

## **Council Minutes – June 16, 2015**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 16, 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, Jensen, Schwartz, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember De La Isla -1.

AFTER THE MEETING was called to order, Pastor Hunter Ruch, Topeka Bible Church gave the invocation.

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

A PRESENTATION on the 2015 Annual Report of the Topeka Sustainability Advisory Board (SAB) was provided by Derrick Carpenter, Sustainability Advisory Board Chair. He gave a brief overview of the history of the Topeka Sustainability Advisory Board and their focus on energy efficiency, waste reduction and recycling, resource conservation as well as environment and quality of life issues. He recommended the City implement the following in order to meet important organizational sustainability goals:

1. Reinstate a full-time Sustainability Coordinator
2. Integrate sustainability in the decision-making process
3. Focus on energy efficiency in City facilities (LEED)
4. Adopt energy efficient elements of the International Building Code (IBC)
5. Support for Combined Sewer Overflow (CSO) project and water quality reports
6. Support for improving Quality of Life in Topeka, Complete Streets, Bike Pathways, Reforestation and Community Gardens

In conclusion, Mr. Carpenter suggested allocating \$50,000 for the purpose of planting new trees in strategic places throughout the city for a more functional environment. He stated sustainable growth and urban vitality are the hallmarks of a healthy community that attracts businesses and individuals to invest and live in the community.

Mayor Wolgast thanked Mr. Carpenter for the presentation. He stated he believes the work

the Board performs is an important aspect of the community.

Councilmember Clear asked how many trees could be purchased for \$50,000.

Derrick Carpenter reported when using a contractor to install and water four inch trees, it would be estimated that approximately 250 trees could be purchased; however, he would prefer to explore ideas that would include volunteer cooperation with community interest to leverage a portion of the funds to increase the amount of trees that could be purchased.

Councilmember Jensen thanked Mr. Carpenter for the presentation and expressed his appreciation to the Board for their work. He asked what tools and information are available when reviewing a cost sustainable project and if the City Sustainability Coordinator position would be responsible for organizing the projects.

Derrick Carpenter stated a total cost analysis would be done with elements associated with upfront costs and a timeline when the project would become cost sustainable. He reported the Sustainability Coordinator position would draft the project, then confer with finance staff and review funding options.

Councilmember Hiller thanked Mr. Carpenter for the presentation. She referenced the 2015 Sustainability Advisory Board Report to the City Council and asked if the Board believes the Governing Body should adopt more of the International Building Code regulations.

Derrick Carpenter stated the IBC keeps improving; therefore, the Board would support a more comprehensive use of the IBC in regards to energy efficiency.

A PRESENTATION of the 2014 City of Topeka Audit and Comprehensive Annual Financial Report (CAFR) was provided by Brandon Kauffman, City Chief Fiscal Officer. He reported the CAFR was prepared with consideration of the highest standards of governmental reporting for full disclosure with a focus on timeliness and accuracy. He stated the City's Finance team has

worked hard throughout the year to continue to improve the City's overall financial health. He gave a brief summary of the City's Overall Net Position, Revenues, Expenses, Capital Assets and Long Term Obligations.

Audrey Odermann, Mize & Houser Company, P.A., commended the City's Financial Services staff for their hard work on the audit and referenced the unmodified opinion by Mize & Houser Company, P.A., which speaks highly of the City's financial management throughout the year. She briefly spoke on the maintenance of internal controls relevant to the preparation of the audit and how it relates to auditing laws and regulations.

Mayor Wolgast thanked Ms. Odermann for her work on the audit and commented on the improvements made in the City's finances within the last few years.

Jim Colson, City Manager, expressed his appreciation to Doug Gerber, Brandon Kauffman and the City's financial staff for their excellent work resulting in a favorable audit. He reported the City continues to improve financial policies and thanked Mize & Houser Company for their partnership with the City.

Councilmember Ortiz moved to add a resolution granting a noise exception to Leonard Gonzales and a resolution granting Anthony Williams a noise exception to the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

Mayor Wolgast announced the resolutions would be placed under the consent agenda as items 4K and 4L, respectively.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Jeri Cole, Topeka Police Department, in the amount of \$24,360.50 for injuries suffered July 9, 2013, was presented.

APPROVAL of a Workers' Compensation Settlement for Lisa Pinkley, Animal Control Division, in the amount of \$10,757.40 for injuries suffered September 21, 2010, was presented.

