

Council Minutes – August 9, 2016

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 9, 2016. 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, Emerson, 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 Jensen asked for a moment of silent meditation.

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

A Service Recognition Ceremony was conducted by Mayor Larry Wolgast for the Topeka Way To Work Youth Program with special thanks given to Monique Glaude for her guidance to the youth program participants.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Firefighter William R. Miller in the amount of \$31,668.65 with open medical for the permanent partial impairment of his back for injuries suffered on February 14, 2014, was presented.

DENIAL of a Tort Claim submitted by Shunga Properties, Inc., seeking between \$300,000 and \$500,000 in damages sustained during a flood event was presented.

BOARD APPOINTMENT recommending the reappointment of Tim Carkhuff to the Topeka Board of Zoning Appeals for a term ending August 1, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Dean Ferrell to the Topeka Public Building Commission for a term ending August 1, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Richard Wienckowski to the Topeka Public Building Commission for a term ending August 1, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Greg Schwerdt to the Topeka-Shawnee County Riverfront Authority Board for a term ending September 1, 2019, was presented.

RESOLUTION NO. 8792 introduced by Councilmember Karen Hiller, approving a special event known as the 2016 Downtown Adventure Race Topeka was presented.

RESOLUTION NO. 8793 introduced by Councilmember Karen Hiller, approving a special event known as the “Cruisin’ the Capitol” Car Show, was presented.

RESOLUTION NO. 8794 introduced by Councilmember Karen Hiller, granting Downtown Topeka Inc., an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8795 introduced by Councilmember Tony Emerson, granting Danielle Hull an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8796 introduced by Councilmember De La Isla, granting Jerry Hill an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8797 introduced by Councilmember Karen Hiller, granting Let’s Help an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of July 12, 2016, was presented.

APPROVAL of Open After Midnight License applications was presented for the following:

<u>Business Name</u>	<u>Address</u>
Boulevard Billiards	4700 SW Topeka Boulevard
Faces, L.L.C.	802 N Kansas Avenue
Happy Basset Brewing Co.	6044 SW 29 th Street

APPROVAL of a Dance Hall License application for Faces, L.L.C., located at 802 N. Kansas Avenue was presented.

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 20014 introduced by City Manager Jim Colson, authorizing the issuance of \$24,945,000 aggregate principal amount of Combined Utility Improvement and Refunding Bonds, Series 2016-A, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a and K.S.A. 10-1201 et seq., and all amendments thereto was presented.

Brandon Kauffman, Finance Department Director, reported the refunding of Bond Series 2016-A and Bond Series 2016-B resulted in over \$891,000 in savings. He stated the City received five bids for Bond Series 2016-A with Robert W. Baird offering a 2.8488% interest rate saving \$118,000 over the life of the bonds.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

RESOLUTION NO. 8790 introduced by City Manager Jim Colson, prescribing the form and details of Combined Utility Improvement and Refunding Revenue Bonds, Series 2016-A of the City of Topeka, Kansas, in the aggregate principal amount of \$24,945,000 the issuance of which was authorized by the City pursuant to its Ordinance passed and approved August 9, 2016; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Brandon Kauffman, Finance Department Director, gave the staff report. He stated the bond would permanently finance improvements associated with Layne Station improvements, main replacement, plant rehabilitation, 37th Street water line replacement, relief wells, stormwater conveyance improvements, bio-filter and Adams Street wastewater improvements.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

ORDINANCE NO. 20015 introduced by City Manager Jim Colson, authorizing the issuance of \$1,745,000 aggregate principal amount of Taxable Combined Utility Refunding Revenue Bonds, Series 2016-B, of the City of Topeka, Kansas, under the authority of K.S.A. 10-116a as amended was presented.

Brandon Kauffman, Finance Department Director, gave the staff report. He stated the City received four bids with Piper Jaffray offering a 1.3116% saving \$608,304 over the life of the bonds.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

RESOLUTION NO. 8791 introduced by City Manager Jim Colson, prescribing the form and details of Taxable Combined Utility Refunding Revenue Bonds, Series 2016-B, of the City of Topeka, Kansas, in the aggregate principal amount of \$1,745,000 the issuance of which was authorized by the City pursuant to its Ordinance passed and approved August 9, 2016; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Brandon Kauffman, Finance Department Director, gave the staff report. He stated the debt for the 2007-C Taxable Utility bonds is structured to be paid over a three year period, reducing the overall payoff period by six years.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

DENIAL of Security Guard License Appeal submitted by Mark Riley was presented.

Luther Ganieany, Assistant City Attorney, gave a brief overview of the security guard license appeal process. He noted pursuant to Topeka Municipal Code Sections 5.05.090(c) and 5.90.140(a)(10) the applicant was denied licensure based on 1) a pending court case, and 2) a balance due with Topeka Municipal Court.

