

Council Minutes – February 10, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 10, 2015. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Pastor Jeff Rhoades, Topeka Baptist Church gave the invocation.

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

A PRESENTATION on the Metropolitan Topeka Planning Organization (MTPO) 2015 Pedestrian Master Plan and SW Arvonio/Huntoon/I-470 Study was presented by Bill Fiander, Planning Department Director. He reported the MTPO is the planning body for the region and is one of five organizations in Kansas. He noted the MTPO partners with federal, state and local entities and is 80% federally funded and 20% local funds. He stated the Pedestrian Master Plan would implement the following priorities:

- Transportation choices
- Connected, walkable neighborhoods
- Complete streets

He summarized “High Demand Area” as priorities that include schools, business corridors, at risk/intensive care neighborhoods, parks/trails and bus routes. He stated the City has hired Toole Design Group, offering significant outreach opportunities to the community by establishing a stakeholder group and having information available on the City’s website at www.topeka.org/pedplan. He reported workshops and interviews would be conducted March 23-26, 2015, and a five year implementation plan should be available by the end of October 2015, as well as, policy and code changes.

Mayor Wolgast asked for clarification on developing the priorities and code changes.

Bill Fiander reported there are a large number of changes that need to occur making it difficult to implement at the same time; therefore, priorities would be discussed in order to draft a new model.

Bill Fiander continued the presentation by providing a brief overview of the Arvonia/Huntoon/I-470 Study, the number one priority for the MTPO. He stated the area has many capacity issues and operational failures; therefore, the MTPO has partnered with the Kansas Department of Transportation (KDOT) who has committed to funding 75% of the study to promote future growth opportunities. He reported the study would identify some long-term, as well as, short-term fixes to get the area closer to addressing the accessibility and safety issues; and they anticipate the study would be completed by the end of 2015.

Mayor Wolgast asked if the I-470 exit ramp would be included in the study.

Bill Fiander reported he is not sure at this time if it will be feasible to include the exit ramp in the study due to the large, expensive issues associated with the project.

Councilmember Hiller thanked Mr. Fiander and staff for the excellent presentation and their work with KDOT.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Thomas Tavares in the amount of \$42,500 for permanent partial impairment of his left shoulder on July 24, 2011, was presented.

DENIAL of Tort Claim Appeal filed by Niki Christopher seeking \$2,114 as reimbursement for costs incurred in hiring a plumber to replace claimant's service line and wye was presented.

DENIAL of Tort Claim Appeal filed by Blue Dot Services seeking \$3,800 in damages was presented.

DENIAL of Tort Claim filed by Praxis Consulting seeking \$15,940.61 in damages for workers' compensation benefits paid to Myron Dunavan was presented.

BOARD APPOINTMENT recommending the reappointment of Ash Davis to the City of Topeka Board of Electrical Appeals for a term ending January 31, 2017, was presented.

BOARD APPOINTMENT recommending the reappointment of Paul Miller to the Board of Plumbing Appeals for a term ending January 31, 2017, was presented.

BOARD APPOINTMENT recommending the reappointment of Grant Sourk to the Topeka Landmarks Commission for a term ending February 28, 2018, was presented.

BOARD APPOINTMENT recommending the reappointment of Bryan Falk to the Topeka Landmarks Commission for a term ending February 28, 2018, was presented.

MINUTES of the regular meeting of February 3, 2015, was presented.

Councilmember Everhart moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$2,270,000, RESOLUTION NO. 8664 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, amending and authorizing the project budget approved by Resolution No. 8625 for Improvement Project No. T-281081.00 which provides for the replacement of water mains along 37th Street from Burlingame Road to Gage Boulevard and providing Notice of Intention regarding the issuance of revenue bonds pursuant to K.S.A. 10-1201, et seq., was presented.

Doug Gerber, Administrative and Financial Services Director, reported the project was initially adopted as two separate projects in the 2015-2019 Capital Improvement Plan; however, upon completion of the final engineering design, more comprehensive estimates showed that construction would require overpass boring under Interstate 470 increasing the overall project

costs. He stated it was determined that both phases (street and water main improvements) would need to be bid for construction at the same time, requiring bonding authority for the entire project.

Mayor Wolgast asked for clarification on if the street and water main improvement projects would be bid as one project and constructed in two separate years.

Doug Gerber confirmed the bid would include both projects; and the street improvement project would start in 2015 and the water main project would start in 2016.

Councilmember Harmon noted the increases are substantial and questioned if the project budgets would still be within the framework of the \$10 million general obligation bond cap.

Doug Gerber reported the projects are funded through utility revenue bonds, a dedicated revenue source.

Councilmember Hiller questioned if the projects could be partially funded with cash because the debt service cost would nearly double the cost of the projects.

Doug Gerber stated the projects would be bonded in their entirety.

