

Governing Body Minutes – April 9, 2024

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, April 9, 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, 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 April 9, 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 9, 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.

A PRESENTATION on the Topeka Sustainability Advisory Board Annual Update was provided by Michaela Saunders, Topeka Sustainability Advisory Board Chair. Ellen Grey, Cub Scout in Pack 3010 spoke in support of the Topeka Sustainability Advisory Board.

Councilmember Valdivia-Alcala requested the Board provide an update in 6 months and include a comparison summary of the recommendations of the Board outlining the positive and negative impacts of the recommendations.

CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9513 introduced by Councilmember Spencer Duncan, granting Autumn Heydenreich an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented. (*Council District No. 8*)

MINUTES of the regular meeting of April 2, 2024, was presented.

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

PUBLIC HEARING

To consider a petition filed by McFarland Farm Master Association Owners Association, Inc., to vacate a portion of the right-of-way for SW Steeplechase Lane.

ORDINANCE NO. 20484 introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a portion of the island in SW Steeplechase Lane just south of SW 10th Avenue in McFarland Farm Subdivision in the City of Topeka, Shawnee County, Kansas, was presented. (*V23S/03*) (*Council District No. 9*)

Dan Warner, AICP, Planning Division Director, reported the Home Owners Association (HOA) currently insures the landscaping within the island including the water feature and a bronze monument and the HOA wishes to gain ownership. He stated no public utilities are located within the proposed vacated area, no issues were raised by reviewing agencies and notice requirements have been met for the public hearing.

Mayor Padilla opened the public hearing and asked if there was anyone present who would like to speak to the matter. Upon no one appearing the public hearing was closed.

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

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

04-09-24

Padilla -10.

RESOLUTION NO. 9514 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project Nos. 701045.00, 281250.13 and 501105.13 for reconstruction of the intersection with waterline replacement and stormwater conveyance system rehabilitation for 21st Street and Topeka Boulevard, was presented. (*Approved by the Public Infrastructure Committee on March 27, 2024.*)

Braxton Copley, Public Works Director reported the Public Infrastructure recommended approval on March 27, 2024 to authorize a total project budget of \$2,586,416 for the complete reconstruction of the intersection at SW 21st Street and Topeka Boulevard in conjunction with Waterline Replacement and Stormwater System improvements. He stated in order to move forward with the project efficiently and effectively the intersection will require full closure from August to December 2024.

Councilmember Ortiz encouraged residents and public safety vehicles to slow down in construction zones and to be patient during the construction season to ensure the safety of street workers.

Councilmember Kell commended Staff for combining the waterline and stormwater improvements to best utilize resources. He asked residents to be patient and allow the much needed repairs to take place.

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

RESOLUTION NO. 9515 introduced by Public Infrastructure Committee comprised of Councilmembers Sylvia Ortiz, David Banks and Neil Dobler recommending approval of Project

Nos. 841091.01, 841097.01, 601133.02, 281162.02, 281245.02 and 501105.11 for Hi-Crest Neighborhood Street Maintenance, 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 a 2-year project with a total project budget of \$6,515,365 for massive pavement rehabilitation in addition to replacement of curb and gutter, water mains, and storm sewer system in the Hi-Crest Neighborhood.

Councilmember Ortiz expressed her excitement for the much needed project and encouraged Governing Body members to approve the project.

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

RESOLUTION NO. 9516 introduced by Interim City Manager Richard U. Nienstedt regarding additional funding for operations and maintenance of Hotel Topeka, was presented.

Richard U. Nienstedt, Interim City Manager, thanked the Governing Body for taking the necessary steps to keep a valuable asset of the city operational.

Braxton Copley, Public Works Director, reported approval would authorize an additional \$500,000 tranche of operational funds from the General Fund (Hotel Non-Departmental Expense) to operate and maintain Hotel Topeka. He stated only \$30,000 of the initial \$1 million allocated for operations and maintenance remains.