Councilmember Ortiz moved to uphold the denial of the security guard license. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

DENIAL of Security Guard License Appeal submitted by Corrie Barnes, Jr., was presented.

Luther Ganieany, Assistant City Attorney, stated pursuant to Topeka Municipal Code Sections 5.05.090(c), 5.90.140(a)(3) and 5.90.010 the applicant was denied licensure based on 1) being convicted of two or more Class A or Class B misdemeanors within 10 years, 2) one or more convictions for controlled substance application, and 3) granted a diversion which is considered a conviction.

Councilmember Clear moved to uphold the denial of the security guard license. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

DENIAL of Security Guard License Appeal submitted by Preston J. Allgood was presented.

Luther Ganieany, Assistant City Attorney, stated pursuant to Topeka Municipal Code Sections 5.90.140(a)(6) and 5.90.010 the applicant was denied licensure based on 1) charged with battery to law enforcement officer within the last 10 years, and 2) granted a diversion which is considered a conviction.

Preston Allgood explained his experience as a minor and the circumstances surrounding the incident.

Governing Body members encouraged Mr. Allgood to continue on a positive path of recovery and overcome his obstacles.

Councilmember Clear moved to uphold the denial of the security guard license. The motion seconded by Councilmember Coen carried. Mayor Wolgast voted “yes.” Councilmembers Ortiz and Jensen voted “no.” (7-2-0)

ORDINANCE NO. 20016 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of May 28, 2016, through July 1, 2016, and enumerating said expenditures therein was presented.

Doug Gerber, Deputy City Manager, reported approval would authorize City expenditures in the amount of \$22,916,347.17.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

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

PUBLIC HEARING NOTICE

A PUBLIC HEARING for the purpose of obtaining public input on the 2017 City of Topeka Consolidated Annual Action Plan was presented.

Sasha Haehn, Neighborhood Relations Department Director, reported the 2017 Consolidated Action Plan includes program plans for approximately \$5.8 million in U.S. Housing and Urban Development (HUD) funding for 2017 (*\$3.8 million in HUD funds, \$2 million in General Fund and Capital Improvement Budget funds*).

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Teresa Miller spoke in support of the proposed 2017 Consolidated Action Plan and stated it is a great program that helps many lower income areas.

Roger Smith spoke in support of the Topeka Justice and Unity Ministry Program (JUMP) and the 2017 Consolidated Action Plan as proposed. He encouraged the City to consider the recommendations made by the Safe and Affordable Housing Task Force.

Upon hearing no further comments, Mayor Wolgast announced the public hearing was closed.

Councilmember Hiller moved to approve the 2017 Consolidated Action Plan. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

PUBLIC HEARING NOTICE

A PUBLIC HEARING to obtain public input and answer questions and objections from taxpayers regarding the proposed 2017 City of Topeka Operating Budget was presented.

Nickie Lee, Budget and Performance Manager, gave a brief summary of the budget process beginning in February 2016 to date; the Governing Body priorities adopted in May; and the series of public open house events and surveys. She reported on August 16, 2016, the Governing Body will consider the 2017 City of Topeka Operating Budget for adoption.

Mayor Wolgast opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Clark Trammell suggested a compensation step program be implemented for Governing Body members based on responsibility.

Pat DeLapp requested funds be set aside to address the Zika virus. He expressed concern with the need to eliminate breeding grounds of mosquitos, increase property maintenance regulations and prepare for the future.

Janet Fisher expressed concern with the proposed increase of compensation for Governing Body members when there is a lack of funds to address property maintenance issues.

Joseph Ledbetter commended City Administration for continued improvement of the overall management of the City. He suggested Councilmembers receive a pay increase of \$5,000 (\$15,000 annually) and the Mayor receive an increase of \$10,000 (\$30,000 annually); however, he would like to see increased public involvement; all City vehicles equipped with GPS; and increased property maintenance enforcement to increase investment in neighborhoods.

Teresa Miller spoke in opposition of increasing compensation for the Governing Body and expressed the importance of property maintenance enforcement.

Upon hearing no further comments, Mayor Wolgast announced the public hearing was closed.

DISCUSSION of a resolution to set a public hearing date of September 6, 2016, to consider the request of establishing a Community Improvement District (CID) for the Cyrus Hotel was presented.

Brandon Kauffman, Finance Department Director, provided a brief overview of the Community Improvement District (CID) policy and procedures.

Jim Colson, City Manager, spoke in support of the overall benefit the project would have to the community as well as there would be no financial risk to the City.

Councilmember Ortiz expressed the importance of making certain the process is fair for all developers across the city.

Cody Foster, Cyrus Hotel Developer, asked for support from the Governing Body for the development project and spoke to the significant financial risk the investors would be undertaking. He expressed his excitement for the project and reported only the five buildings involved in the project would be assessed the additional 1% tax.

