

Council Minutes – August 13, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 13, 2013. 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, De La Isla, Manspeaker, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Everhart -1.

AFTER THE MEETING was called to order, Pastor Greg Varney, Light of the World Christian Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of August 6, 2013, were presented.

A Dance Hall License application for Flamingo Bar & Grill located at 2335 NW Clay Street was presented.

Councilmember Ortiz moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0)

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING to obtain public input and answer questions and objections from taxpayers regarding the proposed 2014 City of Topeka Budget.

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

Earl McIntosh commended the members of the City Council for being good people and caring about the City of Topeka; however, he believes Topeka is destroying home ownership in the community through increased taxes. He stated he believes it would be unfair for the City to impose an increase in taxes along with Shawnee County, local school districts, the Topeka

Metropolitan Airport, Washburn University, inflated food and gas prices, electrical rates, water rates and home insurance rates. He asked the City Council to reconsider raising taxes because homeowners cannot afford a penny more in taxes or expenses. He asked if the public could protest an increase in property taxes through a public vote.

Chad Sublet, City Attorney, asked Mr. McIntosh to call him to discuss the issue further.

Councilmember Manspeaker stated he concurs with Mr. McIntosh and believes it is unfair that certain entities have the right to raise taxes without the consent of taxpayers which reflects negatively on himself as a Councilmember.

Joseph Ledbetter spoke in opposition to raising the mill levy based on the economics of the community and the fact the City saved \$3 million a couple of years ago as a result of the City-County Parks & Recreation Consolidation. He noted he also opposes an increase in franchise fees and utility rates because it will create undue stress on small businesses and increase poverty in the community.

Lazone Grays distributed a handout relating to the City of Topeka Summer Youth Program that was eliminated several years ago and stated it is very vital for the City to support youth in the community. He asked the City to reconsider reinstating the funding of \$35,000 for the program which is best known for its methods to reduce juvenile delinquency.

Upon hearing no objections, Mayor Wolgast closed the public hearing.

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of obtaining public input on the 2014 City of Topeka Consolidated Action Plan.

Jim Colson, City Manager, reported the total funding under the 2014 Consolidated Action Plan is \$6,042,588 and includes CDBG funds in the amount of \$1,667,495; HOME funds in the amount of \$488,796; HESG funds in the amount of \$117,280; Shelter Plus Care funds in the

amount of \$1,543,017; Program Income/Reprogrammed Funds in the amount of \$565,000; General Funds for Youth and Social Services Funds in the amount of \$141,000; Affordable Housing HOME Fund Match in the amount of \$100,000; Shelter Plus Care Administration funds in the amount of \$20,000; and Neighborhood Infrastructure Capital Improvement Program in the amount of \$1,400,000.

Mayor Wolgast opened the public hearing and asked if there was anyone present that would like to speak to the matter. No one appeared.

Mayor Wolgast closed the public hearing.

Mayor Wolgast stated the Council would take action next week as part of the budget process and encouraged the Council to review the totals for discussion next week. He noted the programs listed are very vital to the community.

APPROVAL of the Certificate of Appropriateness for the demolition of property located at 1600 SW Harrison Street designated as a local Historic Landmark pursuant to Topeka Municipal Code Section 18.255.120 was presented.

Jim Colson, City Manager, reported the demolition request was deferred from the meeting of February 12, 2013.

Bill Fiander, Planning Department Director, provided a brief background of the property and stated absent the commitment from the property owner to rectify the safety violations, or to rehabilitate the structure back to a habitable condition, its further deterioration is likely and will continue to pose a safety hazard to the public because of its deteriorated state. He reported the Planning Department staff, as well as, the Topeka Landmarks Commission have recommended approval of the Certificate of Appropriateness allowing for the demolition of the structure. He

noted there is approximately \$100,000 from the Code Enforcement Division budget allocated for the demolition costs.

Councilmember Manspeaker asked if the list of structures currently waiting to be demolished would be put on hold if this demolition is approved.

Bill Fiander stated staff has identified funding from the Code Compliance Division budget and Community Development Block Grant (CDBG) grant funds that would allow the property located at 1600 SW Harrison to be demolished along with the list of current properties scheduled for demolition.

Councilmember Hiller stated she is very pleased the funding allocated to demolish certain buildings in North Topeka would not be needed because property owners have stepped in and plan to rehabilitate the structures. She expressed concern with funding the demolition which she believes would delay other structures scheduled for demolition.

Jim Colson reported CDBG funds have been identified to help fund the demolition with the exception of certain N. Kansas Avenue properties; therefore, the timeframe for the list of properties planned for demolition should remain on schedule.

