

## **Council Minutes – May 19, 2015**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 19, 2015. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz and Coen -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

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

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

A PRESENTATION of the City of Topeka 2015 First Quarter Finance Report was given by Brandon Kauffman, City Chief Fiscal Officer. He stated the report would be made available for review on the City's website. He reported an overall revenue increase of 10% and an overall expenditure increase of 6% (2014 v. 2015); however, the figures are subject to change until the final audit was complete. He discussed major revenues and expenditures, growth factors, expenditure management, financial recovery, flat mill levy, sales tax increases, increased utility rates, General Fund, Water Fund, Wastewater Fund and Stormwater Fund first quarter results (Actuals: 2014 v. 2015). He noted the City should continue to see good financial results by managing expenditures, policy changes and the continued economic recovery.

Councilmember Hiller questioned if the Water fund "working" capital grew because the City did not spend a portion of the funds on projects that were deferred or there was more money being generated. She expressed concern with the increasing balance and asked if expenses were increasing because more projects are being completed or there was an increase in operating expenses.

Brandon Kauffman stated the City has paid cash for capital projects; however, the City has changed recording methods for certain funds over the past year, resulting in a variation of fund balances. He noted the new process would provide for a more accurate reflection of expenses and revenues.

Doug Gerber, Administrative and Financial Services Director, stated he would review the Water fund; however, at the end of 2015 some projects were deferred because of the uncertainty of interest rates as well as they were trying to be conservative at that time.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Theda Simmons, police recruit, in the amount of \$14,330.67 for the permanent partial impairment of her right knee for injuries suffered on December 9, 2013, was presented.

MINUTES of the regular meeting of May 12, 2015, was presented.

An Open After Midnight License application for Bill's Diner located at 2134 N. Kansas Avenue was presented.

Cereal Malt Beverage License applications were presented for the following:

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Dillons #47	2815 SW 29 <sup>th</sup> Street
Dillons #54	800 NW 25 <sup>th</sup> Street
Dillons #58	1400 SW Huntoon Street
<b><u>Business Name</u></b>	<b><u>Address</u></b>
Dillons #67	2010 SE 29 <sup>th</sup> Street
Dillons #87	5311 SW 22 <sup>nd</sup> Place
Dillons #88	4015 SW 10 <sup>th</sup> Street
Kwik Shop #705	1114 NW Topeka Boulevard
Kwik Shop #713	5700 SW 21 <sup>st</sup> Street
Kwik Shop #720	102 SW 37 <sup>th</sup> Street
Kwik Shop #740	2277 SW 10 <sup>th</sup> Street
Kwik Shop #757	2619 SW 21 <sup>st</sup> Street
Kwik Shop #780	2526 SW 6 <sup>th</sup> Street
Kwik Shop #781	4500 SW Topeka Boulevard
Kwik Shop #788	1414 SW 17 <sup>th</sup> Street

Kwik Shop #789	746 NE Wabash
Kwik Shop #791	1700 SW Topeka Boulevard
Walgreens #02846	2915 SW Gage Boulevard
Walgreens #03069	1001 SW Topeka Boulevard
Walgreens #03772	2901 SE California Avenue
Walgreens #04557	2121 SW Fairlawn Road
Walgreens #04782	3696 SW Topeka Boulevard
Walgreens #04981	3630 SW Wanamaker Road
Walgreens #07778	1001 SW Gage Boulevard
Walgreens #15601	2101 NW Topeka Boulevard
Walmart #1802	1501 SW Wanamaker Road
Walmart #2131	1301 SW 37 <sup>th</sup> Street
Walmart #5441	2600 NW Rochester Road
Walmart #6392	2630 SE California Avenue
Walmart #6585	335 SW MacVicar Avenue

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

ORDINANCE NO. 19948 introduced by City Manager Jim Colson, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.255.060 of the Topeka Municipal Code, by amending the District Zoning Classification from “R-2” Single-Family Dwelling District, and “R-2/HL” Single-Family Dwelling District/Historic Landmark Overlay, TO “R-2/HLD” Single-Family Dwelling District/Historic Landmark District Overlay on properties located at 417, 419 and 423 SW Taylor Street, City of Topeka, Shawnee County, Kansas, was presented. (*HLD15/01*)

Bill Fiander, Planning Department Director, reported approval adds the John Nelson Historic Landmark District as the first local historic district in the city and adopts a zoning overlay with design standards for new construction or alterations. He stated the amendment would include properties located at 417, 419 and 423 SW Taylor Street.

