

Council Minutes – March 10, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 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, Manspeaker, Schwartz and Schmidt -7. Deputy Mayor Denise Everhart presided -1. Absent: Mayor Larry E. Wolgast, Councilmember De La Isla and Councilmember Harmon -3.

AFTER THE MEETING was called to order, Councilmember Schmidt asked for a moment of silent meditation.

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

A PRESENTATION on the Distinguished Budget Presentation Award was presented by Doug Gerber, Administrative and Financial Services Director.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Jamie Slack to the Citizen Advisory Council to fill an unexpired term ending on December 31, 2016, was presented.

BOARD APPOINTMENT recommending the appointment of Brian Bookwalter to the Citizens Advisory Council for a three-year term ending on February 28, 2018, was presented.

MINUTES of the regular meeting of February 17, 2015, was presented.

Councilmember Schmidt moved to approve the consent agenda. The motion seconded by Councilmember Schwartz carried unanimously. (7-0-0)

ORDINANCE NO. 19941 introduced by City Manager Jim Colson, pertaining to an amendment to the Comprehensive Metropolitan Plan adopting the Land Use and Growth Management Plan 2040 was presented.

Bill Fiander, Planning Department Director, stated the Land Use and Growth Management Plan (LUGMP) 2040 contains major themes, goals and policies that would refresh, condense and

better articulate growth management, land use and annexation policies for Topeka, the Urban Growth Area (UGA) and the 3-mile extraterritorial jurisdiction (ETJ). He reported the plan provides for the following:

- Establish standards for the Urban Growth Area and Service Tiers
- Implement the recommended 20-acre minimum lot standard
- Continue to require annexation for utility services
- Clarify exemptions and unilateral annexations fitting Urban Growth Area policies
- Provide flexibility while protecting and advancing all interests

Mr. Fiander provided a brief overview of companion ordinances (*Council Agenda Items 5B and 5C*) and reported the Topeka Planning Commission and Planning Department recommended approval of the ordinances.

- Council Agenda Item 5B. The ordinance would implement policy recommendations of the Land Use and Growth Management Plan 2040 for new subdivisions outside the city limits.
- Council Agenda Item 5C. The ordinance would implement policy recommendations within the Land Use and Growth Management Plan 2040 regarding platting and annexation requirements for city water and sewer service outside the city.

Jim Rinner expressed concern with the lack of flexibility in the LUGMP 2040 affecting development in the non-urban growth areas within the three mile extra-territorial jurisdiction. He stated his family owns property in North Topeka and they are concerned with restrictions of development based on the 20-acre minimum standard. He asked Council to consider amending the plan by defining the criteria for development outside the urban growth area and within the extra-territorial jurisdiction that considers probability of urban growth in specific areas of subject property; or define specific mapped limits of projected urban growth within the extra-territorial jurisdiction area.

Councilmember Hiller asked if the Planning Department could assist Mr. Rinner with his request.

Bill Fiander stated the proposal would allow staff to separately consider every zoning case and they would continue to work with the property owner. He noted the area would require

platting and annexation into the city in order to receive City water service. He reported a property would not be prohibited to develop less than 20 acres, however, the plan directs development to growth areas and emphasizes that development occur where adequate urban infrastructure and services are in place or are planned to serve future urban uses subject to the policies of the plan.

Councilmember Hiller spoke in support of the proposed plan. She stated she believes there would be flexibility in the plan allowing the City to work with individual properties.

Councilmember Manspeaker moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, Manspeaker, Schwartz and Schmidt -7. Absent: Mayor Wolgast, Councilmembers De La Isla and Harmon -3.

ORDINANCE NO. 19942 introduced by City Manager Jim Colson, concerning subdivision and minor plat process, amending City of Topeka Code Sections 18.30.010, 18.30.020 and 18.35.010 and repealing original sections was presented. (ASR14/01)

Harold Weller expressed concern with farm properties and the affects the platting exemption could have for new lots causing blighted areas.

Councilmember Schmidt asked if the proposal would allow for development for less than three acres outside city limits.

Bill Fiander stated the proposal would adopt standards with the flexibility to develop below 20 acres. He reported the 20-acre minimum minor plat extension would apply to the Urban Growth Area.

Councilmember Schmidt moved to adopt the ordinance. The motion seconded by Councilmember Brown carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, Manspeaker, Schwartz and Schmidt -7. Absent: Mayor Wolgast, Councilmembers De La Isla and Harmon -3.

ORDINANCE NO. 19943 introduced by City Manager Jim Colson, concerning water and sewer services outside of the city limits, amending City of Topeka Code Sections 13.10.120 and 13.10.220 and repealing original sections was presented.

