

Governing Body Minutes – April 2, 2024

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 2, 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. Absent: Councilmember Duncan -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 April 2, 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 April 2, 2024, for attachment to the meeting minutes.

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

THE PLEDGE OF ALLEGIANCE was recited by meeting participants.

Richard U. Nienstedt, Interim City Manager, introduced Pam Foster the new City of Topeka Human Resources Director.

A PRESENTATION on the Greater Topeka Partnership (GTP) 2024 Boise, Idaho, Intercity Tour was provided by Juliet Abdel, President and Senior Vice President of Governmental Affairs and India Yarborough, Director of Communications for the Greater Topeka Partnership.

CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Claim settlement in the amount of up to \$40,000 to resolve the claim with Ty Forshee for a work-related injury sustained by an employee while engaged in normal work duties, was presented.

MINUTES of the regular meeting of March 19, 2024, was presented.

Councilmember Dobler moved to approve the consent agenda. The motion seconded by Councilmember Kell carried unanimously. (9-0-0)

RESOLUTION NO. 9509 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 701031.00 and 281250.07 for street improvement and water line replacement for SW Topeka Boulevard from 29th Street to 21st Street, was presented. *(The Public Infrastructure Committee recommended approval on March 27, 2024)*

Braxton Copley, Public Works Director, reported the Public Infrastructure recommended approval on March 27, 2024 to authorize \$2,493,105 for mill and overlay, localized base patching, curb replacement, and water line replacement at SW Topeka Boulevard from 29th Street to 21st Street.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Miller carried unanimously. (9-0-0)

RESOLUTION NO. 9510 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project No. 841103.02 for 2024 Micro Surfacing, in the northwest quadrant of the city as part of the 2024 Street Contract Preventative Maintenance Program, was presented. *(The Public Infrastructure Committee recommended approval on March 27, 2024)*

Braxton Copley, Public Works Director reported the Public Infrastructure recommended

approval on March 27, 2024 to authorize \$1,520,159 for the 2024 Street Contract Preventative Maintenance Program to include crack sealing and micro surfacing at SW 21st Street, north to the City limits and from NW/SW Topeka Boulevard, west to the city limits.

Councilmember Duncan entered the room.

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

RESOLUTION NO. 9511 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project No. 841103.03 for Ultrathin Bonded Asphalt Surface (UBAS) treatment to segments along SE 6th Avenue from MacVicar to Monroe as well as portions of Monroe and Madison from 6th Avenue to 10th Street, was presented. (*The Public Infrastructure Committee recommended approval on March 27, 2024*)

Braxton Copley, Public Works Director, reported the Public Infrastructure recommended approval on March 27, 2024 to authorize \$1,000,000 for the Ultrathin Bonded Asphalt Surface (UBAS) treatment for segments along SE 6th Street from MacVicar to Monroe as well as portions of Monroe and Madison from 6th to 10th, allowing the section to serve as a detour route in preparation of Polk-Quincy Viaduct construction in 2025.

Councilmember Ortiz, Public Infrastructure Committee Chair, thanked Committee members for their work and encouraged the Governing Body to approve the projects.

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

RESOLUTION NO. 9512 introduced by Councilmember Neil Dobler updating a policy for reserve balances for the City of Topeka and repealing Resolution No. 8824, was presented.

Richard U. Nienstedt, Interim City Manager, reported Staff has been working with Councilmember Dobler on the proposed language amendments for the use of reserve funds.

Councilmember Dobler reported the proposed amendment would keep the reserve fund balance at 20% which was 5% above the 15% target as outlined in City policy. He stated the funds could be used for equipment replacement, certain capital projects, emergencies, disaster recovery or other qualifying items as recommended by staff. He noted the funds must be approved by the Policy and Finance Committee prior to approval by the Governing Body and could be used throughout the year instead of all at one time.

Councilmember Valdivia-Alcala spoke in support of the policy amendment because it allows the funds to be spent throughout the year and the Governing Body to carefully consider each funding request.

Councilmember Dobler stated he concurs with Councilmember Valdivia-Alcala and noted by spreading the funding request throughout the year it also provides the opportunity to use these funds for emergencies that may arise.

Councilmember Miller asked if the change in policy would cause delays in projects.

Councilmember Dobler reported the process change for these types of funds would not cause a delay because the funds are considered surplus in nature and would be used to fund new projects or other items that may come about.

Councilmember Hiller spoke in opposition of the policy change and stated she believes it was not necessary. She reported it was rare for the City to have a high percentage of surplus funds at the end of the year and referenced the many fiscal situations that have widely varied over the years. She stated the City's comprehensive Reserve Policy provides staff guidance on the use of reserves, sets reserve levels and helps them identify proper use of reserves and works well with the

capital and operating budget cycles while allowing projects to roll out as necessary through the year. She commended Staff for the proposed use of 2023 surplus funds and expressed the need of those types of proposed financial adjustments to be approved at this time during capital improvement budget deliberations.