Governing Body members thanked Mr. Foster for his contribution to the community.

Nick Scott spoke in opposition of the proposal. He referenced a Sales Tax Revenue (STAR) Bond proposal denied by the Governing Body in 2015 and stated all benefit districts should be treated fairly and equally.

DISCUSSION regarding the request to annex land to the City of Topeka, Kansas in accordance with K.S.A. 12-520, located at 6626 SW Huntoon Street, within unincorporated Shawnee County, Kansas, and adjacent to the City of Topeka corporate limits was presented.

Bill Fiander, Planning Department Director, provided an overview of the annexation request submitted by the property owner for a 0.82 acre parcel located at 6626 SW Huntoon Street, a request consistent with the Land Use and Growth Management Plan.

Councilmember Emerson questioned why the property was not annexed when the contiguous land was annexed.

Bill Fiander stated he assumes the consent to annex was not originally obtained at the time the adjacent land was annexed.

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

Jim Colson, City Manager, announced Monique Glaude, Community Engagement Division Director, was named Americorps Southwest Region Sponsor of the Year. He announced the National Park Service would host a Design Charrette Stakeholder Workshop on August 23, 2016, from 9:00 a.m. to 5:00 p.m. at the Great Overland Station to explore design and interpretive alternatives for the historic Pappan's Ferry Landing site and future Topeka Riverfront Park in relation to the Oregon and California National Historic Trail routes. He announced a 16-week Supervisory Training Workshop conducted by Bob Sample, Water Pollution Control Director, and Sylvia Davis, Water Pollution Control Manager, for the purpose of highlighting and enhancing employee abilities in the workplace.

Mayor Wolgast announced Futamura USA purchased the Innovia Films plant located at 6000 SE 2nd Street on July 27, 2016, as well as The Healthcare Resort of Topeka opened August 9, 2016, at 6202 SW 6th Avenue. He welcomed both companies to Topeka and thanked them for investing in the community.

Councilmember Schwartz commended Sam Carkhoff and his wife for their contribution to Kay's Asian Garden at the Topeka Zoo.

Councilmember Coen commended the Topeka Police Department for their service during the recent shooting in Southwest Topeka and their continued commitment in keeping the community safe. He announced the Cruisin' the Capitol Car Show event on August 13, 2016, from 3:00 p.m. to 1:00 a.m.

Councilmember Hiller commented on the success of the National Night Out neighborhood events throughout the city on August 6, 2016.

Councilmember Clear announced the North Topeka Fall Parade on October 8, 2016, from 11:00 a.m. to 1:00 p.m. She encouraged citizens to visit the Heartland Visioning website in

regards to upcoming events. She also announced the National Park Service has identified the Pappan's Ferry Landing in Topeka as a significant site of the historic Oregon-California Trail and will host a Community Open House on August 22, 2016, at the Great Overland Station from 6:30 p.m. to 7:30 p.m. for public input. She commended Community Action, Inc., for providing school supplies for children in need.

Councilmember Ortiz thanked the Topeka Police Department for providing school supplies to students in need and helping to eliminate bullying in schools. She commended the Kansas Silverbackks' for hosting the SilverScissors program on August 6, 2016, at the Ramada Downtown Hotel offering free haircuts to school-aged kids as well as backpacks filled with hygiene items and local food/activity vouchers. She announced the State of Kansas would distribute school supplies near the Capitol Building on August 12, 2016, from 11:00 a.m. to 1:00 p.m.

Councilmember Emerson commended all those involved in the National Night Out neighborhood events. He thanked Cody Foster for his contributions to the community.

Councilmember De La Isla commented on the successful National Night Out neighborhood events throughout the city. She offered her condolences to the Topeka Police Department in the loss of Topeka Police K-9 Maverick. She encouraged people to volunteer to help build the Children's Palace at the Topeka Rescue Mission. She commended Advisors Excel for their contributions to the community. She invited the public to visit www.topekashawneecountystrategies.com and take part in the Topeka-Shawnee County Holistic Economic Development Strategy survey to evaluate different elements of community competitiveness and attractiveness as a place to live, work and do business. She noted responses

would directly inform the research and strategic planning processes, culminating in the creation of the Topeka-Shawnee County Holistic Economic Development Strategy.

Joseph Ledbetter, Deborah Edwards, Aaron Edwards and Ted Mize appeared to speak under public comment.

Councilmember Coen moved to recess into executive session for a time period not to exceed 20 minutes to discuss employer-employee negotiations with respect to healthcare and to include the Governing Body, City Manager, Deputy City Manager, Finance Director, Budget Manager, Human Resources Director, Deputy City Attorney and staff. The motion seconded by Councilmember Ortiz carried. Mayor Wolgast voted “yes.” Councilmember Hiller did not vote. (8-0-0)

At 9:30 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 9:31 p.m.

Brenda Younger
City Clerk