



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC WORKS INFRASTRUCTURE SPECIAL COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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Date: May 17, 2022

Time: 11:00 a.m.

Location: 1<sup>st</sup> Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison  
(*virtual attendance option also available*)

**Committee members present:** Council members Neil Dobler, Tony Emerson (Chair), Sylvia Ortiz served as proxy to Michael Lesser, who was absent.

**City staff present:** Interim City Manager Bill Cochran, Utilities Director/Interim Public Works Director Braxton Copley; Public Works: Hannah Uhlrig, Tony Trower, Jason Tryon, Robert Bidwell, Finance: Director Stephen Wade Legal: Deputy City Attorney Mary Feighny; Communications: Director Gretchen Spiker

### Call to Order

Chairman Tony Emerson called the meeting to order at 11:00am. Committee members introduced themselves. Committee member Lesser was absent; Council member Sylvia Ortiz served as his proxy.

### Approval of April 19, 2022 Meeting Minutes

Committee member Dobler made a motion to approve the minutes. Committee member Ortiz seconded the motion. Minutes approved 3:0.

### Parking Plan Update

Interim Public Works Director Braxton Copley stated the parking proposals have been presented before the Governing Body, however with additional concerns brought to Staff from the Governing Body, he is seeking guidance from the Committee to provide direction with proceeding. Director Copley feels at this time, this matter falls under a policy decision.

Committee member Dobler reviewed proposals that were provided by Staff related to the acquisition RFQ. [This information can be found on the Committee's webpage at: <https://www.topeka.org/citycouncil/public-infrastructure> ].

He stated his understanding of the RFQ was to see if there was an interest from outside parties to purchase the garages. It appears that there is at least some interest. Interim City Manager Bill Cochran stated he felt there were enough responses received that Staff could begin moving forward. However, he wanted to ensure the Governing Body also felt comfortable with the number of offers received. Committee member Dobler stated he felt this conversation may need to be held by

the full Governing Body, however, with possible recommendations from the Committee. He noted that the Governing Body would be discussing this item at the May 17<sup>th</sup> meeting. City Manager Cochran stated he was understanding that Mayor Padilla was going to call a special meeting for May 24<sup>th</sup> of the Governing Body to strictly discuss the parking garage plans. He would provide additional information following the May 17<sup>th</sup> Governing Body meeting.

**Amendment: Resolution 6833 Drainage Correction Projects** [video 10:05 minute mark]

*[The items discussed can be found on the Committee's webpage]*

Director Copley stated that the Governing Body passed the resolution for the Drainage Correction Project program 25 years ago. This was when any individual project was required to be approved by the Governing Body. The resolution carved out an exception, which did not require specific Governing Body action for Drainage Correction Projects (DCP) of \$100,000 that affected three or more people. Director Copley stated there was a formula created to allow for ranking and prioritizing these projects. Over the past 25 years, costs have increased, which has made it difficult to do a meaningful DCP for \$100,000. There have also been cases where there have been two property owners, and not three, who have been impacted by a drainage issue. The proposal before the Committee is to increase the DCP budget from \$100,000 to \$300,000 for a single DCP, and to reduce the number of property owners affected by a drainage problem from three to two. These projects would be "not to exceed \$300,000", so if there is a \$50K DCP that could be done for two people, or four people, Staff would take the least costly approach to it.

Chairman Emerson stated he felt that the jump from \$100K to \$300K was significant and inquired as to how often these projects are requested; and if \$200K would be sufficient? Director Copley responded that it varies. Some of the projects can be completed right at about \$50K, however others are more costly and have ranged between \$100-200K for a single project. The request for an increase to \$300K would allow for three projects a year to be completed for \$100K each, or one project at \$300K.

Joe Ledbetter, Community Member, offered public comment on the item. He spoke to increasing transparency within Government.

Committee member Dobler inquired if any project costing over \$100K would need to be approved by the Governing Body as part of the CIP process? Director Copley confirmed. He stated that the DCP is set up in a way to help address smaller drainage problems in a quicker and more effective manner than having to solicit bids and contracting the project out, as is the process for the much larger projects.

Committee member Dobler thanked Director Copley for the information and stated he would be supportive of this amendment.

