

**Governing Body Minutes – June 2, 2020**

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, June 2, 2020. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Emerson, Nager, Dobler, and Duncan - 5; and the following Councilmembers participated remotely: Valdivia-Alcala, Padilla, and Lesser - 3. Mayor De La Isla presided -1. Absent: Councilmember Ortiz -1

AFTER THE MEETING was called to order, Pastor Carl Frazier, New Hope and Love Community Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9176 introduced by Councilmember Karen Hiller, approving a special event known as the Rock and Food Truck Festival, was presented.

RESOLUTION NO. 9177 introduced by Councilmember Karen Hiller granting Greater Topeka Partnership, an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

APPROVAL OF MINUTES of the regular meeting of May 19, 2020, was presented.

APPROVAL of the following Cereal Malt Beverage-Off Premise and Open After Midnight licenses was presented:

**Cereal Malt Beverage-Off Premise**

**Business Name**

29<sup>th</sup> Gas & Shop  
Buy & Ride #7  
California BP  
Fairlawn Express  
Gas & Shop  
Good Trip  
Haag Express

**Address**

1611 SE 29<sup>th</sup> St.  
810 SE 15<sup>th</sup> St.  
2740 SE California Ave.  
706 SW Fairlawn Rd.  
1900 N Topeka Blvd.  
1320 SW 6<sup>th</sup> Ave.  
1001 SW Wanamaker Rd.

**Business Name**

Holiday Square 66  
I70 BP  
Kicks 66  
Lakeview 66  
Larry’s Short Stop  
Oakmart BP  
Plaza BP  
Sam’s Club #8176  
The Goose Express  
Valero  
White Lakes 66

**Address (continued)**

2901 SW Topeka Blvd.  
1000 SW Wanamaker Rd.  
3300 SW Gage Blvd.  
3000 SE Croco Rd.  
3834 SW Topeka Blvd.  
2518 NE Seward Ave.  
1401 SW Huntoon St.  
1401 SW Wanamaker Rd.  
2901 SE Fremont St.  
2004 NW Tyler St.  
931 SW 37<sup>th</sup> St.

**Open After Midnight**

**Business Name**

American Legion Post 400  
Axe & Ale (NEW)  
Blue Moose  
Denny’s #7268  
Denny’s #7269

**Address**

3029 NW US Hwy 24  
115 SE 6<sup>th</sup> Ave.  
3030 SW Wanamaker Dr.  
1500 SW Wanamaker Rd.  
3210 SW Topeka Blvd.

Councilmember Padilla moved to approve the consent agenda. The motion seconded by Councilmember Lesser carried unanimously on roll call vote. (9-0-0)

RESOLUTION NO. 9178 introduced by City Manager Brent Trout temporarily suspending certain Governing Body Rules and Procedures in response to the COVID-19 pandemic, was presented.

Brent Trout, City Manager, reported in order to continue conducting Topeka Governing Body meetings in a manner that will allow for maintaining appropriate social distancing measures, the Governing Body Rules will need to be temporarily suspended through July 8, 2020. He noted staff plans to present the Housing Study in person at the July 14, 2020, Governing Body meeting as it was anticipated social distancing rescriptions will be reduced June 8, 2020

Councilmember Ortiz joined the meeting remotely.

Councilmember Hiller asked if the Governing Body would have the option to conduct a live meeting if needed.

Councilmember Emerson asked when in-person public comment will resume at Governing Body meetings.

Councilmember Duncan noted citizens could be allowed to attend public meetings as early as the second week of June if allowed by Shawnee County Emergency Management.

Councilmember Dobler asked if citizens would follow the regular procedure to sign up to speak for public comment.

Councilmember Hiller requested a list of the staff members participating remotely prior to Governing Body meetings. She noted individuals have the option to allow public participation via Zoom.

Brent Trout reported the Governing Body would still have the ability to conduct meetings live; and public comment will be allowed at Governing Body meetings as soon as Shawnee County Emergency Management allows 30 or more people to gather in one place.

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

RESOLUTION NO. 9174-A introduced by City Manager Brent Trout, authorizing and adopting the 2021-2030 Capital Improvement Program and the 2021-2023 Capital Improvement Budget and approving project budgets as presented, was presented.

Brent Trout, City Manager, reported Resolution No. 9174 approved on May 19, 2020, deleted certain page numbers for projects in the Capital Improvement Program (CIP) and Capital Improvement Budget (CIB) that utilized General Obligation (GO) bond funding and Half Cent City Sales Tax funding. He stated the City's bond counsel expressed concern with the deletion

of pages numbers jeopardizing bond and budget authority; therefore, staff recommends reinstating those page numbers. He noted all other proposed amendments will be retained.