DENIAL of Tort Claim filed by Ashley Venneberg seeking compensation for injuries she sustained after she was struck by a vehicle while navigating the crosswalk located at SW 6<sup>th</sup> Street and SW Orchard in the amount of \$3,100,000 was presented.

DENIAL of Tort Claim filed by Kent Lindemuth seeking compensation for an alleged malicious prosecution in the amount of \$25,000 was presented.

RESOLUTION NO. 8702 introduced by Councilmember Sylvia Ortiz, granting Cynthia Williams an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

BOARD APPOINTMENT recommending the re-appointment of Jennifer Sourk to the Washburn University Board of Regents for a term ending June 30, 2019, was presented.

BOARD APPOINTMENT recommending the re-appointment of Elsie Eisenbarth to the Topeka Metropolitan Transit Authority Board for a term ending June 30, 2019, was presented.

BOARD APPOINTMENT recommending the re-appointment of Robin Jennison to the Topeka-Shawnee County Riverfront Authority Board for a term ending June 30, 2018, was presented.

MINUTES of the regular meeting of June 9, 2015, was presented.

Cereal Malt Beverage License applications were presented for the following:

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Gas and Shop	1900 NW Topeka Boulevard
In A Pinch	706 SW Fairlawn Road
Mike's Market	2620 NE Sardou Avenue
Short Stop III	2044 NW Tyler Street
Woody's Express	1900 NW Topeka Boulevard

RESOLUTION NO. 8703 introduced by Councilmember Sylvia Ortiz, granting Leonard Gonzales an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8704 introduced by Councilmember Sylvia Ortiz, granting Anthony Williams an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Harmon moved to approve the consent agenda as amended. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

DENIAL of a Security Guard License Appeal by Earnest Hobbs III was presented.

Mayor Feighny, Deputy City Attorney, reported staff recommends the Governing Body uphold the denial of a security guard license as recommended by the Chief of Police pursuant to Topeka Municipal Code 5.90.140(a)(8). She stated the applicant completed a deferred prosecution program for felony possession of marijuana through Shawnee County District Court in 2014; however, Mr. Hobbs has neglected to pay citations totaling \$2,249.

Councilmember Harmon moved to affirm the denial of the security guard license. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

DENIAL of a Security Guard License Appeal by Brandon Crispin was presented.

Mary Feighny, Deputy City Attorney, reported staff recommends the Governing Body uphold the denial of a security guard license as recommended by the Chief of Police pursuant to Topeka Municipal Code 5.90.140(a)(7). She stated the applicant was convicted of misdemeanor theft in Topeka Municipal Court on March 2, 2015, and has neglected to pay citations totaling \$274.

Councilmember Harmon moved to affirm the denial of the security guard license. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

DISCUSSION regarding the City of Topeka Neighborhood Initiative was presented.

Jim Colson, City Manager, reported feedback from the Neighborhood Summits in 2012 and 2013 made it clear that property maintenance was a major concern in the community. He stated the City is addressing these issues as well as blight and crime which are associated with vacant, abandoned or blighted structures. He referenced the 2014 Vacant & Abandoned Properties Report submitted to the Kansas Legislature which stated there were 400 abandoned properties in the City of Topeka; however, the issue has not been decided in the Legislature and the City continues to persevere. He stated the Shawnee County Appraiser's Office has offered to partner with the City by taxing properties with one year of delinquent taxes that are certified as being abandoned to tax sale rather than waiting the traditional three years to begin the process.

Sasha Stiles, Department of Neighborhood Relations Director, stated neighborhoods are the foundation of a community, key to success and filter through which the City makes decisions. She reported there are over 700 vacant residential structures in Topeka, home ownership is declining and boarded structures are increasing which all bring about safety risks to the community. She presented the following 2015 statistics and the 2016 Neighborhood Initiative:

#### 2015 Statistics

\$100,000 demolition funding

- \$31,000 remaining after three demolitions
- 20+ properties remain ready for demolition in 2015

8 inspectors: 59,500 housing units

- 9,300 cases in 2014
- 4,235 cases year to date
- 529 cases per inspector
- 3,120 cases closed

## 2016 Neighborhood Initiative

### Neighborhood Street Improvement

- \$12 million in half-cent citywide sales tax dollars to neighborhood streets in 2016
- \$5 million each year through life of tax

