

Council Minutes – April 8, 2014

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 8, 2014. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Chaplain Major John Potter, Kansas National Guard, gave the invocation.

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

A PRESENTATION of the 2013 Topeka Armed Forces Personnel of the Year Awards was presented by Mayor Larry Wolgast. The Topeka Military Relations Committee honored the following award recipients:

- Spc. Joshua R. Joynt, Kansas Army National Guard
- Sgt. 1st Class James J. Riddle, United States Army Reserve
- Sgt. Andrew S. Slater, United States Marine Corps
- Staff Sgt. Luke A. Boxterman, Kansas Air National Guard
- Yoeman 1st Class Joshua R. Lee, United States Coast Guard
- Yoeman 2nd Class Steven E. Rogers, United States Coast Guard Reserve

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Paul Post to the Topeka Landmarks Commission for a term ending March 31, 2017 was presented.

BOARD APPOINTMENT recommending the appointment of David Cullip to the City of Topeka ADA Advisory Council for a term ending March 31, 2016 was presented.

BOARD APPOINTMENT recommending the appointment of Nancy McIndoe to the City of Topeka ADA Advisory Council for a term ending March 31, 2016 was presented.

BOARD APPOINTMENT recommending the appointment of Gina Penzig to the Topeka Sustainability Advisory Board to fill an unexpired term ending January 31, 2015 was presented.

BOARD APPOINTMENT recommending the appointment of Rebecca Betts to the City of Topeka ADA Advisory Council for a term ending March 31, 2016 was presented.

BOARD APPOINTMENT recommending the appointment of Mary Anne Durall to the Metropolitan Topeka Airport Authority for an unexpired term ending November 30, 2016 was presented.

MINUTES of the regular meeting of April 1, 2014, were presented.

Open After Midnight License applications were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Billar El 2 De Oros	2018 SE Swygart
The Dutch Goose	3203 SW 10 th Avenue
Fraternal Order of Eagles	2941 SE Fremont Street
Midwest Elks Lodge #1441	1316 SE Madison Street
Reeds Lakeside	2920 SE Croco Road
Riegels 20's West	901 SW Fairlawn Road
Skivies Bar & Grill	921 S Kansas Avenue
Tailgators Sports Pub & Grub	2025 SW Urish Road, Suite 108

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

ORDINANCE NO. 19896 introduced by Councilmember Karen Hiller concerning riding bicycles on sidewalks, amending City of Topeka Code Section 10.35.010 and specifically repealing said original section placed on first reading February 18, 2014 was again presented.

Councilmember Harmon gave the staff report and stated the Public Health and Safety Committee recommended approval of the ordinance by a vote of 3-0-0.

Councilmember Harmon moved to adopt the ordinance. The motion was seconded by Councilmember Campos II.

Theresa Miller spoke in opposition of the ordinance. She reported different size sidewalks are located throughout the city; however, the older sidewalks do not have sufficient room for

bicycles and pedestrians making the situation hazardous. She noted she believes 5 miles per hour is reasonable and easy to manage.

Councilmember Harmon stated he agrees with Ms. Miller in regards to narrow sidewalks located throughout the city. He reported the Committee suggested adding additional language to address safety issues; however, the additional language would not have increased enforceability. He noted the ordinance includes the standard language used across the nation.

Councilmember Schmidt stated he does not believe the ordinance endorses bicycle riding on sidewalks and he would encourage bicyclist to obey all traffic laws.

Councilmember Campos II spoke in support of the ordinance. He suggested they continue to monitor and improve bicycle laws as they move forward through the experimental stage.

The motion to adopt the ordinance carried. Councilmembers De La Isla and Manspeaker voted “no.” (7-2-0)

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

ORDINANCE NO. 19897 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of February 1, 2014, through February 28, 2014, and enumerating said expenditures therein was presented for first and final reading.

Brandon Kauffman, City Chief Fiscal Officer, stated approval would authorize City expenditures in the amount of \$15,850,398.20.

Councilmember Campos II expressed his confidence in the City’s new Financial Services staff and noted he supports the new expenditure process.

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

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

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

Joseph Ledbetter stated he believes the current Deputy Mayor should stay in the position to help resolve issues with the Joint Economic Development Organization that have been created over the last year.

Councilmember Harmon nominated Councilmember Everhart to serve as Deputy Mayor.

Councilmember Schwartz referenced the April 9, 2013, Council Meeting Minutes and stated nominations have been based on seniority of councilmembers.

Councilmember Schwartz nominated Councilmember Hiller to serve as Deputy Mayor. She stated Councilmember Hiller is the next longest standing councilmember serving six (6) years, and in her opinion she is a strong community leader in all aspects of the job.