Councilmember Dobler stated he was comfortable with the language amendments as proposed by staff as it clarifies the action taken by the Governing Body on May 19, 2020.

Councilmember Dobler moved to amend the action previously taken on May 19, 2020, through which the Governing Body voted to approve the 2021-2030 CIP/2021-2023 CIB Resolution No. 9174 by reinstating the page numbers and adopting the proposed resolution. The motion seconded by Councilmember Naeger carried unanimously on roll call vote. (10-0-0)

RESOLUTION NO. 9179 introduced by City Manager Brent Trout authorizing an extension of premises into public sidewalks for certain business licensed by the State to serve alcohol, was presented.

Brent Trout, City Manager, reported Downtown Topeka, Inc. has requested consideration of authorizing an extension of premises for downtown and NOTO businesses that are licensed by the State to serve alcohol in order to facilitate social distancing. He stated an establishment would have to secure a permit from Development Services for use of the sidewalk and comply with all applicable requirements.

Councilmember Duncan stated the State of Kansas Alcohol Beverage Control (ABC) will allow businesses to extend as far as 50 feet from the premise to deliver alcohol curbside. He reported each business that holds a liquor license must provide a diagram every two years to ABC for approval outlining the area of the business they want to be licensed. He encouraged business owners that are interested in receiving permission to extend their premises to contact him directly.

Councilmember Duncan moved to amend the resolution to include the following businesses. The motion was seconded by Councilmember Valdivia-Alcala.

1. Brass Rail Tavern           401 NE Emmett
2. Dutch Goose2303        SW 10<sup>th</sup> Street
3. Oscar's Bar & Grill       1424 SW Lane Street

Councilmember Padilla stated he supports the resolution; however, he encouraged staff to make sure adequate controls are in place to ensure public safety.

Councilmember Hiller spoke in support of the resolution. She stated there was a fair amount of flexibility that will be allowed by ABC in regards to serving alcohol; however, overall, any restaurant would be allowed to expand their business as needed by temporarily lifting sidewalk dining restrictions to help businesses restart and at the same time give them more customer capacity while maintaining social distancing during the COVID-19 pandemic. She asked if permit fees would be waived.

Brent Trout reported he will have the authority to waive permit fees.

The motion to amend the resolution by including Brass Rail Tavern, Dutch Goose and Oscar's Bar & Grill carried unanimously on roll call vote. (10-0-0)

DISCUSSION on the City of Topeka 2020 Operating Budget was presented.

Brent Trout provided a brief update and stated the Sales and Use Tax revenue numbers for the City were down 8.3%. He stated more information on revenue numbers would be reported at the June 9, 2020, Governing Body meeting.

PUBLIC COMMENT: Due to the public safety mandates surrounding the COVID-19 pandemic there will be no in-person public comment; however, written public comment may be submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: [cclerk@topeka.org](mailto:cclerk@topeka.org) -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603.

The following individuals submitted public comment via electronic mail: Karen Simecka and Joseph Ledbetter. (*Attachment A*)

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

Governing Body members commented on the death of George Floyd, a 46 year-old man that died in Minneapolis, Minnesota, on May 25, 2020, due to choke-hold restraint by Derek Chauvin, a Minneapolis police officer. They expressed their pride in the community for protesting in a peaceful manner to address racism, inclusion and equality on a local and national level. They discouraged the infusion of violence in protesting as it shadows the positive message to make a change. They expressed the need to continue open and honest dialogue with area youth as well as putting action to words and understanding the importance of integrity. They commended the Topeka Police Department for their positive leadership, transparency in operations and community partnerships during difficult times.

Councilmember Valdivia-Alcala requested a breakdown of the 912 hours of training provided to Topeka police officers, specifically as it relates to cultural awareness and bias, crisis awareness and de-escalation. She inquired if the Topeka Police Department uses choke holds for purposes of restraint. She listed names of women and men that have lost their lives as a result of police brutality across the nation, including Topeka citizen Dominique White in 2017. She requested the Governing Body consider engaging in training related to race relations and hate crimes. She inquired on the status of the Strengthening Police and Community Partnerships (SPCP) program; and asked the City Manager to consider creating a Citizen Review Board in conjunction with the independent Police Auditor to be proactive in events occurring on a local and national level and supporting community policing. She expressed concern with

frequent closings of Topeka Fire Stations No. 1 and No. 9.

Bill Cochran, Topeka Police Chief, provided an overview of the amount of cultural awareness and bias, mental health, crisis intervention and de-escalation training received by Topeka police officers. He reported the act of choke holds has not been practiced by the Topeka Police Department for at least five years.