Councilmember Everhart moved to approve the project budget, resolution and notice of intention. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmember Manspeaker voted “no.” (9-1-0)

A PROJECT BUDGET in the amount of \$1,449,740, RESOLUTION NO. 8665 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, amending and authorizing the project budget approved by Resolution No. 8625 for Improvement Project No. T-291003.01 which provides for Phase II of the South Kansas Pump Station Rehabilitation and providing Notice of Intention regarding the issuance of revenue bonds pursuant to K.S.A. 10-1201 et seq., was presented.

Doug Gerber, Administrative and Financial Services Director, reported the original project was approved in 2014; however, during the first phase it was determined that corrective modifications could be made to eliminate combined sewer overflow (CSO) and provide more long-term cost-effective wastewater maintenance and operations activities. He stated the project would include construction for rehabilitation and/or demolition efforts for the Potwin Pump Station and corrective measures to minimize or eliminate sanitary overflows. He noted the project is in accordance with the City's proposed CSO Long-Term Control Plan (LTCP) agreement with the Kansas Department of Health and Environment (KDHE) and meets required standards for the elimination of CSOs.

Councilmember Hiller questioned if the project would include the portion of the Kansas River levee where the City needs to perform work.

Doug Gerber stated the project does not include the South Kansas River levee; however, the first phase would include rehabilitation of the South Kansas River Pump Station for regulatory compliance and structural upgrades, modifications to the wetwell, barscreen, electrical and pumping systems, as well as, the second phase including the addition of flow monitoring for all incoming sewer interceptors, design and partial installation of a new interceptor and installation of improved odor control.

Councilmember Ortiz moved to approve the project budget, resolution and notice of intention. The motion seconded by Councilmember Everhart carried. Mayor Wolgast voted "yes." Councilmember Manspeaker voted "no." (9-1-0)

A PROJECT BUDGET in the amount of \$1,741,294, ORDINANCE NO. 19937 and A NOTICE OF INTENTION introduced by City Manager Jim Colson, amending and authorizing the Project Budget approved by Ordinance No. 19555 for Improvement Project No. T-291015.00

which provides for the Oakland Wastewater Treatment Plant biofilter replacement and providing Notice of Intention regarding the issuance of revenue bonds pursuant to K.S.A. 10-1201 et seq., was presented.

Doug Gerber, Administrative and Financial Services Director reported the project was originally adopted in the 2011 Capital Improvement Plan; however, upon completion of the final engineering evaluation and design, three biofilter replacement options were determined and upon further review, the City determined the most economically effective option is to replace the existing wood media biofilter with an engineered media biofilter system. He stated the current system requires replacement every three to five years and is well passed its useful life, resulting in increased operation, maintenance materials and labor costs. He noted the proposed system has a useful life of 10 to 15 years.

Councilmember Harmon moved to approve the project budget and notice of intention and adopt the ordinance. The motion seconded by Councilmember Brown carried. Mayor Wolgast voted “yes.” Councilmember Manspeaker voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Schwartz, Schmidt, Harmon and Mayor Wolgast -9. Noes: Manspeaker -1.

ORDINANCE NO. 19938 introduced by City Manager Jim Colson, concerning neighborhood relations and community development, amending City of Topeka Code Sections 2.25.200, 2.25.250, 2.105.020, 2.105.040, 2.105.070 through 2.105.100, 3.30.320, 3.30.330, 3.30.350 through 3.30.380, 3.30.400 through 3.30.430, 5.63.010 and 8.60.030 and repealing said original sections, as well as, Section 2.105.030 in its entirety was presented.

Jim Colson, City Manager, reported the proposed ordinance is being presented as follow-up to the discussion at the February 3, 2015, Council meeting regarding the restructuring of the

Housing and Neighborhood Development Department. He stated approval would begin the process of streamlining the department into a “one stop shop” for customers.

Sasha Stiles, Neighborhood Relations Department Director, appeared to answer questions.

Mayor Wolgast requested a copy of the presentation regarding the Department of Neighborhood Relations presented at the February 3, 2015, Council meeting.

Sasha Stiles stated she would provide a copy of the presentation to the Governing Body as soon as possible.

Councilmember Schwartz expressed her appreciation to staff for providing information to constituents. She asked for an organizational chart with job descriptions to be provided to the Governing Body so they know who to contact for various issues.

Councilmember Everhart expressed her appreciation for the presentation last week and stated she looks forward to the changes in the department.

Councilmember Everhart moved to adopt the ordinance. The motion was seconded by Councilmember Schmidt.

Councilmember Hiller stated she liked the goals and structure of the department as it was presented; however, she listed the following three points that she would like addressed:

1. Neighborhood Improvement Associations were previously in the proposed ordinance but were removed which she believes is a good idea; however, she was not notified it was removed until the Council meeting.
2. Lines 206-218 discuss a conflict of interest; however, she expressed concern with the intent of the language and requested it be reviewed further.
3. The reorganization of the department is not discussed in the proposed ordinance and although she understands the reform, believes the functions should be clarified.

