



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## POLICY AND FINANCE COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
Topeka, KS 66603-3914  
Tel: 785-368-3710  
Fax: 785-368-3958  
www.topeka.org

Date: December 3, 2021

Time: 10:00 a.m.

Location: 1<sup>st</sup> Floor Conference Room; Holliday Bldg 620 SE Madison (*virtual option also available*)

**Committee members Present:** Spencer Duncan (Chair), Tony Emerson, Hannah Naeger

**City Staff Present:** City Manager Brent Trout, Chief of Staff Bill Cochran, Finance Director Stephen Wade, City Attorney Amanda Stanley

### 1) Call to Order

Chairman Duncan called the meeting to order at am. Committee members introduced themselves.

### 2) Approve Minutes from November 16, 2021 Meeting

Committee member Emerson made a motion to approve the minutes. Committee member Naeger seconded the motion. Minutes approved 3-0-0.

### 3) 2022 Legislative Priorities

Chairman Duncan noted this item had been sent back to the Committee by the Governing Body. He stated that after the review of this list, he would like to discuss setting guidelines for the future regarding the Policy & Finance Committee performing an annual review of the Legislative Priorities.

Whitney Damron, Lobbyist for the City of Topeka, provided a list of legislative priorities for the City of Topeka for the 2022 legislative session.

Mr. Damron noted there was an issue for consideration regarding the Menninger Clock Tower project. The entity will be seeking some State money. If they choose to take that option, they may be retaining a Lobbyist. If that occurs, Mr. Damron suggested the City and delegation may want to come in and secondarily express support for the redevelopment.

Mr. Damron also noted the Interim Tax Committee met the past week and are stumbling through a Taxpayer Bill of Rights (TABOR). This would look like a

constitutional amendment to either limit spending or limit taxes and is definitely a work in progress. He stated this would be something the City of Topeka would want to be aware of, as to what impact it might have on cities and counties and state local revenue shares, and to monitor it as it goes through legislation.

Chairman Duncan read through the document that Mr. Damron had provided:

- Docking Building - Chairman Duncan stated there had been some back and forth with recommendations, and that one of the versions of recommendations from the City was to go down to three floors. He was fine either recommendation that the Governing Body would make, but he would like to see the City's position to include a caveat that the State make every effort to work with the City to preserve anything of historical value. That could look like including pieces into the new design, but even if they cannot do that, he would like to have that effort made regardless to allow for the City or another group who may be interested in moving an item for preservation to do so. Committee members Naeger and Emerson agreed with comments made by the Chair.
- KDHE Lab - Chairman Duncan noted he did not have any issues to continue supporting the recommendations. Mr. Damron noted a final decision had not yet been made on this location, and stated there had been discussion between this lab being on KNI grounds or Parking Lot 4. Chairman Duncan stated he felt either location would be acceptable, he was just supportive of keeping it in Topeka. Committee members Emerson and Naeger agreed.
- ARPA and Federal Infrastructure Investment Jobs Act (IIJA) - Chairman Duncan felt supportive of continuing the efforts with these proposals. Committee member Emerson noted he had heard that the IIJA money would be coming to the State and then provided to cities from there, and he wanted to ensure the City of Topeka received a fair share of that allocation. City Manager Brent Trout confirmed this process, and noted it would be likely that the City of Topeka would be able to receive some of that money, however it would likely be a very competitive process. Chairman Duncan noted it would be important to continue to follow this process very closely to help advocate for equal fairness of fund distribution to all cities regardless of size. And secondly, that the City stay on top of this process to begin submitting things as soon as we are able to. He also recommended that the Governing Body, as a whole, extend an invitation to the Secretary to have a conversation with us to explain the process so that the City can outline our needs as a capital city. Stephen Wade, Finance Director, added that he had received an updated from the Department of Commerce the day prior specifically on this issue. The majority of the funding will go toward roads, but the other point of emphasis is going to be lead service lines. Committee member Emerson noted that Topeka Boulevard was a state highway at one point in time, and possibly is still considered to be

one. He inquired if that may be something that could receive some of the KDOT funding to help redo that project. Chairman Duncan noted that part of that stretch of Topeka Boulevard also falls under Shawnee County jurisdiction, and that suggested drafting some type of joint proposal to request funding to cover the cost of the whole stretch would be beneficial. Chief of Staff Bill Cochran noted that when KDOT put in stuff on South US-75, a lot of Topeka Boulevard was then turned over to the City of Topeka. Anything running from city limits to city limits will be under the City of Topeka jurisdiction to maintain. Chairman Duncan noted that regardless, Topeka Boulevard is a main arterial street and there is a need to bring it to better condition.

