repair and replacement of street lights places a strain on the operational budget; therefore, the additional funding would allow Staff to conduct solar light pilot projects by swapping electric for solar streets lights were appropriate.

Councilmember Miller inquired on the life expectancy, warranty and replacement schedule for the lights, and if contractors or staff would provide the service.

Councilmember Valdivia-Alcala thanked Staff for seeking a pilot program that supports “green initiatives” and long-term sustainability. She encouraged Staff to let the community know how hard they are working on these types of initiatives and the great job they are doing.

In response, Director Copley provided the following information:

- The product has a 10-year warranty
- The process of swapping light bulbs was not time consuming; however, the project timeline will mainly be impacted by the 3-4 month lead time to receive the product.
- The services will be contracted.
- Funding was being requested so they can start the program immediately; and Staff will be requesting funding support in the 2025 CIP.

Councilmember Kell recommended City staff perform the services instead of using a contractor to perform the service.

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

A RESOLUTION introduced by Interim City Manager Richard U. Nienstedt, authorizing the use of excess funds from unreserved fund balances, was presented.

Richard U. Nienstedt, Interim City Manager, stated approval would allow for one-time capital expenditures to be paid for with reserve funds.

Rachelle Mathews, Interim Finance Director, provided an overview of \$8.6 million in expenditures. She reported they are projecting a 27% surplus fund balance in 2023; however,

approval of the proposed projects would reduce the fund down to 26%; and it was anticipated the fund balance would be 24% by the end of 2024.

Councilmember Valdivia-Alcala stated she would oppose the resolution due to the proposed \$2 million of Hotel Topeka expenditures.

Councilmember Ortiz moved to vote on each expenditure item separately. The motion was seconded by Councilmember Kell.

Councilmember Dobler stated he does not disagree with each item being proposed; however, he questions if the Police and Fire Departments were consulted regarding any one-time expenditures that could be included in the list. He stated he would need more time to review the information and would suggest deferring the item.

Councilmember Ortiz moved to withdraw her motion to vote on each expenditure item separately. The second concurred.

Councilmember Dobler moved to discuss the resolution on March 12, 2024 and consider the resolution for action on March 19, 2024. The motion was seconded by Councilmember Ortiz.

Director Mathews reported if approval of the resolution was delayed all surplus items will become audit proposed adjustments.

Councilmember Hiller noted all the items listed need to be funded whether it was bonded or paid for with cash reserves.

Director Mathews confirmed the proposed expenditures would not have to be bonded; and the \$2 million of expenditures for Hotel Topeka would allow them to draw on expenses for the next two years.

Councilmember Duncan stated he concurs with Councilmember Dobler and noted he would be proposing amendments to the funding list for the Topeka Performing Arts Center.



Councilmember Dobler asked if the City was paying \$500,000 of auto insurance annually.

Amanda Stanley, City Attorney, reported the City of Topeka has paid the \$500,000 deductible; however, the proposed \$2 million to be transferred to the Auto Self-Insurance Fund will be used to help mitigate risk for the entire fleet of City of Topeka vehicles.

Councilmember Hiller requested a detailed description of each item being proposed.

The motion to discuss the resolution on March 12, 2024 and consider the resolution for action on March 19, 2024 carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9501 introduced by the Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler, amending the 2024-2033 CIP and the 2024-2026 CIB to include Project No. 131082.00 for the Fleet Building Replacement, was presented. *(The Public Infrastructure Committee recommended approval on February 20, 2024.)*

Braxton Copley, Public Works Director, reported the request was to add a project for the construction of a new City of Topeka Fleet Garage in the amount of \$5.5 million with the possibility of KDOT covering \$2.4 - \$3.5 million of expenses [*\$2.4 million of proceeds from KDOT for the existing structure and the City made a request for an additional \$748,000.*] He stated the project could be funded with general obligation bonds or cash as decided by the Governing Body on March 19, 2024. He noted the project will require approval by the Governing Body at several different project levels.