Councilmember Hiller made a substitute motion to amend the line 36 of the ordinance to add the statement, “include the following housing and neighborhood development functions” after the word “shall.” The motion was seconded by Councilmember Everhart.

Sasha Stiles clarified the amendment would convey the duties formerly performed by the Housing and Neighborhood Development Department (HND) would also be performed by the Department of Neighborhood Relations which is language required by the U.S. Department of Housing and Urban Development.

Jim Colson stated the ordinance as a whole addresses the issue; however, staff agrees with the amendment.

Councilmember Ortiz spoke in support of the ordinance; however, she expressed concern with the Code Compliance Division moving from under the direction of the Topeka Police Department to the Department of Neighborhood Relations. She stated the Division has made much progress and she hopes they will continue to do so.

The substitute motion to amend line 36 of the ordinance to add the statement, “include the following housing and neighborhood development functions” after the word “shall” carried unanimously. (9-0-0)

The motion to adopt the ordinance as amended carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9.

ORDINANCE NO. 19939 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 6202 SW 6th Avenue, the northwest corner of SW 6th Avenue and SW River Hill Drive from “PUD” Planned Unit Development (“C-2” uses) ALL TO “O&I-3” Office and Institutional District was presented.
(Z15/1)

Jim Colson, City Manager reported approval would allow for the development of approximately 10 acres for a short term care rehabilitation facility classified as a Medical Care Facility Type II.

Bill Fiander, Planning Department Director reported the facility would consist of a two-story building with a housing capacity of approximately 100 beds on a short-term basis for skilled care rehabilitation; with a smaller percentage of long-term assisted living care apartments on the larger 9.05 acre tract owned by Core First Bank & Trust. He stated the Planning Department is requesting approval of the zoning change.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast was absent. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Absent: Mayor Wolgast -1.

RESOLUTION NO. 8666 introduced by Deputy Mayor Denise Everhart and Councilmember Karen Hiller to endorse the nomination of two areas within downtown Topeka as historic districts listed on the Register of Historic Kansas Places and the National Register of Historic Places was presented.

Councilmember Hiller reported many residents have participated and worked very hard to create a downtown historic district. She stated the Mill Block Historic District (100 block N. Kansas Avenue west side) is a three-acre area between W. 1st Avenue and N.W. Crane Street; and South Kansas Avenue Commercial Historic District encompasses the commercial core of downtown Topeka and is a 54-acre district which includes 10 city blocks bounded by S.W. 6th

Avenue on the north, S.W. Jackson Street on the west, 10th Avenue on the south and S.E. Quincy and S.E. Monroe Streets on the west.

Councilmember Hiller moved to approve the resolution. The motion was seconded by Councilmember Schmidt.

Councilmember Harmon asked for clarification that the designation would allow the area to be eligible for tax credits to improve economic development.

Bill Fiander stated the historic designation is a large incentive to bring tax credits to the area for economic development; however, a historic district designation would require development standards. He noted tax credits of up to 45% have been offered on any improvements made to structures which are a major incentive for the downtown area. He reported there are approximately 30 cities in Kansas presently that have historic downtown districts.

Councilmember Harmon expressed his appreciation to everyone involved in the effort and stated he believes it is a good plan.

Councilmember Hiller stated historic designation would also impact the City Hall Building & Auditorium located at 215 SE 7th Street, as well as, a City Garage located at 917 SE Quincy Street.

The motion to approve the resolution carried unanimously. (9-0-0)

No Cereal Malt Beverage or Scrap Metal Dealers License applications were presented.

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

Jennifer Goodrich, Assistant City Clerk, provided an overview of the February 17, 2015 Council agenda.

Jim Colson, City Manager, reminded everyone there would be a Joint Economic Development Organization Board meeting on February 11, 2015, at 6:00 p.m. in the City Council Chambers. He reported there has been a substantial water main break at SW 29th Street and SW Urish Road and City workers are onsite making repairs, as well as, going door-to-door to notify residents of the water main break in the nearby area.

Councilmember Schwartz stated she is pleased with the response she has received concerning accessibility to the Capitol building. She commented on visitor information from Visit Topeka which included the number of visitors to Topeka area attractions in 2014 and stated Visit Topeka is doing a great job attracting visitors to the city.

Councilmember Schmidt thanked the local delegation and all that participated during City Hall Day on February 4, 2015. He reported he was made aware of many bills that are not getting much attention including the bill banning military personnel from serving on school boards. He noted many of these bills would make a direct impact on the local communities and boards and encouraged people to get more involved with their local legislators.

Councilmember Hiller announced and congratulated Anita Wolgast for being honored for her work in the North Topeka Arts District and community by the Sales and Marketing Executives of Topeka.

Councilmember Brown reported he participated in City Hall Day on February 4, 2015. He stated the event was very informative and there are many bills being proposed that would directly impact the city of Topeka including the bill concerning abandoned properties. He encouraged people to contact their local legislator for more information.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:58 p.m.

Brenda Younger
City Clerk