Councilmember Banks spoke in support of the process amendment as it provides an opportunity to consider projects throughout the year.

Councilmember Dobler moved to approve the resolution. The motion seconded by Councilmember Valdivia-Alcala carried. Councilmember Hiller voted “no.” (9-1-0)

ORDINANCE NO. 20483 introduced by Councilmember Neil Dobler authorizing establishment of an unassigned reserve fund comprised of excess general funds in accordance with the City's reserve policy, was presented.

Richard U. Nienstedt, Interim City Manager, stated the ordinance establishes the fund and serves as the companion document to the City of Topeka Reserve Policy.

Councilmember Dobler moved to adopt the ordinance. The motion seconded by Councilmember Valdivia-Alcala carried unanimously. Councilmember Hiller voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Valdivia-Alcala, Ortiz, Banks, Kell, Miller, Dobler, Duncan, Hoferer and Mayor Padilla -9. Noes: Hiller -1.

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

Richard U. Nienstedt, Interim City Manager, stated David Jacobson, Kansas Turnpike Authority (KTA) and Derek Vap, HNTB Corporation would provide an update on the I-470 Topeka Interchange Study.

David Jacobson, Kansas Turnpike Authority, provided an overview of the history of the

Interchange Study and the Alternatives being proposed by KTA to include (1A) Diamond Interchange between SE California Avenue and SE 29th Street (1B) Modified Diamond Interchange between SE California Avenue and SE 29th Street, and (2) Diamond at SE 29th Street, the Alternative supported by KTA costing approximately \$17.97 million to construct in 2028. He reported the KTA would be completely converted to cashless tolling in July 2024. He also highlighted enhanced future land use scenarios for Alternative No. 2 and the capital costs to be paid by the City of Topeka over 30 years.

Councilmember Ortiz reported the project has been discussed for years and there are opponents and proponents in regards to support by city residents in southeast Topeka.

Councilmember Kell spoke in support of the interchange to provide the citizens more options to access southeast Topeka.

Councilmember Hoferer asked in what year the project was being proposed in the CIP.

Braxton Copley, Public Works Director, reported the project was included in the CIP for year 2030 at a cost \$18.3 million and noted the cost was lower because KTA was moving to a cashless tolling system.

Councilmember Duncan inquired on the use of Federal earmarked funds and how those funds could be used by the City. He questioned if the use of federal dollars would cause the project to be federalized. He inquired on sharing the cost to construct the interchange with Kansas Department of Transportation (KDOT) and if land acquisition cost was included in the proposed project cost.

David Jacobson reported he was unaware of the impact Federal dollars would have on the turnpike system. He also reported if the traffic count was higher KDOT may consider sharing the cost of construction with the City of Topeka; and acquisition of property was included in the total

program cost.

Councilmember Kell stated he believes more exits will appear along the turnpike due to the implementation of the cashless tolling system between the Bonner Springs and Wichita, Kansas areas.

Councilmember Dobler commended KTA for being a great partner over the years and building the KTA Cashless Customer Service Center Headquarters in Topeka at SE 38th Street & SE Topeka Boulevard. He stated the Governing Body has to determine if the proposed cost was a worthwhile investment; however, he believes it would be a good long-term investment.

Councilmember Hiller stated the traffic volume has always registered low for this area which was why KTA was proposing the City pay for the infrastructure piece. She noted many conversations have taken place in regards to the impact the Interchange would have on the businesses and the Shawnee County Lake.

Derek Vap, HNTB, stated the City's enhanced land use plan was used to help determine future traffic counts for the study.

Councilmember Banks stated he believes southeast Topeka has the ability to grow if given the opportunity.

Councilmember Ortiz asked when the project was initially approved in the CIP. She stated she believes the Interchange will benefit the city as a whole.

Councilmember Valdivia-Alcala requested Staff provide a tour of the proposed area where the Interchange would be constructed.

Councilmember Duncan stated before the Governing Body could make an informed decision they need to understand the economic development impact of the area as well as how community development of the area over the next year would be impacted.

Councilmember Dobler stated he believes this City should partner with the County to fund the project in a similar manner as other large KTA projects such as the Oakland Expressway and other City-County projects along I-470. He stated he would support the project as long as proper funding was established.

Mayor Padilla spoke in support of the project due to the possible economic development opportunities and the improved access of the city. He also spoke in support of working in collaboration with the County to help make a significant change in the community.

Councilmember Dobler suggested the Public Infrastructure Committee discuss the subject matter on a routine basis.

Interim City Manager Nienstedt spoke to the overall positive impact an interchange in the southeast area would have on the city of Topeka as a whole.

Councilmember Hiller stated the new design was significantly improved and she looks forward to input from area residents.