Committee member Emerson stated he had heard that some of the funding might also be for the airports. He would like to have a presentation from Metropolitan Topeka Airport Authority (MTAA), as they have received some of the funding directly. He feels the City should have some input on what is happening to some of the huge economic development corridors. Chairman Duncan agreed that a presentation from MTAA would be a good idea. He noted that in the two years that he has been on the City Council, MTAA has not provided any type of update or formal presentation. Chief of Staff Cochran noted he had been attending the board meetings and confirmed they had received grant money. Some of the funding would be put toward the renovation of the old terminal on Forbes Field to bring it up to COVID-19 standards. They received a large grant to do so, but will not be using all of the money for only that project. They will also use the COVID-19 Grant dollars to remove some of the old buildings that are not rehab-able and have asbestos in it. They will also complete some utility work at Billard Airport. He agreed that a presentation from MTAA to the Governing Body would be warranted and noted he had been having conversations with the City Attorney to review term limits of some of the Board members. Committee member Emerson inquired if the MTAA would be bringing those project proposals to the Governing Body at some point to talk about? He noted a terminal that is empty 99% of the time, versus something in town that has several hundred people who use it daily, and wondered why money would not be spent instead to redo a terminal that more people use? He expressed disagreement in the proposed projects. Chairman Duncan stated he felt a presentation in January 2022 would be timely and appropriate to request. Chief of Staff Cochran agreed, and noted that would also be a good time to request the Governing Body to inquire about the status of recruiting staff for the airline as well.

- Monitor Legislative Post Audit Study of Government Competition - Chairman Duncan noted he attended a recent presentation about this topic, and that he spoke up after the presentation, stating that although they were not entirely incorrect in their assessment of the issues, their only solution seemed to be was to let everyone stop paying property taxes. For a local government, that is

an issue. He asked them if they had looked into any other solutions that would level the playing field, and had they looked at the impact to local municipalities. The speaker's response was "I work in Washington D.C. and the local municipalities are not my concern". Chairman Duncan noted this was not an answer he felt was acceptable, and would like to see more tools for local governmental entities to solve problems and set some rules regarding taxing policy and other items that are included in this study. Committee members Emerson and Naeger nodded in agreement and had no additional questions or comments.

- Sales Tax on Food - Chairman Duncan noted this was something he added to the list. He stated that the estimate is, if they totally eliminate food sales tax, up to \$5M of the City's budget would be lost. He stated it was very likely that they would be doing something with the sales tax for food. He would like to take the position of supporting that the State address the issue, and for the City to not necessarily take a position on what the percentage should be that is eliminated, but supportive of them taking action. And to also support leaving in the local control portion of it and only focusing on the State portion of it. This would give the City to have some local control of it. Chairman Duncan felt it was important to be part of the conversation, although not necessarily part of the final decisions.

Committee member Emerson noted that the State's sales tax on food is 6.5%. And that the City and County combined is 2.65%. His position would be to leave the 2.65% of the City/County and reduce the State percentage to whatever lower they wanted to. Any reduction from the State side would benefit the citizens. He also suggested that if the State wanted to also remove the City/County tax, they could then help by paying some PILOT fees to help with some of the buildings in town. Chairman Duncan stated he understood the position to state it would leave local municipality rates to them.

- Broadband Investment under ARPA and IIJA - There were no questions or comments about this issue. The committee agreed this was an issue to keep on the list.
- Home Rule and other Priorities - The City continues to support not letting the State limit the City's Home Rule. No additional questions or comments.
- Carryover Issues - Chairman Duncan stated there was really no new information on those issues, and that the City had had positions on those. Basically, this just keeps things moving forward and has the City starting to look at legislation for 2023 on the Abandoned Housing issues.

Chairman Duncan circled back to the two issues Mr. Damron discussed at the beginning. He stated that with regard to Menninger Hill, he did not feel that the Governing Body was opposed to redevelopment, but that the concern remained that it continue to be a working community effort as the City simply does not have the dollars to step in and take it over. He also felt that there would be consensus that if the private group had the opportunity to receive State funding, the City could find ways to support the effort. Chairman Duncan inquired if a presentation from this group would be brought to the Governing Body at some point. He expressed a caveat that he would like to get to know this group and their plans better before moving forward with expressing verbal support of them and their efforts. City Manager Trout confirmed that they are a reputable group that has done a number of similar projects. He noted that a presentation should be coming forward in the near future. The group is still wanting it to be somewhat quiet until they get a little further along, however private conversations could take place with the Council members. Chief of Staff Cochran agreed with comments made by City Manager. Committee member Emerson stated he was agreeable to the project as long as they were not requesting property tax exemption status. City Manager Trout stated that one of the incentives that they will receive is NRP. This was approved when we approved the latest plan for the neighborhood revitalization program. They have applied for that, and there will be some exemption, however once that exemption expires they will be paying property taxes. There will be an incentive provided to get the project completed, but then they will begin paying property taxes. Chief of Staff Cochran noted that they will receive some federal funding as it is a historic preservation project, as well as it being rehabbed for senior living.

Chairman Duncan also brought back the topic of the Tax Bill of Rights. There is some concern because this is happening suddenly and without much forethought. Chairman Duncan did not feel there was much of a position for the City to take, at this point, except to direct Mr. Damron to keep the City informed as things change. Much like the rest of the things, if the State wants to put measures in place that restrict them, then the City would likely not have much contention with that, however if they start restricting the abilities of the municipalities, there will be some issues.

City Attorney Amanda Stanley noted that due to the December 10<sup>th</sup> deadline from the Shawnee County Delegation, she would plan to put this into a Resolution format for the Governing Body to take action on at the December 7<sup>th</sup> Governing Body meeting.