Councilmember Doblér moved to approve the resolution. The motion seconded by Councilmember Miller carried. Councilmembers Valdivia-Alcala, Ortiz and Banks voted “no.” (7-3-0)

DISCUSSION and APPROVAL of a Contract between the City of Topeka and the Topeka

Cemetery Association for an additional budget allocation to provide for supplemental funding in the amount of \$50,000 for the purchase of a backhoe loader, was presented.

Richard U. Nienstedt, Interim City Manager, spoke to the importance of the request and the community pride associated with the cemetery.

Councilmember Valdivia-Alcala spoke to the beauty of the cemetery and the importance of providing financial support for the historical landmark.

Councilmember Ortiz spoke to the importance of maintaining the cemetery and honoring the historic people that have been laid to rest. She stated the contract language has been revised to include an additional \$50,000 to purchase a backhoe loader.

Lisa Ford, Topeka Cemetery Association, highlighted past and present volunteer events that have assisted with the maintenance of the cemetery. She invited Governing Body members to participate in the annual Historic Topeka Cemetery Ghost Tour in October.

Councilmember Kell commended TCA employees for their work in helping to maintain the cemetery. He recognized the community pride associated with the cemetery and encouraged citizens to volunteer to help with maintenance.

Councilmember Hiller thanked Lisa Ford for her service in maintaining the cemetery and promoting historic pride in the community.

Councilmember Ortiz moved to suspend the rules to add a contract to the agenda for consideration between the City of Topeka and the Topeka Cemetery Association for an additional budget allocation to provide for supplemental funding in the amount of \$50,000 for the purchase of a backhoe loader. The motion seconded by Councilmember Dobler carried unanimously. (10-0-0)

Councilmember Ortiz moved to approve a contract between the City of Topeka and the Topeka Cemetery Association for an additional budget allocation to provide for supplemental

funding in the amount of \$50,000 for the purchase of a backhoe loader. The motion seconded by Councilmember Dobler carried unanimously. (10-0-0)

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

Josh McAnarney, Budget Manager, reported this was the last scheduled discussion and requested Governing Body members propose amendments at this time.

Councilmember Dobler stated he believes they have spent adequate time discussing the CIP and CIB and would support approval on April 16, 2024.

Councilmember Hiller thanked Staff for their work on the process and for providing detailed answers to her questions. She referenced Staff's proposal to fund the FIRM Program with bonds instead of cash for the next 3 years. She spoke in support of keeping the FIRM Program in the Operating Budget because it was considered maintenance funds not capital improvement funds. She asked Staff to research if the approximately 30 unfunded vacant positions that were added prior to the 2023 Operating Budget are still needed or if there would be enough funds generated from these potential vacancies to keep the FIRM Program in the 2025 Operating Budget.

Councilmember Ortiz thanked Staff for their work and detailed explanation of the CIP and CIB.

Councilmember Duncan proposed the following amendments to the Capital Improvement Plan (CIP) and reported the Topeka Performing Arts Center (TPAC) should be included in the CIP to provide long-term financial stability. Proposed amendments total \$1.6 million to be allocated over 5 years:

- Amend the Capital Improvement Plan for fiscal years 2025-2029 to allocate \$325,000 annually to the Topeka Performing Arts Center (TPAC) for the purpose of capital improvement expenditures.

- The Board of Trustees of TPAC, in conjunction with relevant city staff, shall develop plans outlining the specific capital improvement projects to be undertaken each fiscal year, along with costs and timelines.
- The Board of Trustees of TPAC will present the improvements to the City Council Infrastructure Committee for approval prior to any expenditures.

Councilmember Hiller asked if Councilmember Duncan has prepared a list of funding suggestions to cover the cost of the proposed TPAC funding allocation amendments.

Councilmember Miller stated he concurs with Councilmember Duncan and spoke to the importance of improving the facility so revenue could be generated at its full potential.

Mayor Padilla spoke in support of the proposed TPAC funding amendments and the important role TPAC plays in the community.

PUBLIC COMMENT was provided by the following individuals:

Loretta Anno, Caravan Mobile Home Park resident, spoke to the issues being created by the landlord to include a substantial increase in rent as well as tenants must now cover the cost of water, sewer and trash. She spoke to the need of repairing the streets and providing for ADA accessibility in the Park. She asked the Governing Body for help with the dire situation.

