

Council Minutes – March 1, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 1, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Jeremy Leithoff, Marathena Baptist Fellowship Youth Pastor, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Donna Rae Pearson to the Topeka Landmarks Commission for a term ending March 1, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Mark Ruelle to the Topeka-Shawnee County Riverfront Authority Board for a term ending August 31, 2017, was presented.

MINUTES of the regular meeting of February 16, 2016, was presented.

An Open After Midnight License application for Boss Hawg's/Pigskins located at 2833 SW 29th Street was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Hiller carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

APPROVAL of a Real Estate Lease Agreement to provide office and training space at the National Guard Armory for use by the Topeka Police Department was presented.

(Contract No. 44967)

James Brown, Topeka Police Chief, reported approval would authorize a five-year lease agreement with the Kansas Military Board for use of space at the National Guard Armory located

at 2722 SW Topeka Boulevard to be used as a police training facility with a total annual cost of \$57,163.

Mayor Wolgast asked how long it takes to train police officers.

Councilmember Jensen questioned if the facility would be used for neighborhood meetings.

Councilmember Hiller spoke in support of the proposal. She asked what would be the net cost to the City; would savings be realized on training and/or travel expenses; are the annual lease payments fixed amounts; and will the National Guard take precedence over the City regarding use of the facility.

Councilmember Schwartz commended the Topeka Police Department for their efforts and stated she looks forward to utilizing the facility for trainings and public meetings.

James Brown reported it takes approximately one-year to train officers; the Law Enforcement Center will remain accessible for neighborhoods and other public meetings; and the net cost could not be accessed until the facility is underway and actively being utilized.

Councilmember Harmon moved to approve the real estate lease agreement. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

DISCUSSION regarding Capital Improvement Plan (CIP) Completed Projects and Construction Project Overview was presented.

Jim Colson, City Manager, reported discussion would begin the initial step in the budget process by providing an overview of the Capital Improvement Plan.

Doug Gerber, Deputy City Manager, provided a brief overview of the Capital Improvement Plan process which includes the City’s capital needs and funding sources while encompassing a three-year Capital Improvement Budget (CIB) and a five-year Capital Improvement Plan (CIP).

He highlighted the interactive webpage outlining the CIP Storybook which provides types of projects, project locations and funding sources.

Councilmember Clear asked if all 2015 CIP projects have been completed.

Doug Gerber reported all 2015 projects are not yet complete and noted the first year of a project includes planning and design, the second year includes right-of-way acquisition and the third year consists of the construction phase.

Mayor Wolgast asked if the interactive webpage provides information on each completed project.

Councilmember Jensen and Councilmember Schwartz commended staff for creating an interactive webpage and believes it is a tool to educate the community.

Councilmember Hiller commended staff on the interactive webpage and stated she hopes the status of alley improvement projects would be updated soon.

Doug Gerber stated City staff has been updating the alley projects online when possible.

Mayor Wolgast requested a comparison sheet be distributed to the Governing Body outlining the 2015 and 2016 CIP projects and corresponding budgets.

Teresa Miller encouraged the Governing Body to address much needed improvements to residential streets.

Jim Colson reported the City would focus on residential streets in 2016. He stated staff would provide Ms. Miller information on the 2016 plan for the repair of residential streets.

DISCUSSION relating to a new Southeast Topeka interchange was presented.

Doug Gerber, Deputy City Manager, presented the findings of the Interchange Concept Study by the Kansas Turnpike Authority (KTA) to assess the feasibility of constructing and operating a new Southeast Topeka Interchange with I-470 near SE 29th Street. He reported the study

recommends the most cost-effective design option would be a minimum of \$15.9 million with the preferred location providing access to SE 29th Street. He noted the study stated a new interchange would not be financially feasible for KTA unless multiple parties are willing to share in the construction costs or if economic development projections for the area change.

Councilmember Jensen asked if a Tax Increment Financing District (TIF) would be a good financing tool so the interchange would not impact the City's overall budget. He stated he believes the interchange would boost economic development growth in the area.

Jim Colson stated staff would research the option of utilizing a TIF District and report back.