Councilmember Brown moved to adopt the ordinance. The motion seconded by Councilmember Schwartz carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, Manspeaker, Schwartz and Schmidt -7. Absent: Mayor Wolgast, Councilmembers De La Isla and Harmon -3.

RESOLUTION NO. 8670 introduced by City Manager Jim Colson expressing support for the Johnston Village Development project by the Topeka Housing Authority, Inc., was presented.

Jim Colson, City Manager, stated approval would express the support of the Governing Body for the Johnston Village Development project by the Topeka Housing Authority, Inc., and allow the proposal to be considered by the Kansas Housing Resources Corporation for the Low Income Housing Tax Credit Financing Program to provide safe, affordable housing to qualified households.

Councilmember Ortiz reported many of her constituents have expressed concern with the lack of property maintenance and poor appearance of other Topeka Housing Authority developments. She asked the Topeka Housing Authority to consider the concerns as they move forward with the proposal.

Trey George, Topeka Housing Authority Executive Director, reported he has heard from area neighborhood residents and he has met with other Topeka Housing Authority property

managers to address concerns. He stated the Topeka Housing Authority would continue to work with Neighborhood Improvement Associations and would ask members of the community to contact the Topeka Housing Authority with any concerns.

Councilmember Hiller asked if the proposed development would have the similar appearance of the other new housing developments such as Echo Ridge; how much the rent would be; and what discussions have taken place to ensure the proposed development would not have the same problems as other Topeka Housing Authority developments.

Trey George stated the development would look similar to the Echo Ridge Development; the Topeka Housing Authority has been in contact with the Highland Acres Neighborhood Improvement Association to discuss ways to improve the overall appearance of the development including the elimination of trash and improved maintenance of the property; the Topeka Police Department will place a community police office at the development location; and the Topeka Housing Authority has met with Colonial Park representatives to discuss the new development.

Councilmember Hiller suggested scheduling special trash pickup days to better manage property appearance issues.

Councilmember Everhart spoke in opposition of the development. She reported many of her constituents have expressed concern with building healthy neighborhoods which includes home ownership not rental property.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Manspeaker carried. Deputy Mayor Everhart voted “no.” (6-1-0)

A FINAL PLAT for Horseshoe Bend Subdivision No. 4 on property located along the south side of the Kansas Turnpike, approximately 1,500 feet north of SE 45th Street and 2,000 feet east of SW Topeka Boulevard, all being within the northeast intersection of SW Topeka Boulevard and SE 45th Street, City of Topeka, Shawnee County, Kansas, was presented. (P14/13)

Jim Colson, City Manager, reported approval would allow for 36 new single-family residential lots and modify the next phase of Horseshoe Bend Subdivision.

Councilmember Ortiz moved to approve the final plat. The motion seconded by Councilmember Schwartz carried. Councilmember Manspeaker voted “no.” (6-1-0)

ORDINANCE NO. 19944 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of January 3, 2015, through January 30, 2015, and enumerating said expenditures therein was presented.

Jim Colson, City Manager, reported approval would authorize City expenditures in the amount of \$16,726,767.10.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Brown carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, Manspeaker, Schwartz and Schmidt -7. Absent: De La Isla and Harmon -2.

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

RESOLUTION NO. 8671 introduced by Councilmember Karen Hiller granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Hiller reported approval would grant a noise exception to the Celtic Fox for March 14, 2015, for the St. Patrick’s Day Street Party event.

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

Councilmember Hiller moved to amend the resolution to change the end time of the noise exception from 1:00 p.m. to 8:00 p.m. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Councilmember Hiller moved to approve the resolution as amended. The motion seconded by Councilmember Schmidt carried unanimously. (7-0-0)

DISCUSSION of the proposed 2016-2020 Capital Improvement Plan and 2016-2018 Capital Improvement Budget was presented.

Jim Colson, City Manager, stated there has been a lot of discussion over how to make the process more effective and how to allow for better planning. He noted this is the second year for the new process of adopting a three-year Capital Improvement Budget.

Nickie Lee, City of Topeka Budget Manager, reported the presentation was part of a continued revised process which began last year that includes approval of a five-year Capital Improvement Plan along with a three-year Capital Improvement Budget prior to adoption of the City's annual budget. She highlighted the following changes to the Capital Improvement Plan:

- Neighborhoods and Public Safety Projects
- Countywide Half Cent Sales Tax projects are included to focus on an extension piece of the plan beginning in 2017
- Cash funded projects are now outlined in the plan
- Other projects highlighted include those projects that changed from last year's plan or projects that merit explanation

Councilmember Harmon entered the room.