Proxy Committee member Ortiz inquired to the number of how many of these projects were emergency projects? Director Copley responded that for those who are affected, they typically feel it is an emergency. Proxy Committee member Ortiz rephrased the question to inquire how many of the projects are considered to be emergency situations through the formula process? Director Copley responded that his preference, in terms of providing the highest level of customer service, need to be completed as quickly as possible. Proxy Committee member Ortiz inquired as to what the results would be, if the motion failed. Director Copley responded that the current program has been restrictive for addressing the needs of the community in this capacity. He noted that the DCP is included within the Capital Improvement Project (CIP) plan that is presented to and approved by the Governing Body annually. In terms of transparency, the planned DCP projects are included within the CIP. He also noted that within the City's website, there is a project portal that is updated as the project progresses to provide additional transparency for constituents.

Chairman Emerson noted his company has, in the past, contracted with the City to perform these types of projects. Although they are not currently in a contract with the City, he felt there was a conflict of interest and would be abstaining from the vote.

MOTION: Amended Resolution, 6833, Drainage Correction Projects, is being approved by the Committee and moved to the Governing Body with a recommendation for approval. Motion approved 2-0-1, Chairman Emerson abstained.

**Proposed Revisions: 50/50 Sidewalk Program** [video 22:20 minute mark]  
*(The items discussed can be found on the Committee's webpage)*

Interim Public Works Director Braxton Copley stated staff had made revisions to the sidewalk program at the request of the Governing Body, with specific direction to review how the program could provide a benefit to Low-Moderate Income (LMI) qualified individuals.

This draft of the program resolution will allow for the City to pay for the homeowner's share of the 50% of the cost of the program, if applicant meets LMI qualifications, which would mean the City would pay the entire replacement cost. Further, if the cost of the repair cost exceeds \$1,000 it would be covered by the City as a Forgivable Loan, which would be forgiven after five years. If the repair is under \$1,000 it is considered a grant and there would be no repayment obligation nor would there be a mortgage filed against the property.

Committee member Dobler inquired as to the details of the Forgivable Loan and Grant processes. Director Copley stated that, for LMI-qualifying applicants, a grant would be provided to projects that cost under \$1,000. For LMI-qualifying applicants that had a project which exceeded \$1,000 the City would provide the funding to be set up as a Forgivable Loan. The City would take a soft second mortgage against the

house to secure it, but if the owner continues to reside in their home for five years, the mortgage would be removed. If the house is sold within that five year period, the City would be paid back for the 50% cost of the project.

Proxy Committee member Ortiz inquired as to the cost of sidewalk replacement, and if it was in the range between \$500-\$1,000? Interim Director Copley noted the current cost was \$10/linear foot of concrete, which would amount to \$50 for a five-foot wide sidewalk, per linear foot. If there were 200 feet of sidewalk replacement done, the cost would be roughly \$1,000. Committee member Dobler added that typically, a project is to replace one, two or three panels of concrete, which would be up to 20 linear feet (each panel is typically a five foot by five foot square). This would bring the cost to under \$1,000.

Proxy Committee member Ortiz inquired if the applicant would only be required to replace the entire section of sidewalk or only the area that has buckled up? Director Copley stated the notice would be to require action on the trip hazards. This is defined as a separation of elevation of an inch or greater. At the time of the citation, the owner would also receive information relative to the 50/50 sidewalk program.

Proxy Committee member Ortiz referenced a call she had received from a constituent who expressed concerns over the timeframe that was listed on the notice, and Proxy Committee member Ortiz asked what the timeframe was for the repairs to be made? Director Copley stated it was his understanding that the letter gives 60 days. He clarified that if a property owner is working to get a contractor, that the City will work with the owner on that timeline. Staff understands that oftentimes, it is difficult for the entire project to be completed within 60 days, however if the owner can provide information to Staff showing that they are actively working with a contractor to solve the problem, there is a willingness to relax on the timeframe. Proxy Committee member Ortiz understood that the goal was to work with homeowners and not punish them, but felt the messaging was sometimes slipping through the cracks and creating stress.

Proxy Committee member Ortiz inquired if the homeowner is responsible for soliciting the contractor? Director Copley stated they are not responsible if they are participating in the program. Under the City's 50/50 sidewalk program, the City solicits the contractors through the bid process. Two contractors are awarded the bid. The program is typically funded at \$100K annually. The City engages the contractor to do the work once the property owner has paid for their half of the anticipated cost of the sidewalk removal, or, under this revised policy, it would allow for either a grant or forgivable loan for the property owner's portion of the program.