Councilmember Ortiz, Public Infrastructure Committee Chair, spoke to the importance of moving forward with the project to allow the design process to begin. She asked the Governing Body to approve the resolution.

Councilmember Dobler reported the Public Infrastructure Committee has been reviewing the relocation of the Fleet Garage for the past three years. He commended Staff for providing good

data on all the options presented for consideration, and spoke to the importance of moving forward with the project at this time.

Councilmember Dobler made a substitute motion to replace the 2024 Elevation Parkway Project in the amount of \$3 million with the Fleet Garage Replacement Project in the CIP.

Councilmember Hiller referenced the possible \$2.4 - \$3.5 million that may be covered by KDOT along with the possibility of using an existing building. She thanked staff for continuing to work to reduce the cost of the project.

Director Copley confirmed if an existing building was secured it would cost much less for renovations compared to a new build.

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

DISCUSSION of the proposed 2025-2034 Capital Improvement Plan and 2025-2027 Capital Improvement Budget, was presented.

Josh McAnarney, Senior Financial Analyst, reported the Governing Body will adopt a Capital Improvement Plan (CIP) covering a 10-year period and a Capital Improvement Budget (CIB) covering a three-year period with discussions continuing through the month of April 2024. He provided an overview of the Presentation Schedule, the CIP and Policy, Summary of Funding Sources, Constraints and Challenges in CIP Development, and the details outlined on the Project Pages.

Councilmember Dobler stated he believes it was time to increase the \$9 million bonding cap to address inflation costs for construction.

Councilmember Hoferer stated she concurs with Councilmember Dobler and referenced the costs associated with Polk-Quincy Viaduct Project.

Rachelle Mathews, Interim Finance Director, reported the Polk Quincy-Viaduct project would not be bonded; therefore, it would not have an impact on the bonding cap.

Councilmember Hiller stated she would like building expenses to be paid with cash instead of bonded. She noted projects cost 60% more when financed with bonds.

PUBLIC COMMENT was provided by the following individual:

Rachelle Hamilton expressed concern with the removal of the unsheltered population in public areas. She stated she believes it was inhumane for the City of Topeka to continue to perform this act instead of solving the root of the problem. She believes it was unconstitutional.

Councilmember Duncan left the meeting.

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

Brenda Younger, City Clerk, provided an overview of the March 12, 2024, Governing Body meeting agenda.

Councilmember Hiller commended Utility and Finance staff members for submitting over \$10 million of FEMA Cold Event expenses surpassing the threshold required for the entire state of Kansas to receive reimbursement funds. She spoke to the responsiveness of the Property Code Division and Public Works Department staff members. She thanked Councilmember Dobler for introducing the resolution requiring all CIP project budgets exceeding \$250,000 to be approved by the Governing Body.

Councilmember Valdivia-Alcala thanked Interim City Manager Nienstedt for his constant communication regarding on-going Information Technology (IT) issues across the organization.

Mayor Padilla announced electronic device updates for Governing Body members would take place on March 5, 2024, in the City Council Office.

Councilmember Banks offered his condolences to the family of former Topeka Fire Chief Richard “Frenchie” LaCrone.

Councilmember Kell announced Kansas Kids Wrestling would take place March 8-10, 2024 in Topeka, and he also recognized the Topeka Warhawks baseball league.

Councilmember Kell moved to recess into executive session for a time period not to exceed 45 minutes to discuss acquisition of property as allowed under KSA 75-4319(b)(6). The open meeting will resume in the city council chambers. The following staff assisted the Governing Body in its deliberation: Interim City Manager Nienstedt and other staff he deemed necessary. The motion was seconded by Mayor Padilla.

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.” (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.

NO FURTHER BUSINESS appearing the meeting adjourned at 9:10 p.m.

(SEAL)

---

Brenda Younger City Clerk