Doug Whitacre, Public Works Director, highlighted the following projects:

- The neighborhood program, a component of the SORT Program, which includes the target areas of Central Park and North Topeka West
- SE California Avenue from SE 33rd to SE 37th Streets
- Municipal Building/City Hall Improvements
- South Topeka Boulevard from SE 7th Street to SW Wanamaker Road
- SW 6th Avenue and SW Gage Boulevard to SW Fairlawn (*Countywide Half Cent Sales Tax extension*)
- The upstream river weir conceptual plan has been completed at the water plant including consideration of improved safety and recreational activities for people
- Pedestrian Master Plan project will include infill sidewalk projects

Doug Gerber, Administrative and Financial Services Director, highlighted the following projects:

- The East Side Interceptor Relief CSO #3 Ash Street Pump Station
- Equipment and Fleet Replacement Program
- SE Elevated Tower located on SE California Avenue

Nickie Lee reported the resolution to adopt the 2016-2020 CIP and 2016-2018 CIB is tentatively scheduled for the Council's consideration at the March 17, 2015 Council meeting.

Councilmember Hiller expressed her appreciation and commended staff for including all funding sources, as well as, the unfunded projects in the plan making it an exceptional planning document. She questioned how the delay in fire truck replacement purchases would impact the Fire Department's fleet replacement program. She also asked for further explanation of the new Zoo projects added to the Capital Improvement Plan totaling approximately \$1 million and if the projects were urgent in nature.

Greg Bailey, Topeka Fire Chief, reported the Topeka Fire Department fleet has been stabilized allowing them to reprioritize other needs within the Department.

Brendan Wiley, Topeka Zoo Director, reported the following:

- The green house and storage facility are necessary to maintain a consistent appearance and because Shawnee County no longer shares space with the Zoo
- The service road repair is a priority because it is in poor shape
- The parking lot repair is a proactive step for maintenance
- The rainforest design was changed to accommodate the size of the new swamp cooler in 2007 and they anticipate in 2019 some of the units will have to be replaced
- The rainforest roof was installed in 1985 and they will be able to maintain it for now but the roof will need to be replaced in the next 5 years

Jim Colson, City Manager, reported each department has reviewed the project list carefully and prioritized each project based on need and necessity.

Councilmember Hiller questioned the following:

- In reference to infill sidewalks was consideration given to different funding strategies other than bonding including leftover funds from the Countywide Half Cent Sales Tax.
- In reference to the Municipal Building renovations there is a pending application for historic tax credits that could be used to finance the renovations rather than bonding.
- In reference to the Kansas River Weir she noted there is a \$500,000 grant in the works.
- In reference to the parking garage system upgrades has staff considered including parking

meter upgrades.

- In reference to the Countywide Half Cent Sales Tax extension proposed projects she suggested the City propose at least one street project per year be completed to ensure the City has a solid CIP and to reinforce negotiations with Shawnee County.

Nickie Lee stated the Pedestrian Master Plan, formerly the infill sidewalk program, has been funded at a level of \$500,000 which would have to be bonded at this time; therefore, other funding sources were not considered.

Jim Colson stated the City shares Councilmember Hiller's desire to bond less and finance more projects with cash; however, they must consider the entire plan as a whole and do what is best for the City.

Doug Whitacre reported the amount of revenue currently being generated from parking meters would not offset the cost to upgrade to electronic parking meters. He stated the project referenced in the CIP relates to credit card technology upgrades in parking garages.

Joseph Ledbetter expressed concern with the projects slated in the Southeast Topeka area specifically the widening of SE California Avenue. He stated he believes the Kansas Turnpike Authority continues to block access to Southeast Topeka and the City needs to have discussions to promote economic development in the southeast area of the city.

DISCUSSION regarding the proposed Water Pollution Control Permit Consent Order between the City of Topeka and the Kansas Department of Health and Environment was presented.

Doug Gerber, Administrative and Financial Services Director, reported the following:

- The City's original Combined Sewer Overflow (CSO) Systems, Long Term Control Plan (LTCP) was developed by the City and approved by the Kansas Department of Health and Environment (KDHE) in 2001. Since that time the City has completed several projects outlined in the plan and developed new understandings with regard to CSO control.
- The Consent Order agreement between the City and KDHE would allow the City to correct agreed upon deficiencies identified in the agreement while improving the LTCP in a manner that better contributes to the reduction of CSOs and has a more economical impact for the Topeka community.

Bob Sample, Water Pollution Control Division General Manager, reported the following:

- A brief description of the Oakland Wastewater Treatment Plant, North Topeka Wastewater Treatment Plant and the City’s sewer systems along with a map of the Combined Sewer Overflows located in the city of Topeka and how they operate.
- He reported the Consent Order would establish the goal of the City and KDHE working cooperatively to update the CSO LTCP for Topeka which complies with the April 19, 1994 U.S. Environmental Protection Agency (EPA) CSO Control Policy, as well as, the Clean Water Act.
- The document may be modified in response to changing conditions and newly developed understandings.