Councilmember Schwartz asked for clarification between National Park Service historic properties and other historic entities in Topeka, and the process to establish a historic district.

Bill Fiander stated there are several national historic districts in Topeka of which four are protected by the National Landmark Commission through National Park Service guidelines. He reported there are over 50 local individual historic districts; however, some do not meet the level of a national landmark character. He noted this type of zoning overlay was a first for the City because there has not been a collection of qualified historic properties located together until this time.

Mayor Wolgast commented on the State's recent approval of three historic districts that will be considered at the national level.

Bill Fiander reported South Kansas Avenue, the Mill Block Historic District (on S Kansas Avenue between 1<sup>st</sup> Street and Crane Street) and Mater Dei Catholic Parish-Assumption Site (204 SW 8<sup>th</sup> Avenue) are pending national historic properties that have been nominated to the National Parks Service for national landmark listings, with the hope to have seven local national historic properties by June 2015.

Councilmember Hiller commended Deborah Edwards for restoring the properties and being an active member in the community.

Aaron Edwards gave a brief overview of Ms. Edward's love of historic homes and how she has worked to restore properties and make a difference in the community.

Councilmember Hiller 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, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

## PUBLIC HEARING NOTICE

A PUBLIC HEARING in conjunction with vacation request V15A/1 by Unified School District No. 501 requesting the vacation of an alley to allow an addition to Lowman Hill Elementary School that will consist of approximately 6,500 square feet of space and house a dual function gymnasium/storm shelter.

ORDINANCE NO. 19949 introduced by City Manager Jim Colson, relating to the vacation of 17 lineal feet of a 15 foot wide public alley right-of-way lying between SW Mulvane Avenue and SW Garfield Street and between SW 11<sup>th</sup> Street and SW Munson Street, approximately 230 feet north of SW Munson, in the City of Topeka, Shawnee County, Kansas was presented.  
*(V15A/1)*

Bill Fiander, Planning Department Director, reported Lowman Hill Elementary has requested vacating an alley right-of-way to accommodate an addition consisting of a dual function gymnasium/storm shelter. He stated the vacation would encroach upon a small portion of the alley; therefore, relocation of a parking lot would occur across from the alley as well as U.S.D. 501 would pay to reroute sanitary sewer lines to the vacated portion of the alley.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak. No one appearing, the public hearing was closed.

Councilmember Ortiz asked if U.S.D. 501 has had any discussions in regards to closing Lowman Hill Elementary.

Bill Fiander reported he was not aware of any discussions to close the school and the request for expansion is a positive sign U.S.D. 501 plans to keep the school open.

Councilmember Jensen asked if the vacation would cut a portion of the alley out of the neighboring property.

Bill Fiander reported U.S.D. 501 held a neighborhood informational meeting on April 6, 2015, and there was no opposition expressed. He stated there was more than enough area in the

alley and a new egress point was proposed by U.S.D. 501 which is vital to the maintenance of the traffic route.

Councilmember Schumm 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, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

ORDINANCE NO. 19950 introduced by City Manager Jim Colson, authorizing initiation of condemnation proceedings to acquire fee simple interest of a vacant lot to be used for the rehabilitation of the South Kansas River Pump Station located at I-70 and SW MacVicar Avenue, Project No. T-291003.00, was presented.

Jim Colson, City Manager, reported approval would authorize the City Attorney to initiate condemnation proceedings in the district court to secure fee simple title to a .12 acre vacant lot at 5227 NW Hawthorne Street for the S. Kansas River Pump Station project.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Mayor Wolgast -9. Absent: Harmon -1.

RESOLUTION NO. 8692 introduced by Deputy Mayor Karen Hiller regarding the 2016 City of Topeka budget priorities was presented.

Jim Colson, City Manager, reported Deputy Mayor Hiller has been working diligently with Nickie Lee, City of Topeka Budget Manager, to capture the budget priorities of the Governing Body for the City's 2016 Operating Budget.

Councilmember Hiller reported modifications to the priorities were based on discussion from the Council meeting of May 12, 2015. She listed the following priorities included in the resolution, all of equal importance:

1. Continuing a Commitment to developing Neighborhoods
2. Continuing a Commitment to Public Safety
3. Improving Fiscal Sustainability
4. Improving Performance and Cost-Effectiveness
5. Investing in Infrastructure
6. Selected Strategic Investments toward Quality of Life

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Schwartz carried unanimously. (9-0-0)

SETTING a public hearing date of June 9, 2015, for consideration of imposing special assessments for Lauren's Bay and Sunflower Soccer public improvement projects was presented.