### 2016 Department of Neighborhood Relations: Special Structures Unit

- \$400,000 demolition funds
- 2 additional property maintenance inspectors
  - 1) Focus responsibilities
  - 2) Dedicated to vacant and abandoned properties

In conclusion, Ms. Stiles reported the projected outcomes of the proposal would be as follows:

- 22 miles of neighborhood streets rehabilitated in 2016
- 75 to 100 demolitions annually and the rehabilitation
- Re-purpose and re-activation of hundreds of abandoned properties

Councilmember Coen asked how it was determined if a home was vacant or abandoned; and what is the ratio between rehabilitated and demolished homes.

Sasha Stiles stated staff has a working knowledge of the area and verifies with the utility companies whether there are any utilities being used at the property to help determine whether it is a vacant or abandoned property. She noted the ratio between rehabilitated and demolished homes in Topeka has just been completed recently; therefore, she would report back to the Governing Body with the results.

Jim Colson stated he understands the frustration expressed by the public when a historical structure has been demolished; therefore, the City plans to work with local organizations to rehabilitate these structures and provide needed housing and business opportunities in the community.

Councilmember Ortiz suggested drafting an ordinance that would allow people to rehabilitate structures at a lower cost to improve property values and increase the community tax base. She

expressed concern with ensuring property code information is provided to homeowners so that those who do not have the resources to immediately restore a property understand the requirements of boarding windows and doors to avoid receiving code violations or loss of the home.

Richard Faulkner, Property Maintenance and Code Division Director, reported the general requirements for boarding/securing homes or structures are to ensure the first floor and basement windows and doors are secured so that no one can enter the premises. He stated he would research the International Property Maintenance Code for specific details and report back to the Governing Body.

Councilmember Schumm stated he believes many property owners purposely wait until the property is in disrepair so the City will intervene and take responsibility of the property. He encouraged the City to become involved sooner rather than later with the intent to encourage owners to take more responsibility and rehabilitate their property.

Councilmember Schwartz commended the Department of Neighborhood Relations staff for their hard work on the issue. She asked if methamphetamine labs are a problem in abandoned homes.

Sasha Stiles stated crime becomes a significant issue when associated with vacant properties and can lead to drug sales and use, juvenile delinquency, stolen property, sex offenses, trespassing, vandalism, illegal dumping and burglary.

Jim Brown, Topeka Police Chief, stated methamphetamine labs are not a serious problem in Topeka; however, abandoned structures are a concern for law enforcement because the nature of the issue demands an inordinate amount of law enforcement resources.

Councilmember Schumm stated he is hopeful the additional two inspectors would provide the services needed to get the issue under control.

Jim Colson stated the two inspectors would be hired and trained to focus on the statutes pertaining to abandoned and vacant structures which should improve the process when dealing with property rights and become efficient in addressing and reducing the structures.

Councilmember Clear asked if the proposal of hiring additional inspectors would make a difference in addressing the issue because there are so many vacant and/or abandoned structure cases in the city.

Jim Colson reported a team would be established with the sole purpose to address the abandoned and vacant properties in the community and have the ability to identify structures that could be rehabilitated.

Councilmember Jensen spoke in support of the neighborhood initiative and thanked Ms. Stiles and staff for the presentation. He stated it was important to keep historical structures in the community and spoke in support of partnerships with local organizations to rehabilitate structures.

Councilmember Hiller commended the Department of Neighborhood Relations staff on their efforts. She stated she wants to ensure a good comprehensive system is put into place before moving forward. She expressed concern with an initiative that would bring more attention to vacant properties and divert focus from other code issues. She stated she would like to develop networking assistance for property owners to ensure the requirements for securing a structure are being followed. She reported mothballing was not only a standard for historic properties it would also ensure vacant properties are secured from the elements.

Jim Colson reported he received a briefing on a citizen engagement program that dealt with resources for multiple varied programs that would assist owners of vacant properties; however, he has additional questions; therefore, that will be presented to the Governing Body at a later date.

Mayor Wolgast spoke in support of the neighborhood initiative. He expressed the importance of continuing to focus on and improving all Code Compliance policies.

Councilmember Ortiz requested an update on how many code inspectors there are currently and how the city is divided in regards to inspections.