Mr. Sample referenced the following projects for years 2014 through 2016:

<u>Project</u>	<u>Start – End</u>	<u>Budget</u>
Stormwater GIS-GPS Mapping East Side IS-CIPP-CSO #7 to Ash Street	2014-2015	\$409,140
Street Pump Station Adams Street Interceptor Sewer	2015-2017	\$3,500,000
Cleaning Inspection Repair/Lining CSO #3 to Oakland WWTP Capacity	2015-2017	\$625,107
Evaluation/Lining Project South Kansas River Pump Station	2016-2017	\$1,000,000
Rehabilitation Phase II Adams Street Interceptor Sewer	2015	\$1,449,740
Rehabilitation Adams Street Interceptor Sewer	2016-2018	\$2,000,000
Stormwater Removal Program	2016-2018	\$3,000,000
Update and Revision of CSO LTCP Eastside Interceptor Relief CSO #3	2017	\$600,000
To Ash Street Pump Station	2018-2021	\$8,348,760
Oakland WWTP UV Expansion	2019-2021	\$2,703,750
Future Wastewater CSO Management	To Be Determined	To Be Determined
Future Stormwater CSO Management	To Be Determined	To Be Determined

Councilmember Hiller asked if the projects would manage or eliminate Combined Sewer Overflow (CSO) Systems issues. She expressed concern with the amount of CSO issues located in Council District No. 1 and questioned how much work it will take to solve the problems.

Bob Sample stated the Consent Order would assist the City in trying to address the CSO issues by ensuring they have the capacity to hold and/or separate the CSOs. He noted the City would be required to provide the Long Term Control Plan to Kansas Department of Health and

Environment by July 1, 2017, and would include possible future projects that would need to be implemented after further system evaluation and assessment.

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

Jennifer Goodrich, Assistant City Clerk, provide a brief overview of the March 17, 2015 Council agenda.

Councilmember Schmidt commended the City for their accomplishment in being awarded the “Distinguished Budget Presentation Award” and acknowledged City staff and the advancement of the City’s financial outlook. He commended staff for assisting the City in exceeding financial goals and upgrades to the City’s credit standing.

Councilmember Harmon stated he concurs with Councilmember Schmidt and believes City staff has made a dramatic improvement towards the City’s financial future. He requested the City Manager schedule a meeting with the Kansas Turnpike Authority to discuss the possibility of constructing a turnpike exit in the SE Topeka area and an exit in the SW Shawnee County area near SW Auburn Road or SW Burlingame Road to accommodate legitimate traffic needs in these areas.

Jim Colson, City Manager, reported they would continue to met and discuss possible turnpike exits in Topeka with Kansas Turnpike officials.

Councilmember Schmidt reported the Metropolitan Topeka Planning Organization met with Kansas Department of Transportation representatives to discuss important projects in the Topeka area. He stated one of the projects submitted by the MTPO was a turnpike exit in SE Topeka with options to have a low toll charge or no toll charge for Topeka residents.

Councilmember Hiller reported she also attended the regional meeting with Kansas Department of Transportation representatives and understood that discussions regarding the

turnpike exits were moving forward. She stated she concurs with Councilmember Schmidt and thanked City staff for improving the City's financial outlook. She announced the St. Patrick's Day parade is scheduled for March 14, 2015, at 12:00 p.m., as well as, many other community events happening throughout the day.

Councilmember Schwartz encouraged people to volunteer and be involved in their communities.

Joseph Ledbetter and Ted Mize appeared to speak under public comment.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 15 minutes to discuss labor negotiations and to include the Governing Body, City Manager, City Attorney and staff, Human Resource Director, Budget Manager and Administrative and Financial Services Director. The motion seconded by Councilmember Brown carried unanimously. (8-0-0)

At 8:23p.m., the Council reconvened into open session with no action taken.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 15 minutes to continue discussion on labor negotiations and to include the Governing Body, City Manager, City Attorney and staff, Human Resource Director, Budget Manager and Administrative and Financial Services Director. The motion seconded by Councilmember carried unanimously. (8-0-0)

At 8:38 p.m., the Council reconvened into open session with no action taken.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 15 minutes to discuss non-elected personnel matters and to include the Governing Body, City Manager and Administrative and Financial Services Director. The motion seconded by Councilmember Brown carried unanimously. (8-0-0)

At 8:53 p.m., the Council reconvened into open session with no action taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:53 p.m.

Brenda Younger
City Clerk