Josh McAnarney, Budget Manager, provided an overview of the list of changes as of March 21, 2024 to the CIP Book since it was distributed on February 20, 2024:

1. Elevation Parkway Road Extension Phase I & II – This project has been pushed outside of the CIP allowing the following:
 - 2025 Water Main Replacement Program to be increased from \$10,359,580 to \$12,151,580
 - 2025 Wastewater Lining & Replacement Program to be increased from \$1,120,000 to \$2,492,941
2. Curb and Gutter Program – This citywide half-cent sales tax program has been decreased from \$1,250,000 to \$900,000 per year (2025 – 2029).
3. FIRM Program – This project will switch from operating funds to being a General Obligation bonded program for the duration of the CIB (2025 – 2027).
4. Zoo Master Plan – This project will pay the obligations of the Topeka Zoo on a faster timeline to help meet their capital needs. The Interlocal Agreement allocates up to \$10,000,000 for Zoo Phases 1, 2, 3, 4 and 5.

Councilmember Duncan inquired on the timeline to approve the CIP and CIB and noted he would like to propose amendments.

Rachelle Mathews, Interim Finance Director, stated it was a good time to provide suggested changes to the CIP so they can moved forward with approval and Staff could begin working on the City of Topeka 2025 Operating Budget.

Mayor Padilla thanked Interim Finance Director Mathews for her service to the City.

PUBLIC COMMENT was provided by the following individuals:

Paul Lassley, Caravan Mobile Home Park resident, asked for an update on the approval of a City of Topeka vegetation ordinance to address overgrown vegetation and trees in neighborhoods, specifically the Caravan Mobile Home Park. He expressed concern with the public safety issue that continues in the Park and the lack of tenant protections. He stated he opposes the Limited Liability Companies (LLC) Ordinance prosecution process for Property Maintenance Code violations.

Mark Patrick Lodes expressed concern with the lack of enforcement by the Topeka Police Department of the most minor offenses and standard ordinances to keep citizens safe. He spoke to his disappointment with Governing Body members for not returning his calls. He asked the Governing Body to do their jobs or resign.

Danielle Twemlow expressed concern with the lack of fairness of the City of Topeka policy related to the “average water bill” assessed by the Topeka Water Department and other City policies.

Henry McClure asked the Governing Body to change the rules of Council Committees to allow citizens to provide input. He spoke in support of the I-470 Interchange on SE California Avenue and spoke to the importance of reinstating the MTPO Commission and getting the public

involved with the KTA Interchange process. He spoke in support of the City utilizing Federal funding for the turnpike.

Esther Nobel area resident expressed concern with the homeless encampment located in her neighborhood near the Oakland Pump Station and questioned why it was being allowed by the City to remain. She spoke to the programs available to address the unsheltered population issues. She suggested homeless encampments be moved to a centralized location for the safety of all involved.

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

Brenda Younger, City Clerk, provided an overview of the April 8, 2024 special meeting agenda and the April 9, 2024 regular meeting agenda.

Richard U. Nienstedt, Interim City Manager, announced the City recently received the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$175,000 providing assistance for HVAC, water heaters, insulation and weatherization materials.

Councilmember Hoferer reminded residents to educate themselves on the Polk-Quincy Viaduct street closures as well as other aspects of the project online at <https://www.polkquincy.ksdot.gov/>.

Councilmember Hiller thanked Rachelle Mathews, Interim Finance Director, for her service to the City of Topeka.

Councilmember Valdivia-Alcala acknowledged the homeless encampment located in Council District 2 near the Oakland Pump Station and the need for transparency in the process of enforcement of the no camping ordinance. She reported the City of Topeka suffers from the same issues as other communities related to broken mental health systems and addiction crisis as well as the lack of affordable housing and public health and safety risks. She urged Governing Body

members and citizens to offer the same compassion to the housed residents of Council District 2 as they do for the homeless population.

Councilmember Ortiz thanked Rachele Mathews, Interim Finance Director, for her service to the City of Topeka. She expressed the importance of Governing Body members checking their emails and answering their phone on a routine basis.

Councilmember Banks stated he relies heavily on the support of his fellow Governing Body members and thanked them for their guidance

Councilmember Kell asked drivers to be mindful and aware of street workers as they drive through construction zones. He asked residents to report potholes in the SeeClickFix mobile application.

Councilmember Duncan provided an update on the Housing Trust Fund Committee and stated it was moving forward. He commended Staff for their work in securing the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$175,000 and asked residents and Governing Body members to notify Staff of grant funding opportunities.

Mayor Padilla acknowledged that the Governing Body has been reminded that there is always room for improvement concerning constituent services.

Following a 10-minute recess, Councilmember Hiller moved to recess into executive session not to exceed 30 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: Interim City Manager Nienstedt and any other staff he deems necessary. The motion was seconded by Councilmember Duncan.

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.” (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.

Councilmember Valdivia-Alcala moved to recess into executive session not to exceed 20 minutes to discuss one or more applicants for employment as allowed under KSA 75-4319(b)(1). The open meeting will resume in the city council chambers. The following staff may be 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 Kell.

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.” (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 9:25 p.m.

(SEAL)

Brenda Younger City Clerk