

## **Council Minutes – July 8, 2014**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 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, Brown, Ortiz, Everhart, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember De La Isla -1.

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.

Mayor Wolgast requested item 4C, Minutes of the regular meeting of July 1, 2014, be withdrawn from the consent agenda and placed on the July 15, 2014, Council agenda at the request of the City Clerk.

Upon hearing no objections, Mayor Wolgast announced the item would be placed on next week's Council agenda.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Alisa Snively to the Topeka Housing Authority Board of Commissioners to fill an unexpired term ending December 31, 2016, was presented.

RESOLUTION NO. 8638 introduced by Councilmembers TJ Brown, Karen Hiller, Denise Everhart, Nathan Schmidt and Richard Harmon granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

NO license applications were presented.

Councilmember Harmon moved to approve the consent agenda as amended. The motion seconded by Councilmember Schmidt carried unanimously. (8-0-0)

Councilmember De La Isla entered the room.

ORDINANCE NO. 19913 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 at the northeast corner of the intersection of SW 17<sup>th</sup> Street and SW Urish Road from “RR-1” Residential Reserve District TO “PUD” Planned Unit Development District (“C-2” Commercial District, “C-4” Commercial District, “M-2” Multiple-Family Dwelling District, and “O&I-2” Office and Institutional District use groups) was presented. (*PUD 14/1*)

Jim Colson, City Manager, stated approval would allow for a mix of commercial, medium-density residential and office uses on a 75-acre parcel.

Bill Fiander, Planning Department Director, reported the following:

- Use and development of the site are in accordance with the recorded Master Development Plan for Wrangler Ridge with an overall “PUD” Planned Unit Development.
- The “PUD” follows guidelines recommended by the plan for the location of commercial centers and establishes appropriate land use transitions which emphasize that multi-family uses should be placed next to commercial uses.
- Staff has begun working on updating the Land Use & Growth Management Plan 2025 to include (1) Compact Development (2) Transportation and Housing Choices and (3) Economic Diversity. All elements of the proposal.
- The developer would be responsible for the extension of all roads and urban services (sewer and water).
- If the development exceeds a density of 7.5 units per acre an updated Traffic Analysis Study would have to be conducted by the City Engineer.
- He reported a legal protest was filed constituting 34.29% of the owners; therefore, approval would require a super majority vote or eight (8) affirmative votes of the Governing Body members.
- The Planning Department and Planning Commission recommended approval of the ordinance and final plat.

Councilmember De La Isla spoke in support of the development. She asked how staff determined that the City could provide all services to the development without neglecting the core needs of the city.

Bill Fiander reported good planning and fiscally responsible growth dictates that the highest densities should be within proximity to commercial centers, much like downtown, except for the retail. He stated the necessary services for the development are already in place.

Councilmember Manspeaker stated he would not support any new development that shifts resources from the core of the city.

Councilmember Harmon stated his determination was based on the following criteria and factors that he has read and reviewed:

- The City of Topeka Planning Department Summary Report
- The various protest petitions that were filed
- Topeka Planning Commission Minutes dated April 21, 2014 and May 19, 2014;
- City of Topeka Planning Department Memorandum dated May 9, 2014
- City of Topeka Planning Department Zoning Report dated April 21, 2014, setting forth various factors that have been enunciated by the *Golden v. the City of Overland Park Kansas Supreme Court Case* including the character of the neighborhood; zoning classification and use of surrounding properties; length of time property has remained vacant as zoned or used for its current use under present classification; suitability of property for uses to which it has been restricted; conformance to the comprehensive plan; the extent to which removal of the restrictions will detrimentally affect nearby properties; the relative gain to the public health; safety and welfare by the destruction of the value of the owner's property as compared to the hardship imposed upon the individual landowner; availability of public services; compliance with zoning and subdivision regulations; concerns of staff and reviewing agencies

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted "yes." Councilmember Manspeaker voted "no." (9-1-0)

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

-1.

A FINAL PLAT for Wrangler Ridge Subdivision on property located at the northeast corner of the intersection of SW 17<sup>th</sup> Street and SW Urish Road, was presented. (*P14/4*)

Councilmember Hiller stated it was her understanding there were no immediate plans for development and approval would be for the potential development scheme only.

Bill Fiander, Planning Department Director, stated approval would outline the conditions of which to build the development.

Councilmember Schwartz moved to approve the final plat. The motion seconded by Councilmember Harmon carried. Mayor Wolgast voted “yes.” Councilmember Manspeaker voted “no.” (9-1-0)

APPROVAL of a joint memorandum of agreement concerning group healthcare cost-sharing with the labor unions was presented. (*Contract No. 43772*)

Jim Colson, City Manager, stated the agreement would set forth the cost sharing formula for the City and individual employee contributions.

