

## **Council Minutes – April 14, 2015**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 14, 2015. Mayor Larry Wolgast called the meeting to order at 6:00 P.M. in regular session.

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

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

A SERVICE RECOGNITION AND FAREWELL CEREMONY was conducted by Mayor Wolgast. He expressed appreciation on behalf of the City and recognized the following members of the Council for their service and dedication:

- Councilmember TJ Brown, Council District No. 2
- Councilmember Chad Manspeaker, Council District No. 6
- Councilmember Nathan Schmidt, Council District No. 8

A SWEARING IN CEREMONY was conducted by Victor Miller, Administrative Court Judge. Judge Miller conducted the oath of office for the following newly elected officials of Council District Nos. 2, 4, 6 and 8:

- Sandra Clear, Council District No. 2
- Jonathan Schumm, Council District No. 4
- Brendan Jensen, Council District No. 6
- Jeff Coen, Council District No. 8

Mayor Wolgast welcomed the new members of the Council on behalf of the City.

Roll Call vote was conducted by the City Clerk with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Wolgast presided -1.

Councilmember Hiller requested to add a noise resolution and a special event resolution for Downtown Topeka, Inc., to the Council agenda for consideration.

Chad Sublet, City Attorney, reported City of Topeka Charter Ordinance No. 114 was passed by the electorate on April 7, 2015, which provides the mayor the right to vote on all matters, except for ordinances for which state law gives the mayor the right to veto.

Councilmember Hiller moved to add a resolution granting Downtown Topeka Inc., a noise exception to the Council agenda. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Councilmember Hiller moved to add a resolution approving a special event known as First Friday Concert Series to the Council agenda. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Mayor Wolgast announced the resolutions would be added to the consent agenda as items 4C and 4D respectively.

THE CONSENT AGENDA was presented as follows:

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

Open After Midnight License applications were presented for the following:

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Abigail's	3701 SW Plaza Drive
American Legion Post 1	3800 SE Michigan Street
Bob's Carwash	2733 SE California Avenue
Bob's Carwash	3162 SE 6 <sup>th</sup> Avenue
Boobie Trap Bar	1417 SW 6 <sup>th</sup> Avenue
The Brass Rail Tavern	401 NE Emmett Street
The Burger Stand @ College Hill	1601 SW Lane Street
California BP	2740 SE California Avenue
The Carwash	720 SW Gage Boulevard
The Carwash	1814 SW 10 <sup>th</sup> Street
Celtic Fox	118 SW 8 <sup>th</sup> Street
Denny's #7268	1500 SW Wanamaker Road
Denny's #7269	3210 SW Topeka Boulevard
The Dugout	1545 SW Fairlawn Road
Holiday Square Phillips	2901 SW Topeka Boulevard
IHOP	1731 SW Wanamaker Road
Kicks 66	3300 SW Gage Boulevard
LaFiesta	1017 NE Seward Avenue

<b><u>Business Name</u></b>	<b><u>Address</u></b>
McDonald's	3117 SW Topeka Boulevard
McDonald's	1100 S Kansas Avenue
McDonald's	1201 SW Gage Boulevard
McDonald's	5525 SW 21 <sup>st</sup> Street
McDonald's	2001 N Topeka Boulevard
McDonald's	2880 SE California Avenue
McDonald's	1640 SW Wanamaker Road
McDonald's	2933 SW Wanamaker Road
Oscar's	1424 SW Lane Street
Ramada West	605 SW Fairlawn Road
Serendipity	820 N Kansas Avenue
Sk8Away	815 SW Fairlawn Road
The 20's	2910 SW Oakley Avenue
Topeka Moose Lodge #555	1901 N Kansas Avenue
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 <sup>th</sup> Street
Walmart #5441	2600 N Rochester Road
Wild Horse Saloon	3249 SW Topeka Boulevard

RESOLUTION NO. 8677 introduced by Councilmember Karen Hiller, granting Downtown Topeka Inc., an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

RESOLUTION NO. 8678 introduced by Councilmember Karen Hiller, approving a special event known as First Friday Concert Series was presented.

Councilmember Harmon moved to approve the consent agenda as amended. The motion seconded by Councilmember Schwartz carried unanimously. (10-0-0)

ELECTION of a Deputy Mayor to serve a one-year term pursuant to Topeka Municipal Code Section A2-26(b) was presented.

Joseph Ledbetter stressed the importance of the duties of the deputy mayor in relation to the Joint Economic Development Organization (JEDO). He stated citizens are sincere about their desire for accountability and transparency relating to the spending of sales tax revenues. He expressed concern with the limited ability of members of the public to address the JEDO Board.

Councilmember Schwartz moved to nominate Councilmember Hiller to serve as Deputy Mayor.

Upon hearing no further nominations, Mayor Wolgast closed the nominations and asked members of the Council to cast their vote.

After the tally of votes, the City Clerk announced Councilmember Hiller received ten (10) votes.

Mayor Wolgast announced Councilmember Hiller would serve as the new Deputy Mayor.

ELECTION of two City Council voting representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Joseph Ledbetter expressed the importance of changing the current economic development model due to the continued increase of poverty and job loss in the community. He expressed concern with JEDO Board members being disconnected from the public and the crucial need to improve communication with the public in the economic development process.