Councilmember Hiller spoke in opposition to the demolition because the building is listed on the Topeka Landmarks Registry and noted there may be procedural changes implemented soon on a State level which this property could be effected by. She also expressed concern with the funding of the demolition and the budget issues the City is facing for 2014.

Councilmember Harmon moved to approve the demolition permit based on the determination there are no prudent or feasible alternatives to the proposed demolition and the planning to minimize harm to the historic property has been made. The motion seconded by Councilmember Schwartz carried. Councilmembers Hiller and Manspeaker voted “no.” (6-2-0)

NO Retail Cereal Malt Beverage License applications were presented.

AN ORDINANCE introduced by City Manager Jim Colson, attesting to budgeting property tax revenues for budget year 2014 was presented for first reading.

AN APPROPRIATION ORDINANCE introduced by City Manager Jim Colson, approving and adopting the operating budget for calendar year 2014 and appropriating the amounts for the purpose set forth therein was presented for first reading.

A HOME RULE ORDINANCE introduced by City Manager Jim Colson, authorizing and providing for the public sale and issuance of Taxable General Obligation Bonds of the City of Topeka, Kansas, to fund certain employee separation benefit costs of the City for eligible employees of the City and pay the costs of issuing such bonds and funding capitalized interest on the bonds; setting forth the details of said sale; and providing for the giving of notice thereof was presented for first reading.

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

Jim Colson, City Manager, announced the Budget Committee meeting would continue immediately following the Council meeting. He commended the Council for conducting productive budget deliberations and emphasized that he and City staff are committed to working towards feasible solutions in reducing expenses and improving operations.

Mayor Wolgast announced the Knollwood Neighborhood Improvement Association (NIA) held their first NIA meeting on August 12, 2013, and many from the community attended. He congratulated the Knollwood community for establishing an NIA which is a key point in establishing standards for quality of life in neighborhoods.

Councilmember Schwartz stated she enjoyed the National Night Out Against Crime events and thanked Jim Ogle for narrating the guided bus tour of the neighborhoods during the event.

Councilmember Schmidt thanked citizens who have contacted him and who spoke during the budget public hearing regarding the 2014 budget. He stated he believes the comments are important to the Council when making budget decisions. He thanked the Council for their professionalism during budget deliberations and hopes it would continue.

Councilmember Hiller thanked the community for the great attendance at the National Night Out Against Crime events throughout the city. She stated there are many people involved that partner together to make the event a success every year. She thanked Code Compliance for addressing the tall grass violations in Council District No. 1, as well as, extended garage sales and yard clean-up issues.

Councilmember Campos II stated the National Night Out Against Crime events had a great turnout and thanked all those involved in organizing the events. He expressed appreciation to his constituents who have provided him with input regarding the 2014 budget and hopes to receive more input as the budget process moves forward.

Councilmember Ortiz thanked the City Manager, Topeka Police Officers, Topeka Firefighters, Shawnee County Sheriff's Department, Reser's Fine Foods and Topeka Capitol Journal Newspaper for participating in the National Night Out Against Crime events in various neighborhoods. She noted the event was well attended by the community. She referenced a stabbing incident involving Brett Sterbach, a Shrine Bowl football player that happened on July 27, 2013, in East Topeka and stated this was an unfortunate incident; however, there are many

good people in the community and thanked Mayor Wolgast for bringing a positive outlook to the community and inviting Mr. Sterbach to join him for lunch and a tour of the Topeka Zoo.

Councilmember De La Isla thanked Safe Streets for their involvement in organizing the National Night Out Against Crime events throughout Topeka. She also thanked the Topeka Police and Fire Departments for bringing neighborhood residents together and educating the community on public safety and services the City has to offer.

Councilmember Manspeaker welcomed Topeka Public School students back to school and reminded citizens to slow down and be cautious of students. He thanked the businesses that contributed to the National Night Out Against Crime events. He referenced the Topeka Rescue Mission's newly formed Neighborhood Empowerment and Transformation Reach ministry (NET Reach Program), which brings to neighborhoods an increased quality of life, as well as, addresses homelessness, poverty and hunger prevention and is accomplished through a partnership with Topeka Public Schools and Community Resources Council. He noted the NET Reach Program is reaching out to the Hi-Crest West neighborhood area and thanked Sally Zellers, Topeka Rescue Mission, and Nancy Johnson, Community Resources Council, for their involvement in the program.

Councilmember Ortiz commended Joseph Ledbetter and the Hi-Crest Neighborhood Improvement Association for their efforts in the implementation of the NET Reach Program.

Ted Mize and Lazon Grays appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:50 p.m.

Brenda Younger
City Clerk