Councilmember Campos II stated he concurs with Councilmember Schwartz and stated Councilmember Hiller represents the Governing Body well.

Councilmember Ortiz stated she believes every councilmember should have the opportunity to serve as Deputy Mayor. She thanked the Governing Body for allowing her to serve as Deputy Mayor.

Councilmember Manspeaker spoke in opposition of Councilmember Hiller's nomination. He commended Councilmember Hiller for her dedication to the community; however, he stated he disagrees with her leadership style. He spoke in support of Councilmember Everhart's nomination and noted that he values her professionalism and leadership skills.

Upon hearing no further nominations, Mayor Wolgast announced the nominations for

Deputy Mayor would cease.

After the tally of votes, the City Clerk announced that Councilmember Everhart received five (5) votes and Councilmember Hiller received four (4) votes.

Mayor Wolgast announced that Councilmember Everhart would serve as the new Deputy Mayor.

Councilmember Everhart thanked the Council for their support and stated she looks forward to the opportunity to serve as Deputy Mayor.

Councilmember Hiller congratulated Councilmember Everhart on being nominated as 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 concern with the lack of transparency and the omission of language relating to Kansas Open Records Act (KORA) regulations in the JEDO agreement for services recently approved by the JEDO Board, as well as, other essential language. He stated he believes the current JEDO members should continue to serve on the JEDO Board and resolve the issues that have been created over the past year.

Councilmembers Campos II nominated Councilmember Hiller to serve as a JEDO Board member.

Councilmember Everhart nominated Councilmember Schmidt to serve as a JEDO Board member. She stated he works hard on economic development issues and remains active in the community.

Councilmember Ortiz nominated Councilmember Schwartz to serve as a JEDO Board member.

Councilmember Campos II nominated himself to serve as a JEDO Board member.

Upon hearing no further nominations, Mayor Wolgast announced the nominations for two (2) JEDO Board members would cease.

After the tally of votes, the City Clerk announced that Councilmember Hiller received six (6) votes, Councilmember Schmidt received five (5) votes, Councilmember Campos II received four (4) votes, Councilmember Schwartz received two (2) votes and Councilmember Manspeaker received one (1) vote.

Mayor Wolgast announced that Councilmember Hiller and Councilmember Schmidt would serve as the new JEDO Board members.

DISCUSSION on the Topeka Historic Landmarks Ordinance.

Bill Fiander, Planning Department Director, provided a brief summary report of the historic landmarks ordinance. He stated the ordinance only applies to the duties of the Topeka Landmarks Commission, the local historic landmarks and landmark districts and would not apply to State or Nationally listed historic properties. He reported the process of amending the ordinance was initiated several years ago and significant changes would include the addition of commercial districts, removal of the 'opt-out' provision, demolition procedures, and the definition of mothballing. He also reported the citizen participation process has been integrated into the ordinance, as well as, the appeals process to the City Council which addresses nomination, denomination, Certificate Of Appropriateness (COA) Major, Certificate Of Appropriateness (COA) Minor and demolitions.

Mayor Wolgast stated the proposed ordinance would clarify the process in regards to commercial property and make the process more expedient.

Christy Caldwell, Vice President Government Relations for Greater Topeka Chamber of Commerce, spoke in support of the ordinance. She stated it has been a pleasure to work through the challenges to make the changes compatible for both residential and commercial property owners.

Councilmember Campos II asked how the integrity of a structure would play into the process; how mothballing would affect a property in regards to landmark status; how the physical location or structure would be considered; and if a building or the property location would be protected.

Bill Fiander reported property could be protected with zoning overlay and the structure could be protected with consent of the property owner. He noted moving the structure would denominate the property; however, the new property location would in-turn be nominated.

Councilmember Hiller commended everyone involved in the process for developing the elements over the last six months including the citizen participation process. She stated she believes certain items within the ordinance need more review; however, a lot of work has been accomplished on the general terms and historic districts.

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19898 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 along the west side of SW Indian Hills Road approximately 1,300 feet south of SW 21st Street from “PUD” Planned Unit Development District (“M-1” use group) TO “R-1” Single-Family Dwelling District placed on first reading April 1, 2014, was again presented. (Z14/1)

Bill Fiander, Planning Department Director, reported approval would amend the district zoning classification on property containing 16 acres allowing for the construction of 23 single-family residences. He noted the proposed development is consistent with the land use policies and principles of the Topeka Land Use and Growth Management Plan 2025.

Councilmember Hiller asked if all provisions subject to approval have been met.

Bill Fiander reported all conditions of the final plat have been met.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, Schwartz, Schmidt, Harmon and Mayor Wolgast -10.