Brandon Kauffman, City Chief Fiscal Officer, reported approval would set the public hearing for five (5) public improvement projects (3 projects in Lauren's Bay Estates and 2 projects in Sunflower Soccer Subdivision) on June 9, 2015.

Councilmember Schwartz moved to approve the public hearing date of June 9, 2015. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

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

Jim Colson, City Manager, announced a public meeting is scheduled for May 21, 2015, from 11:30 a.m. to 1:00 p.m. at the Holliday Building to outline the City's special assessment policy and the situation as it exists. He encouraged developers and others to share their thoughts on special assessments and staff would identify options to move forward. He noted the City's special assessment policy was established in 2004 and reaffirmed in 2010, with risks not mitigated through the City; therefore, the City would work towards revising the policy.

Chad Sublet, City Attorney, thanked the Governing Body and City Manager for allowing him to serve the City and stated it has been an honor and great opportunity for him.

Mayor Wolgast thanked Mr. Sublet for his service to the City and stated he is a respected individual who provides excellent leadership.

Councilmember Hiller thanked Mr. Sublet for his service to the City and wished him well in his new position as Chief of Prosecution in Denver, Colorado. She stated the Council has appointed Steven Seahorn and Maurice Heim to serve as chaplains to the Governing Body and the Topeka Police Department. She announced the NHRA Kansas Nationals are scheduled for May 22-24, 2015, at Heartland Park Topeka; the Annual Massing of the Colors at the Great Overland Station on May 25, 2015, starting at 12:30 p.m.; and a Crime Summit sponsored by the Topeka Police Department for Council District No. 1 at Topeka High School on June 20, 2015.

Councilmember Clear announced the Concert in the Park events would start June 1, 2015, at the Garfield Park gazebo at 7:30 p.m.

Councilmember Ortiz thanked Mr. Sublet for his service and wished him well in his new position as Chief of Prosecution in Denver, Colorado.

Councilmember Schumm encouraged everyone to remember veterans this Memorial holiday.

Councilmember De La Isla thanked the Briarwood neighborhoods for their work in the community and commended the City for utilizing the neighborhood social network “Nextdoor” as it has greatly improved communication between residents. She reported she attended an Emergency Preparedness meeting on May 18, 2015, and stated it was very helpful and informational and encouraged NIAs to consider requesting an emergency preparedness presentation at NIA meetings. She requested an emergency preparedness presentation be

provided to the Governing Body so they understand their responsibilities in a natural disaster or community-wide emergency.

Councilmember Jensen thanked his brother for serving in the U.S. Navy and all those who have served or are currently serving in the U.S. Military.

Councilmember Schwartz reported she attended the Designer Showhouse event featuring the Jerry Farley family home which generated a record number of participants. She stated she met with Brett Oetting, Visit Topeka Inc. President and CEO, and believes Visit Topeka is doing good things for Topeka and noted he would be attending the Transient Guest Tax Committee meeting on May 20, 2015, at the Holliday Building located at 620 SE Madison Street at 8:30 a.m.

Councilmember Coen announced the opening of the new CVS Pharmacy located at 3901 SW 21<sup>st</sup> Street; and the Evans Carnival would be in town at One Expocentre Drive from May 21-31, 2015.

Councilmember Ortiz moved to recess into executive session to discuss labor negotiations for a time period not to exceed 15 minutes and to include the Governing Body, City Manager, City Attorney and staff, Administrative and Financial Services Director, Budget Manager, Human Resources Director, Topeka Police Deputy Chief Brian Desch and Topeka Police Major Scott Conklin. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

At 7:15 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz moved to recess into executive session to discuss potential litigation for a time period not to exceed 15 minutes and to include the Governing Body, City Manager, City Attorney and staff, Administrative and Financial Services Director and Tim Davis, Water

Services Distribution. The motion seconded by Councilmember De La Isla carried unanimously.  
(9-0-0)

At 7:30 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz moved to recess into executive session to discuss potential litigation for a time period not to exceed 10 minutes and to include the Governing Body, City Manager, City Attorney and Administrative and Financial Services Director. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

At 7:40 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 7:40 p.m.

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Brenda Younger  
City Clerk