**MOTION:** To direct the City Attorney to put the 2022 Legislative Priorities into Resolution form for the Governing Body's approval. Motion by Committee

member Emerson was seconded by Committee member Naeger. Motion approved 3-0-0.

Chairman Duncan stated he felt reviewing the Legislative Priorities would be an item that would be set as a living document to be reviewed and changed as needed on an annual basis. He would like to have the Policy & Finance Committee add the process to their duties, perhaps in July, to then bring recommendations to the Governing Body in early Fall. Committee members Emerson and Naeger agreed.

#### **4) Governing Body Rules and Procedures** (video 32:00 minute mark)

Chairman Duncan noted that there were only a few areas on this document to really review and make recommendations on.

Electronic Participation -The new change would state that a Governing Body member would notify the Mayor, Deputy Mayor, or City Manager within a minimum of 24 hours of a plan to attend a Governing Body meeting virtually, to be allowed up to three times annually. Committee member Naeger inquired if there should be any language added to address penalties or process for any Governing Body members who would seem to abuse this policy. Chairman Duncan felt there would not be a need to include language, and that the topic could be addressed if it came up. His thought would be that the forth request would be denied by the Mayor/Deputy Mayor/City Manager.

Committee member Emerson inquired if the limitation would extend to Committee meetings as well, or only apply to the Governing Body meetings. Chairman Duncan stated there is another section in the document that discusses Committees and that there are no regulations on electronic participation for those. The discussion at the time seemed to lead that we wanted to be more flexible with people on the Committees. He sought confirmation from City Attorney Stanley as to whether or not clarifying language needed to be added. City Attorney Stanley confirmed this would only apply to Governing Body meetings.

6.3 Motions - Currently states “Except as otherwise provided by ordinance, statute or these rules, all motions shall require a second before such motion may be considered and may be either affirmative or negative...”. Chairman Duncan and City Attorney Stanley noted there did not seem to be a need for the word “negative”, that a motion either receives a second, or it does not. Committee members Emerson and Naeger agreed with the suggestion to remove the language “affirmative or negative” from this section.

With regard to subsection 6.3(b), Chairman Duncan noted there had been some confusion with this language, stating that the way it is currently written it does

not allow for a further amendment to be made to an initial amendment. He was not sure if that had been the original intention or not. Chairman Duncan's concern was that restricting this process limits the ability to make additional amendments and have further conversations on an item. He noted that although the process is drawn out longer when these amendment to amendments take place, it does not happen very often. He would prefer to leave the language as is, to allow for an amendment to an amendment, and if the Governing Body does not like it, they will either not provide a second or will vote it down.

City Attorney Stanley stated that to adhere to Chairman Duncan's proposal, the sentence stating "A motion shall be amended only once before a vote has been taken", would be deleted. Chairman Duncan confirmed.

New - 6.3(g) To Call the Previous Question - Chairman Duncan felt the way this is written would call to question, which is a very specific rule, would allow discussion to continue. However, the intention of calling to order and the requirement of needing two-thirds of a vote to do that, is to try to force a vote at that time. It is a procedural action that people use to stop debate and force the Body to take action. If the change moves forward, it would essentially allow for the ability to call the question and still have a conversation without the required vote. Chairman Duncan noted this is another action that is not used with frequency, and is hesitant to change this language. He would like to keep it as a more traditional calling of the question procedure.

Committee member Emerson stated his understanding of the intent was to ensure each person had a chance to speak to the motion before the question was called, however he also understood where Chairman Duncan was coming from. He would prefer to leave the language as it is, noting that it really has not been an issue in his experience.

Committee member Naeger wants to preserve the right to allow everyone to speak. She noted that this may be something to review again at a future time, but to leave it as it is at this time.

Chairman Duncan agreed. No change recommended.

Final section for review - Chairman Duncan addressed the intent is to make sure the definition of a quorum must consist of people physically in the room, unless the Governing Body Rules are suspended, to not include Governing Body members attending virtually.

Committee member Naeger sought confirmation that this rule would apply only to Governing Body meetings, and not Committee meetings. Chairman Duncan confirmed. Committee member Naeger agreed.

City Attorney Stanley felt this should be added to Section 2.2 Quorum, with explicit language, as that would be the location people would naturally look to for quorum rules. Chairman Duncan agreed.

Committee members Emerson and Naeger agreed with this additional change and clarifying language.

Chairman Duncan clarified that the language in Section 8.6 which defines meeting participation and attendance for the Committees, would be a substantial change in that it would now allow for the option to attend any committee meeting virtually.

MOTION: Chairman Duncan made a motion to move to approve the amended Governing Body Rules and Procedures document to the Governing Body for consideration of approval. Committee member Emerson seconded the motion. Motion passed 3-0-0.

#### **5) Other Items**

No additional items.

#### **6) Adjourn**

Chairman Duncan adjourned the meeting at 10:55am.

The video of this meeting can be viewed at: [https://youtu.be/0Ac9t\\_58Kbo](https://youtu.be/0Ac9t_58Kbo)