Chairman Emerson inquired if application to the 50/50 sidewalk program was enough action to "stop the clock" on the 60-day timeframe? Director Copley confirmed that it was.

Chairman Emerson inquired as to if the City had a mechanism in place for knowing that information, or if people had to go to court to find out about the program. Director Copley stated he would need to defer that answer to another staff member, as he could not recall if the cases are turned over to Property Maintenance if the owner is not complying, or if it is the Public Works Department that works with Legal to address the enforcement mechanism. Chairman Emerson sought more information on this process.

Chairman Emerson voiced appreciation for creating language into the program that could help address the needs of fixing sidewalks in a way that would not punish folks within the LMI community. And stated he would be in support of this revised document.

Chairman Emerson reviewed the document and stated he did not see there were any policy requirements for the program and inquired as to if it needed action from the Committee or Governing Body? Interim Director Copley stated the program is run as an administrative function, and does not require policy changes by the Governing Body. He indicated that the feedback received by the Governing Body had been to add a piece to assist the LMI individuals. He sought guidance from the Committee in terms of whether or not they feel this is the direction Staff should go. He reminded that the program is limited to \$100K, in terms of funds that are available.

Committee member Dobler inquired if the full \$100K was used every year? Director Copley stated it was not. He reminded that Staff had reported that over the past five years, there were \$150K of unspent funds in the 50/50 sidewalk program. Since that time, Finance was directed to close out each of those programs that have remaining funds and add the \$150K of remaining funds back into the CIP to be programed by the Governing Body as part of the next CIP approval process.

Committee member Dobler voiced additional support of this draft policy for the program. He noted that for the next budget season, he would like to see the financial data of the program to evaluate whether the program could benefit from additional funds. Director Copley stated Staff would know how much was spent from the 2023 CIP, and whether there are remaining requests that are on the waiting list due to shortage of funds, or not. Committee member Dobler thanked Staff for their quick turn-around on drafting the program to address the requests made by the Governing Body.

City Manager Cochran noted that Staff had been working to help find a way to better serve the community and especially those in the Low and Moderate Income (LMI) neighborhoods. He noted the proposed revisions to the program showed the level of Staff's understanding of the request to provide an economical and feasible way to run the 50/50 sidewalk program which can also benefit the LMI individuals as well, and sought recommendation of the Committee to accept the proposed revisions. Chairman Emerson noted he also supported the revised draft.

Proxy Committee member Ortiz noted this draft was much better than she had hoped for. She wanted to ensure that clear communication was provided to citizens about the guidelines and the 50/50 program qualifications. Director Copley noted that the Planning Department had created a half-sheet flier with information on the new program. With comments received by the Committee, Interim Director Copley stated he felt Staff could move forward with implanting this new format of the program.

Proxy Committee member Ortiz inquired about how individuals who may have recently received a notice, or are waiting on the new information, could receive more information? City Manager Cochran stated individuals could contact the Public Works office to request information on the new parameters of the program that will take effect June 1, 2022 to request a re-evaluation from a notice that was received earlier this year for the old program.

**Proposed Revisions: Driveway Culvert Replacements** [video 37:50 minute mark]  
*(The items discussed can be found on the Committee's webpage)*

Director Copley stated this item was brought back with revisions, based on request from the Committee that were received the previous month. Staff have created a revision to the current Driveway Culvert Replacement program, to instill in it a LMI feature to allow for, under the existing policy, City staff to install the culvert. Culverts are purchased by the property owner. This revision will allow for the City to pay for the cost of replacement culverts for LMI-qualifying applicants. If the cost of the project is under \$1,000 it would be considered a grant. If the cost of the project exceeded \$1,000 it would be a Forgivable Loan, with a soft second mortgage being placed on the home which would be removed from the property if the property owner remained in the home for five years. If the owner sells the property during the intervening five year period, the City would be repaid out of the sales proceeds of the house for the cost of the culvert.

Chairman Emerson restated that, basically, the same financial assistance mechanism that is offered under the 50/50 sidewalk program is applicable for this program as well? Director Copley confirmed.