Jim Colson stated he would provide a map to the Governing Body of the city and how it is divided between inspectors. He clarified the request was to establish a Special Structures Unit whose primary focus would be on abandoned and vacant buildings.

Councilmember Hiller asked if there was a timeline associated with the neighborhood initiative proposal.

Sasha Stiles stated the neighborhood initiative would be implemented in the beginning of 2016 with a reassessment in the fall to determine how to move forward in 2017.

Jim Colson stated staff was considering all possibilities and the best options to address the issue as they continue to move forward.

Joseph Ledbetter, Hi-Crest NIA President; Mark Galbraith, Elmhurst NA President; Toni Beck, Westboro NA Chairman; John Moyer, East Topeka North NIA President; Lynn Hultquist, Bill Gomez and T.J.Brown, Oakland NIA President spoke in support of the Neighborhood Initiative. The following points were highlighted:

- Expressed concern with vacant lots being neglected once a structure has been demolished
- Supports increasing the funding for demolitions to \$400,000 and hiring two inspectors to address vacant and abandoned structures

- Vacant/abandoned/dilapidated structures could jeopardize a neighborhood and have a negative impact on safety and quality of life
- Expressed the importance of City leadership moving forward and addressing neighborhood issues
- Suggested cleaning up a neighborhood and promoting it as a “model neighborhood” to show neighborhoods how they could be transformed
- Set a priority to fully review current Code Compliance policies and practices to ensure funding is being used for intended purposes

Pat Delapp stated he does not fully support the initiative and questioned the actual number of vacant or abandoned structures in the city. He commented on the Topeka Opportunity to Own and College Hill Townhome properties that have remained vacant since they were built. He stated he does not believe the City has vacant or abandoned structure issues; however, he does believe there is an issue with the steady decrease in population.

Councilmember Schumm thanked the public for their input and stated he believes the proposed \$400,000 is an appropriate amount to start addressing the issue.

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

Jim Colson, City Manager, announced the Topeka Zoo would host World Giraffe Day on June 20, 2015, from 9:00 a.m. to 3:00 p.m. as well as Camp Out with Dad would be held on June 20, 2015. He commented on the Topeka Zoo’s Intern Program, a three month commitment that involves participants from all 50 states. He also announced the Topeka Police Department would host a retirement celebration on June 17, 2015, from 2:00 p.m. to 4:00 p.m. and the Topeka Fire Department would host a retirement celebration on June 30, 2015. He noted he plans to provide a monthly update to the Governing Body starting in July of new and retiring City employees as well as highlight exceptional employees.

Councilmember Clear thanked Bette Allen, President and COO, and Beth Fager, Campaign Director, Great Overland Station for providing a tour of the facility.

Councilmember Schumm stated he attended the Rolling Meadows Neighborhood Improvement Association meeting on June 16, 2015, which included an informational presentation on Emergency Preparation. He thanked Jim Green, City Emergency Preparedness Coordinator, for sharing his expertise.

Councilmember Schwartz stated she believes Old Prairie Town at Ward Meade Park should be considered a “gem” of Topeka as they are hosting Wheatstock 11 on June 20, 2015, from 10:00 a.m. to 7:00 p.m. She encouraged people to visit [www.topekatonight.com](http://www.topekatonight.com) to view the schedule of events that would be held throughout the day. She thanked City staff for providing her with the special assessment notification letters that were mailed out this week to Lauren’s Bay Estates Subdivision residents, helping her remain informed for her constituents.

Councilmember Hiller stated she spoke at the 2<sup>nd</sup> Annual Topeka Community Conversation on Poverty on June 16, 2015, at Washburn University Memorial Union which was attended by over 150 people. She encouraged residents and businesses to attend the Crime Summit sponsored by the Topeka Police Department for Council District No. 1 at Topeka High School on June 20, 2015, from 8:30 a.m. to 12:00 p.m. noon. She commented on the topics of discussion and noted participant recommendations would be included in a report that would be shared with the Governing Body. She encouraged everyone to attend the Budget Committee meeting on June 17, 2015, at 6:00 p.m. at the Law Enforcement Center and to continue to watch for City staff responses to issues raised at the Budget Committee meeting on June 13, 2015, on the City’s website. She announced discussions at the Budget Committee meeting would include the Department of Neighborhood Relations Neighborhood Initiative and street improvements.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:19 p.m.

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Brenda Younger  
City Clerk