A FINAL PLAT for Miller’s Reserve Subdivision on property located along the west side of SW Indian Hills Road approximately 1,300 feet south of SW 21st Street all being with the City of Topeka, Shawnee County, Kansas was presented. (P13/19)

Bill Fiander, Planning Department Director, reported approval would allow for a 22-lot single-family residential subdivision and one lot for a stormwater detention facility.

Councilmember Schmidt moved to approve the final plat. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

AN ORDINANCE introduced by City Manager Jim Colson, concerning the adoption of the 2012 International Property Maintenance Code, repealing in their entirety Sections 6.35.060, 8.60.180 through 8.60.220 and Chapters 8.65, 8.70 and 8.75 of the Topeka Municipal Code, as well as, amending Sections 2.25.250, 8.60.010 through 8.60.170, 8.80.040, 8.80.050, 14.35.050 and 14.70.150 and specifically repealing said original sections was presented for first reading.

A RESOLUTION introduced by Councilmember Nathan Schmidt, adopting revised City Council Rules and Procedures was presented for first reading.

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

Jim Colson, City Manager, reported on the new City 4 equipment being installed over the next month in the City Council Chambers. He also reported Jesse, the aging giraffe at the Topeka Zoo, received a clean report from the USDA following a complaint that had been received. He commended Brendan Wiley, Topeka Zoo Director, for a job well done in addressing the matter. He announced Countywide Half-Cent Sales Tax Town Hall meetings would be held on April 17, 2014, at Avondale East located at 455 S.E. Golf Park Boulevard from 5:30 p.m. to 6:30 p.m.; and April 21, 2014, at the Topeka-Shawnee County Public Library located at 1515 S.W. 10th Street from 7:00 p.m. to 8:00 p.m. He reported he has been working with Mayor Wolgast to schedule another public meeting concerning the Countywide Half-Cent Sales Tax on April 22, 2014.

Mayor Wolgast commended Councilmember Ortiz for her service as Deputy Mayor and her strong display of commitment to the city and the Council. He congratulated Councilmember Everhart on being elected as Deputy Mayor. He expressed appreciation to the City Communications staff for working with the Topeka Military Relations Committee in presenting the Topeka Armed Forces Personnel of the Year Awards, as well as, all military personnel for their commitment to the armed forces and local community.

Councilmember Schwartz stated she attended training in her district for the Designer Showcase which assists Child Care Aware. She reported the Policy and Finance Committee met on April 4, 2014, where Susan Duffy, Topeka Metropolitan Transit Authority General Manager,

provided an update and noted TMTA has not asked for a mill levy increase for the past three years. She encouraged Governing Body members to attend the State of the Community luncheon on April 16, 2014.

Councilmember Hiller thanked Councilmember Ortiz for her service as Deputy Mayor and all members who support her work. She stated she looks forward to the Holliday Park Circle improvements.

Councilmember Ortiz congratulated Councilmember Everhart for being elected as Deputy Mayor and stated she looks forward to working with her. She announced the Drug Enforcement Agency Drug Take Back Day on April 26, 2014, and encouraged people to turn in unused or expired prescriptions to the Topeka Police Department, Walgreens store located at 1001 SW Gage Boulevard or the Solider Township Fire District. She also announced in recognition of the Keep America Beautiful's Great American Cleanup and in celebration of Earth Day the following businesses would offer services to residents of Shawnee County, free of charge, May 3, 2014: Rolling Meadows Recycling and Disposal Facility located at 7351 N.W. Highway 75; Garick Yard Materials Recycling Facility located at I-70 and MacVicar; Bridgestone's One Team One Planet Program would host a tire recycling collection for Shawnee County residents at Expert Tire, 3701 S. Topeka Boulevard; Shawnee County Solid Waste Department located just east of Topeka Boulevard and N. 46th Street; and Fidelity State Bank in conjunction with Jayhawk File Express at the Westridge Branch located at 5926 S.W. 21st Street. She noted residents could obtain more information from Keep America Beautiful's website at www.kabtopsh.org.

Councilmember Everhart encouraged citizens to attend the City of Topeka Housing Purchase and Repair Program Town Hall Meeting sponsored by the Human Relations

Commission and the City of Topeka Diversity Committee on April 9, 2014, from 6:00 p.m. to 8:00 p.m. at the Cyrus K. Holliday Building Holliday Conference Room located at 620 S.E. Madison Street.

Mayor Wolgast reminded citizens the MARS downtown pop up store located at 713 S. Kansas Avenue would be closing on April 13, 2014, and all proceeds from the store would go towards the downtown revitalization project.

Councilmember Campos II thanked Burlington Northern Santa Fe Railroad for donating \$200,000 over the next three years to the Downtown Topeka Foundation and its project to revitalize and beautify South Kansas Avenue.

Joseph Ledbetter and Theresa Miller appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:33 p.m.

Brenda Younger
City Clerk