Doug Gerber, Director of Administration and Financial Services, reported the tentatively agreed amendments to the current Joint Memorandum of Agreement on Healthcare would include (1) an increase to the tobacco surcharge, (2) the development of a wellness program that includes a clinic for health plan participants, and (3) agree to commence additional negotiations no later than September 1, 2015, to discuss cost-sharing for 2017. He discussed the following table that outlines the percentage of the employee’s share of the premium equivalent for the base plan in 2015 and 2016:

	<b>Current</b>	<b>2015 Employee Cost-Share w/ Wellness Participation</b>	<b>2016 Employee Cost-Share w/ Wellness Participation</b>
Employee Only	5% + \$25.00	5% + \$25.00	3%
Dependent Tiers	41%	38%	33%
	1% discount for non-tobacco use	5% surcharge for tobacco using employees	7% tobacco surcharge for both employee and covered spouses
		<b>2015 Employee Cost-Share No Wellness Participation</b>	<b>2016 Employee Cost-Share No Wellness Participation</b>
Employee Only		20% + \$25.00	25%
Dependent Tiers		55%	58%
		5% surcharge for tobacco using employees	7% tobacco surcharge for both employee and covered spouses

Councilmember Ortiz asked if the City would eventually manage their own health and wellness clinic and offer the same type of services as the State of Kansas.

Doug Gerber reported \$75,000 has been earmarked in the 2015 City of Topeka Operating Budget to hire a third party to run the facility with the intent to provide only wellness checkups in the beginning until the next phases of the program are approved by the Council and implemented.

Jim Colson stated they understand that significant improvements need to be made in regards to the benefits provided to employees; and this type of program would provide the opportunity to improve services along with reducing the costs associated with providing healthcare.

Councilmember Schwartz listed several cities that have implemented health and wellness programs and how the programs have reduced insurance premiums. She stated this would be a

service the City of Topeka would benefit greatly from by reducing overall healthcare costs and improving healthcare services for employees.

Councilmember Ortiz asked staff members to expand on the prescription services that would be offered with the new plan and the condition of the current City of Topeka Wellness Center equipment.

Councilmember Hiller spoke in support of the program and expressed her excitement in starting the new incentive. She asked if the Council would have a chance to provide input on the services that would be offered as staff develops the concept. She made the following observations:

- Comments appear to be based only on assessment not performance.
- Would immunization as prescribed by a doctor be required or would employees have a choice to work on more natural remedies?
- Would the program provide ongoing coaching?
- How would the current wellness center fit into the program?

Doug Gerber stated the Governing Body would be informed throughout the process as staff develops a vision for the program.

Jacque Russell, Human Resources Director, reported the current prescription plan would remain in place and recommended screenings and immunization would be tied to the 2015 premiums.

Jim Colson reported as they move forward with the process they would evaluate how the current facility and equipment would fit into the plan.

Councilmember Schwartz stated the City intends to contract with expert providers that would work directly with primary care doctors to provide the best care possible.

Councilmember Harmon moved to approve the Joint Memorandum of Agreement. The motion seconded by Councilmember Schmidt carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

NO Retail Cereal Malt Beverage License applications were presented.

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

Councilmember Hiller commended Spirit of Kansas event organizers and noted the event was well attended.

Councilmember Manspeaker thanked College Hill Neighborhood Committee members for a successful July 4<sup>th</sup> celebration. He reported that he witnessed a drive by shooting in his neighborhood. He encouraged Councilmembers to give strong thought as to how they could help prevent the serious crime issues the city of Topeka continues to face.

The City Clerk provided a brief summary of the July 15, 2014, Council agenda.

Joseph Ledbetter appeared to speak under public comment.

At 6:59 p.m., Mary Feighny, Deputy City Attorney, requested the Governing Body recess into executive session to discuss attorney-client privileged information relating to potential litigation for a time period not to exceed 15 minutes and to include all Governing Body members, the City Manager and City Attorneys.

Councilmember Harmon moved to recess into executive session to discuss attorney-client privileged information relating to potential litigation for a time period not to exceed 15 minutes and to include all Governing Body members, the City Manager and City Attorneys. The motion seconded by Councilmember De La Isla carried unanimously. (9-0-0)

At 7:08 p.m., the Council meeting was reconvened into open session with no action taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:08 p.m.

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Brenda Younger  
City Clerk