Paul Lassley, Caravan Mobile Home Park resident, spoke to the need to adopt an ordinance to address overgrown vegetation for the purpose of protecting the safety of the residents in the Mobile Home Park. He asked the Governing Body if they are going to help the residents.

Kat Hamilton spoke in support of the Topeka Sustainability Advisory Board Report and the importance of the recommendations. She also spoke in support of a full-time City of Topeka Sustainability Advisory Coordinator. She expressed concern with the declining environmental threats and the need to grasp these issues as an opportunity to make a change. She encouraged the Governing Body to hire a new city manager that was committed to the sustainability of the city of Topeka.

Henry McClure spoke in support of Mainline Printing's capacity to facilitate a build-to-suit arrangement and offer a long-term lease for the relocation of the City's Fleet Garage. He stated he believes the City and County should allow the "market" to determine what type of businesses should be attracted to the Topeka-Shawnee County area.

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

Brenda Younger, City Clerk, provided an overview of the April 16, 2024 Governing Body meeting agenda.

Richard U. Nienstedt, Interim City Manager, announced the City received a \$30,000 grant for Latino entrepreneurial opportunities.

Councilmember Hoferer announced upcoming street closings due to the Polk-Quincy Viaduct Project and encouraged residents to find alternative routes. She stated more project information could be found online at <https://www.polkquincy.ksdot.gov/>.

Councilmember Hiller thanked Councilmember Dobler for introducing the resolution requiring all CIP project budgets exceeding \$250,000 be approved separately by the Governing Body. She thanked City Staff and residents for their assistance with hiring a new city manager.

Councilmember Valdivia-Alcala provided an update on the efforts that have been made by the City to provide relief for Caravan Mobile Home Park residents and expressed the importance of the residents taking an active role in seeking justice. She asked Park residents to call her at 785-233-7110 so they can work together to find a resolution.

Councilmember Kell thanked Staff members and citizens for their assistance in helping the Governing Body hire a new city manager.

Councilmember Miller thanked City Staff members and residents for engaging in the city manager hiring process. He spoke to the importance of exposing kids to different experiences and sports and the positive impact it has on their lives. He announced the Topeka Rowing Association would host a “Learn to Row” event on June 1, 2024.

Councilmember Dobler thanked the five city manager candidates for traveling to Topeka and investing their time in the interviewing process.

Councilmember Duncan announced the Downtown and NOTO Common Consumption Areas would go into effect on April 15, 2024. He commended the City of Topeka for taking the lead in proposing the laws surrounding the establishment of common consumption areas across the state.

Mayor Padilla thanked City Staff and citizens for their assistance in choosing a city manager. He spoke to the importance of youth and teen sports and the positive impact it has on their lives.

Following a 10-minute recess, Councilmember Dobler moved to recess into executive session for a time not to exceed 1-hour to discuss the five candidates for city manager as allowed under K.S.A. 75-4319(b)(1). The following individuals will be present to aid in the discussion: The Members of the Governing Body; City Attorney, Amanda Stanley; and anyone else the Governing Body finds useful. The opening meeting will resume at the completion of the executive session in the City Council Chambers. 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. However, because there was a need to conduct a second executive session the Governing Body must suspend the rules and allow the meeting to extend past 10:00 p.m.

Councilmember Miller moved to extend the meeting past 10:00 p.m. The motion was seconded by Councilmember Kell.

Mayor Padilla asked all those in favor of extending the meeting past 10:00 p.m. 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)

Councilmember Dobler moved to recess into executive session for a time not to exceed 1-hour to discuss the five candidates for city manager as allowed under K.S.A. 75-4319(b)(1). The following individuals will be present to aid in the discussion: The Members of the Governing Body; City Attorney, Amanda Stanley; and anyone else the Governing Body finds useful. The motion was seconded by Councilmember Hoferer.

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 9:48 p.m.

(SEAL)

Brenda Younger City Clerk