Proxy Committee member Ortiz inquired as to the reason the City requires the use of a certain material for piping rather than allowing them to use another type that is cheaper? Director Copley referenced the pipe sizing requirements, found on page three of the drafted resolution, which allows for use of reinforced concrete pipe, corrugated metal pipe, high-density polyethylene pipe, or polypropylene pipe can be used. He stated that in some cases the use of polypropylene and HDPE would need to be approved specifically by the Public Works and Utilities Director, on a case-by-case basis because there are some installations of HDPE pipe that would be set up for failure due to not having enough cover over the pipe to be able to have the rock envelope that is providing the structural integrity because the pipe does not have any structural integrity. There would be other cases where polypropylene

pipe may work out to be cheaper than the RCP or CMP right now, but that may not be the case. Allowance has been made to provide the greatest number of possible solutions, and it will be based on the engineering and the cost as to what makes the most sense.

Committee member Dobler inquired if the pipe material choice was the same regardless of whether the person qualifies for the program or not? Director Copley confirmed that was correct. He added that the City would make the determination but otherwise the choice of materials would be up to the property owner, subject to what makes sense in terms of the engineering.

Chairman Emerson inquired if there was an easier way to provide straight forward language to remove the additional step of applicants needing to seek approval to utilize polypropylene pipe or other alternate piping materials to complete a project. Director Copley explained that a Water Pollution Control (WPC) staff person would be listed as the contact on the letter if WPC is generating the letter. That would be the person the property owner should contact. Chairman Emerson stated he would like to keep things as easy for residents to understand and apply for as possible. And to provide straightforward language as to the type of material that would be allowed under different coverage requirements? Director Copley stated the pipe diameter governed the depth of the rock envelope, in terms of the structural integrity, which would vary greatly thus not allowing for an across-the-board type of language. Chairman Emerson inquired if language such as if there was 12-inch minimum cover, that polypropylene could be used. Director Copley restated that the pipe diameter would govern the size of the cover that needs to be required. But that the policy was permitting for allowing the use of any of the four pipe types. Chairman Emerson clarified that two types are permissible, but the other two types are only allowed with special permission, and was concerned that it may be a step that would be worth looking further into. Director Copley stated that he would have no problem with allowing for polypropylene however, he feels that a decision relative to the pipe type used in the right-of-way should have the agreement and the knowledge of the Utilities Director, City Engineer and Public Works Director. And as he is serving in Public Works Director role in an interim capacity, he did not feel comfortable with making such a determination.

Proxy Committee member Ortiz stated she would like to push this forward with the information so that the conversation can get going. She expressed gratitude to the change in policy, as it will help LMI owners, but stated she felt culverts should be part of the maintenance costs covered by the City, as she and other constituents feel they are required to pay for stormwater service even if they do not have a curb or gutter. Many are unable to afford the cost of this replacement, and she would like to continue discussions on how to provide this service to the community.

**Update: FIRM - City Hall Sidewalk Repairs** [video 47:50 minute mark]  
*(The items discussed can be found on the Committee's webpage)*

Jason Tryon provided a memo to the Committee related to an emergency repair that is being completed on the sidewalks at City Hall. The City Hall sidewalk to the north side of the building has had deterioration issues of the concrete for some time. Staff had hoped the repairs could wait to be made in conjunction with some of the other planned repair projects being made to City Hall, however complaints were received from residents of it becoming a tripping hazard in an incident on April 29<sup>th</sup>. At the same time, when Staff inspected the sidewalk, they saw the brick inlays part of the sidewalk were raising above the level of the sidewalk and some were loose. There was also an issue on the west side of the sidewalk where the concrete from the sidewalk meets the driveway into the City Hall employee parking lot. Based on the grade, the gaps, and the concrete, Staff felt it was important for the safety of everyone visiting City Hall, to go ahead and make repairs to that sidewalk. The new sidewalk will replace the brick inlays with some stamped concrete, for safety and better durability going forward, but would preserve the look of the sidewalk that is being replaced.

Mr. Tryon stated that with this repair being an emergency repair, that emergency funds would be used for this project and would not require any action from the Committee or Governing Body.

### **Other Items**

Proxy Committee member Ortiz inquired as to when the culvert program would be rolled out, as she has a constituent at 1269 SE Republican who has been waiting many years for these types of changes so she can afford to replace her culvert. Interim Director Copley stated he felt June 1<sup>st</sup> would allow Staff time to prepare and provide information on the new program.

### **Adjourn**

The next meeting will be June 21<sup>st</sup> at 11:00am.

Chairman Emerson adjourned the meeting at pm.

This meeting can be viewed online at: <https://youtu.be/LdFOk89Wib4>