Mayor Wolgast explained the JEDO Board was comprised of 13 members, of which seven (7) members have voting rights, including four (4) City of Topeka Governing Body members (*Mayor, Deputy Mayor and two council members*) and the three (3) Shawnee County Commissioners.

Councilmember De La Isla moved to nominate Councilmember Harmon.

Councilmember Schumm moved to nominate Councilmember Coen.

Councilmember Jensen moved to nominate Councilmember De La Isla.

Councilmember Hiller moved to nominate Councilmember Ortiz.

Upon hearing no further nominations, Mayor Wolgast closed the nominations and asked members of the Governing Body to cast their vote.

After the tally of votes, the City Clerk announced Councilmember Coen received six (6) votes, Councilmember Harmon received five (5) votes, Councilmember De La Isla received five (5) votes and Councilmember Ortiz received four (4) votes.

Councilmember Harmon withdrew his nomination.

Councilmember Ortiz withdrew her nomination.

After the tally of votes, the City Clerk announced Councilmember De La Isla received ten (10) votes.

Mayor Wolgast announced Councilmember Coen and Councilmember De La Isla would serve as the new Joint Economic Development Organization (JEDO) Board members.

ELECTION of City Council representatives to the Metropolitan Topeka Planning Organization (MTPO) Policy Board was presented.

Councilmember De La Isla moved to nominate Councilmember Jensen.

Councilmember Hiller moved to nominate Councilmember Schumm.

Upon hearing no further nominations, Mayor Wolgast closed the nominations and asked members of the Governing Body to cast their vote.

After the tally of votes, the City Clerk announced that Councilmember Schumm received ten (10) votes and Councilmember Jensen received ten (10) votes.

Mayor Wolgast announced Councilmember Schumm and Councilmember Jensen would serve as the new MTPO Policy Board members.

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

Jim Colson, City Manager, announced the Topeka Metropolitan Transit Authority (TMTA) would launch their new bike share program on April 15, 2015, at Washburn University's

Memorial Hall at 11:00 a.m. He also announced the opening ceremony for the new Sunflower Soccer facility would be held on April 18, 2015, from 10:00 a.m. to 2:00 p.m. He stated discussions regarding Heartland Park Topeka would occur at the April 21, 2015, City Council meeting, as well as, Town Hall meetings would be conducted with dates to be determined (between April 22<sup>nd</sup> and May 5<sup>th</sup>). He reported a resolution requesting the Governing Body take a position on the Heartland Park matter would be presented at the May 5, 2015, Council meeting to provide staff direction on how they should proceed with the issue.

Councilmember Hiller spoke in support of the TMTA new bike share program and encouraged the community to participate. She announced the Bridge to Bridge 5K Run/Walk event on April 18, 2015, as well as, the final Project Take Over/Make Over event on April 18, 2015, for the west side of Topeka Neighborhood Improvement Associations.

Councilmember Clear announced the Concert in the Park events would begin in June. She reminded individuals who may be eligible to participate in the Franchise Fee Refund Program that applications for 2014 utility credits would be accepted until September 4, 2015. She noted people could call the Community Resources Council at 785-233-1365 for more information. She asked if there was an agreement between NHRA and the City, and if so, she would like to request a copy of the agreement prior to the Council meeting next week.

Jim Colson confirmed there was an agreement that has been signed between the City and NHRA; however, the City continues discussions with NHRA representatives and all information would be provided as part of the discussion next week, in advance to the Governing Body. He noted the NHRA agreement was a public document that has always been available to the public for review.

Councilmember Ortiz welcomed the new members of the Council. She spoke in support of the TMTA new bike share program and encouraged citizens to participate.

Councilmember Schumm expressed his appreciation to City staff for the orientation they provided and stated he looks forward to serving the citizens of Topeka.

Councilmember De La Isla congratulated Hi-Crest Neighborhood Improvement Association for receiving the SORT Grant and announced their next NIA meeting would be held on April 23, 2015, at 6:30 p.m. at the Avondale East Elementary School located at 455 SE Golf Park Street. She welcomed the new members of the Council and stated she looks forward to working with them.

Councilmember Jensen thanked City staff for providing orientation to the new members of the Council. He stated the bike share program has a smartphone application which displays bike share locations throughout the city and offers an option to sign up for the program. He announced College Hill Blossoms would host their annual plant sale, breakfast and raffle at 13<sup>th</sup> and Boswell at Westminster Church from 8:00 a.m. to 11:00 a.m.

Councilmember Schwartz welcomed the new members of the Council. She referenced a survey sent to citizens by Auburn-Washburn U.S.D. 437 through a marketing research firm asking citizens how the school district should deal with State budget cuts. She asked if a similar survey could be sent to citizens regarding the Heartland Park issue. She stated there are many local attractions for visitors in Topeka; however, she expressed concern with the State Capitol building being closed on Saturdays and Sundays. She encouraged people to contact their legislator and request an extension of visitor hours during the weekends.

Councilmember Coen thanked City staff for the orientation and stated it provided very useful information.

Mayor Wolgast welcomed the new members of the Council and stated he looks forward to working with them and making positive changes in the city of Topeka.

Nick Scott, J. Tuckness, Joann Peavler and Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:09 p.m.

---

Brenda Younger  
City Clerk