Brent Trout stated a Citizen Review Board would be the next step if the access and/or process related to the Independent Police Auditor becomes ineffective. He clarified the SPCP program was still in existence; however, the program has not been as active as when it began.

Councilmember Hiller moved to recess into executive session for a period of time not to exceed 20 minutes to discuss the acquisition of real property as justified by KSA 75-4319(b)(6). In order to aid the discussion, the following individuals were present: Members of the Governing Body; City Manager, Brent Trout; Public Works Director, Jason Peek; Planning Director, Bill Fiander; Deputy City Attorney, Mary Feighny and Topeka Police Chief, Bill Cochran. No action was anticipated to be taken when the open meeting resumed in the Governing Body Chambers. The motion seconded by Councilmember Naeger carried on roll call vote. Councilmember Ortiz voted “no.” (9-1-0)

Following a 20-minute time period, the regular meeting reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:40 p.m.

(SEAL)

---

Brenda Younger  
City Clerk

Attachment A

## Brenda Younger

---

**From:** Brenda Younger  
**Sent:** Monday, June 01, 2020 9:38 AM  
**To:** Sylvia Ortiz; KAREN SIMECKA  
**Cc:** City Council; City Clerk  
**Subject:** RE: PUBLIC COMMENT

Received – thank you

---

**From:** Sylvia Ortiz  
**Sent:** Monday, June 01, 2020 8:56 AM  
**To:** KAREN SIMECKA  
**Cc:** City Council; City Clerk; Brenda Younger  
**Subject:** Re: PUBLIC COMMENT

Thanks for your input, I value your opinion.

Sent from my iPad

On Jun 1, 2020, at 12:40 AM, KAREN SIMECKA <[ksimeckal@gmail.com](mailto:ksimeckal@gmail.com)> wrote:

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm personally against the current 12th street project which narrows it down to one lane. As a lifetime resident with ties to the Elmhurst and College Hill neighborhoods, I think the project is a terrible idea. The main reason that the traffic count was so low, was because the street is in such bad shape - same for Huntoon. This has been a major artery for traffic going east and west for decades. Emergency, fire and police use this constantly for easy access to all areas of this city. I want to keep the 2 lanes, with a bike lane (like Washburn & Lane) and sidewalks for pedestrian traffic would be a huge plus. There's got to be a compromise. I hope someone will listen to my concerns and make some changes for the community as a whole. Thanks you for your time.

Sincerely,  
Karen Simecka  
[ksimeckal@gmail.com](mailto:ksimeckal@gmail.com)

## Kelly L. Bogner

---

**From:** Joseph Ledbetter <joe@josephledbetter.com>  
**Sent:** Tuesday, June 02, 2020 5:54 PM  
**To:** City Council; City Clerk; Michelle De La Isla; Brenda Younger; Neil Dobler  
**Subject:** Meetings open to public. For the Record. These are my words only.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I believe it's time for the public to be able to speak again at council meetings. If I can survive a Walmart that certainly wasn't as clean as Council Chambers, or churches I have attended, then I think we can all survive the tax payers of this city coming to meetings again.. I see no health issues with this.

On CIP- Stop the incessant, and out of control revenue bond borrowing! This city IS SHRINKING-not growing. You should only be doing revenue bonds when you are growing-We ARE NOT. -5000 pop. loss in the past 7 years! That is a Serious' red flag' to any good manager, (This city staff has not had one idea to address that very serious problem).

Please DO NOT fund the storm water plan.-A complete waste of money and dangerous to business and development-Last year the administration funded an unnecessary storm water crater in the middle of Gage Park, for \$1.3 MILLION Dollars-somebody did well on that! And the design is flawed-not even connected to the new, zoo parking lot-as proposed, and it is also holding green, slimy water now-which it is not supposed to be holding water. ! I do not trust management with these storm water proposals. The trust is broken. The Utilities Dept.needs new leadership after that fiasco and more direct oversight by this Board of Directors(The Council-Mayor).

Next year's budget. Look at cutting 40-50 staff- Exempt the Police and Fire Depts.

Cut all travel.

Consider leasing our fire truck tires. Goodyear does a five year lease with Topeka Metro on our buses-I am on that board. It really saves a lot of money!

On the budget: We need to start privatizing street repairs and water line repairs. Possibly save millions over the next several years.Also, we should consider privatizing the administration of the Water Dept.

And we don't need 5 to 6 PR folks for this size of a City. One should be sufficient. Cut.

I will have more cuts and ideas later.  
Thank you.