Doug Gerber reported there are many area developers interested in the project becoming a reality.

Mayor Wolgast questioned the potential timeframe of the interchange project.

Doug Gerber stated the interchange would be part of KTA's ten-year plan; however, he believes the timeframe would also depend on how the City wants to approach the project from a cost-sharing standpoint.

Councilmember Schumm stated the City needs to determine the expected traffic and economic impact of the area as well as how much the City would be willing to finance for the project. He spoke in support of a new interchange and thanked City staff and the KTA for the work done to date.

Councilmember Hiller stated the study provided great information for a solid long-term decision; however, she expressed concern with area destinations not being visible from the turnpike. She commented on the need to research economic development in the area to determine what is expected for the proposed interchange so the City fully understands their return on investment.

Joseph Ledbetter spoke in support of the proposed interchange and the overall benefit to southeast Topeka. He stated he believes the eastern part of the city has a lot of potential for economic development.

Teresa Miller spoke in opposition of the proposed interchange and noted the area struggles to retain businesses and City funding sources are already limited.

DISCUSSION of potential uses for the excess funds from the 2004-2016 Countywide Half-Cent Sales Tax was presented.

Jim Colson, City Manager, reported the discussion would provide answers on how to use the excess funds from a legal perspective as well as staff would provide examples of how the funds could be used.

Lisa Robertson, City Attorney, stated the current interlocal agreement between the City and County addresses excess sales tax funds in Subsection 3(a). She reported all original projects listed in Attachment A of the interlocal agreement are projected to be completed by year end and the County has already committed their portion of the excess funds to replace the NW Carlson Road Bridge over the Kansas River. She stated it is estimated the City would have an excess of \$8 million in funds which are unrestricted and can be used for anything other than payment of bonds.

Councilmember Jensen and Councilmember Schumm requested using excess funds for street improvements.

Doug Gerber, Deputy City Manager, reported there are many ways to spend the excess funds including street, utility, sidewalk, bikeways and quality of life projects. He provided an example of a proposed project that would encompass a full-depth street replacement project on Topeka

Boulevard to Buchanan Street from 6th to 8th Streets while addressing Combined Sewer Overflow (CSO) issues to meet regulatory guidelines.

Councilmember Clear asked if staff had a plan or could determine what streets need improvements including those dating back to the 1980s. She requested excess funds be used on existing street improvements, not new construction.

Doug Gerber stated staff is in the process of developing a comprehensive tool to address older streets.

Jim Colson referenced the 2007 Pavement Management Study conducted by Stantec and noted many things have changed since the study was completed. He noted \$8 million is a significant amount of money that will make a huge impact on the improvement of city streets. He stated it is the City's priority to develop a comprehensive plan for the Governing Body to consider.

Councilmember Schumm stated he understands the stance on infrastructure repairs; however, citizens want streets fixed and encouraged the Governing Body to list street projects that need to be addressed so the City as the ability to be proactive with a street plan and budget allocations.

Councilmember Jensen stated he concurs with Councilmember Schumm and noted some of the \$8 million could be used for aging water and sewer systems; however, a comprehensive replacement plan for Water Pollution Control should be determined first.

Councilmember Schwartz expressed her appreciation to City staff for their work. She asked when the Wanamaker corridor would be improved.

Doug Gerber reported improvements along SW Wannamaker Road were slated for this year and include pavement and waterline improvements from SW 10th to 17th Streets and street improvements from SW 10th to 21st Streets.

Jim Colson reported there are many cities in similar situations regarding needed infrastructure repairs; however, the City of Topeka will continue to work hard and have a solid plan in place to move forward and address the issues.

Councilmember Hiller commended City staff for the examples given and stated she agrees the area of Topeka Boulevard and Buchanan Street from 6th to 8th Streets is in desperate need of repair. She stated she concurs with Councilmember Clear and believes older streets should be considered first and not use the excess funds on new improvement projects. She encouraged the use of cash for payment of projects.

Joseph Ledbetter spoke in support of using the excess funds for street improvements, urban redevelopment and addressing housing issues.

Ralph Krumins asked the Governing Body to consider the expansion of trails throughout the city and county by leveraging transportation grants with an investment ratio of 4:1, improving quality of life in Topeka and Shawnee County.

Teresa Miller questioned if the use of the excess funds should be placed on a ballot to allow taxpayers to decide how funds should be spent. She spoke in support of making infrastructure repairs in conjunction with street repairs.

Councilmember Hiller asked if the City has cash available to pay the City's required match for Kansas River Levee improvements.

Doug Gerber reported it is anticipated the City will have the necessary funding.

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

Brenda Younger, City Clerk, provided an overview of the March 8, 2016, Council agenda.

Jim Colson, City Manager, announced Heartland Visioning is sponsoring a public meeting to discuss the best design and placement of wayfinding signs on March 2, 2016, at 6:30 p.m. at the Big Gage Shelter House in Gage Park. He commended Amber Reynolds, Manager of Technical Services, for being appointed to the National Geospatial Advisory Committee. He also announced a public discussion would be held March 9, 2016, on the SW Topeka Boulevard Planning Project from SW 7th to SW 11th Streets from 4:30 p.m. to 6:00 p.m. at the Holliday Building located at 620 SE Madison. He recognized new city employees Kelly Ryan, Water Pollution Control Levy Engineer; Jason Peek, Public Works Director; and Tim Wayne, Interim Fire Chief.

Doug Gerber, Deputy City Manager, announced the City of Topeka Polar Plunge Team was recognized by Special Olympics Kansas as the highest fund-raising team in Topeka, 4th highest fund-raising team in the state, the team with the most participants, and City Manager Jim Colson was the highest fund-raising individual in the state.

Councilmember Clear stated she understands the Governing Body is not allowed to talk about the specifics of hiring Interim Fire Chief Tim Wayne due to the pending lawsuit; however, she is hopeful questions will be answered soon regarding the contract with Goodyear, Arizona.

Councilmember Jensen encouraged citizens to attend the wayfinding sign meeting sponsored by Heartland Visioning on March 2, 2016; and First Friday Art Walk on March 4, 2016, from 5:30 p.m. to 8:30 p.m.

Councilmember Schwartz commended Friends of the Topeka Zoo for their continuing efforts in raising private funds to support the Zoo. She announced this week's "gem" of Topeka is "Topeka Family" which encompasses the entire community. She referenced the great turnout for

the Kay McFarland Estate Sale event to support the Asian Garden at the Zoo. She thanked the Zoo staff members, media and citizens for their participation at the event.

Councilmember Harmon recognized the honorees of the 2016 Topeka Business Hall of Fame. He announced the 2016 Topeka Business Hall of Fame Banquet sponsored by the Junior Achievement of Kansas would be held on March 3, 2016, at the Ramada Inn Topeka Downtown Hotel and Convention Center.

Councilmember Hiller encouraged citizens to attend the numerous events that will take place in downtown Topeka in celebration of St. Patrick's Day on March 12, 2016.

Mayor Wolgast offered condolences to those involved in the recent shooting tragedy in Hesston, Kansas. He expressed the importance of people being aware of their surroundings and acknowledged Police Chief James Brown for his continuing efforts in working to make the community a safer place.

Samuel Reilly, Sr., and Joseph Ledbetter appeared to speak under public comment.

Councilmember Schumm moved to recess into executive session to discuss potential litigation for a time period not to exceed 30 minutes and to include the Governing Body, City Manager, Deputy City Manager, Finance Director and City Attorney. The motion seconded by Councilmember Jenson carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 8:39 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session to continue discussion on potential litigation for a time period not to exceed 10 minutes and to include the Governing Body, City Manager, Deputy City Manager, Finance Director and City Attorney. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.”

(9-0-0)

At 8:49 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session to discuss potential litigation for a time period not to exceed 30 minutes and to include the Governing Body, City Manager, Deputy City Manager, Finance Director and City Attorney and staff. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 9:21 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Schumm moved to recess into executive session to continue discussion on potential litigation for a time period not to exceed 20 minutes and to include the Governing Body, City Manager, Deputy City Manager, Finance Director and City Attorney and staff. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 9:43 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:43 p.m.

Brenda Younger
City Clerk