

Council Minutes – September 10, 2013

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 10, 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, Everhart, De La Isla, Schwartz, Schmidt and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Manspeaker -1.

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

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Greg Schwerdt to the Topeka/Shawnee County Riverfront Authority Board for a term ending August 31, 2016, was presented.

BOARD APPOINTMENT recommending the appointment of Bill Naeger to the Topeka Sustainability Advisory Board for a two-year term ending September 30, 2015, was presented.

RESOLUTION NO. 8548 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. 8549 introduced by Councilmember Sylvia Ortiz, granting Matilde Sanchez an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

DENIAL OF CLAIM for Graybeal Construction in the amount of \$68,011.55 due to additional expenses incurred in completing a street improvement project on NW Topeka Boulevard was presented.

MINUTES of the regular meeting of August 20, 2013, and August 27, 2013, were presented.

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

RESOLUTION NO. 8550 introduced by Councilmember Michelle De La Isla, granting Boss Hawg's an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was again presented.

Councilmember De La Isla stated the revised resolution indicates October 12, 2013, as the event date which would finalize Boss Hawg's Concert Series events.

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

ORDINANCE NO. 19847 introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.70.030 and specifically repealing said original section, concerning the functions of the Public Building Commission placed on first reading August 27, 2013, was again presented.

Kirk Thompson, Kansas Bureau of Investigation (KBI) Director, thanked the Council for their consideration of the new KBI forensic lab building on the Washburn University campus. He reported approval would provide the opportunity to all law enforcement entities across the state of Kansas to participate in modernized technology that is essential to the criminal justice system. He noted the collaboration formed between the KBI, Washburn University and the

Public Building Commission is a unique partnership that would serve the citizens of Kansas and benefit the City, as well as, State. He stated the partnership would work together to attract the best students, educational programs and real world experiences to Topeka.

Councilmember Harmon asked if other communities were interested in locating the forensic lab in their area.

Kirk Thompson stated there were many legislators who recommended their areas; however, KBI's main resources are located in Topeka and they wanted to stay in the local area.

Jerry Farley, Washburn University President, stated the forensic lab is a great project and brought together wonderful agencies to create a positive environment. He gave background information on the process of financing the project and partnering with the Public Building Commission. He noted the opportunity would provide Washburn University student internships, as well as, faculty interchanging with KBI instructors.

Rick Wienckowski, Public Building Commission Vice Chairman, gave a brief overview of the Public Building Commission and its members and spoke in support of the ordinance that would allow the Public Building Commission to issue revenue bonds to build the forensic lab at Washburn University. He stated the collaborative project would create jobs and educational opportunities.

Chad Sublet, City Attorney, gave a brief overview of state statutes relating to the Public Building Commission's functions, issue of revenue bonds and acquisition and construction of buildings. He clarified to the Council the bonds were not issued through the City but through the Public Building Commission.

Councilmember Harmon moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Councilmember Hiller spoke in support of the project; however, she expressed concern with the language on line 67 regarding the PILOT (Payment In Lieu Of Taxes) program and changing the word “shall” to “may.” She asked if the language amendment is significant to this project because she is concerned with future projects and people may assume a PILOT is optional.

Chad Sublet stated the language amendment is significant and important to this project because the Public Building Commission helps construct government buildings; therefore, the ordinance would provide the Public Building Commission with the ability to determine if a PILOT is appropriate for certain types of projects. He noted the Public Building Commission only deals with government entities.

Councilmember Schmidt spoke in support of the ordinance; however, he also expressed concern with the language amendment. He asked if this type of funding and the PILOT program has been utilized in the past.

Chad Sublet stated he does not believe this type of funding or the PILOT program has been used.

Mayor Wolgast stated most of the government buildings were built before the PILOT program was enacted.

The motion to adopt the ordinance carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Schwartz, Schmidt and Harmon -8. Absent: Manspeaker -1.

ORDINANCE NO. 19848 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-831000.00, which provides for the design of corrective measures for four levee units, as more specifically described herein, all pursuant to Section A12-1 of the Code

of the City of Topeka and specifically repealing Ordinance No. 19293 placed on first reading August 27, 2013, was again presented.

Jim Colson, City Manager, stated approval would allow for design phase services which have increased in cost mainly due to changes in the levee design improvements and requirements.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Schwartz, Schmidt and Harmon -8. Absent: Manspeaker -1.

ORDINANCE NO. 19845 introduced by City Manager Jim Colson, authorizing the issuance of \$9,790,000 aggregate principal amount of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-6a01 et seq., and Charter Ordinance No. 89 of the City, all as amended placed on first reading August 27, 2013, was again presented.

Jeff White, Interim Financial Services Department Director, gave a brief overview of the bond process and stated the bond market has been very challenging; however, the bond sales exceeded expectations. He stated approval would allow the City to convert capital improvement projects from temporary note status to permanent financing through general obligation bonds to include City projects and special assessment projects the City has completed. He reported General Obligation Bonds, Series 2013-B was awarded to Robert W. Baird & Company with a true interest cost of 4.023%; the Taxable General Obligation Bonds, Series 2013-C was awarded to Robert W. Baird & Company with a true interest cost of 1.998%; and the Temporary Notes, Series 2013-A was awarded to Wells Fargo Bank with a true interest cost of 0.245%.

Mayor Wolgast noted the bonds would finance completed improvement projects and be paid over a 20 year period.

Councilmember Everhart moved to adopt the ordinance. The motion was seconded by Councilmember De La Isla.

Jeff White commended the City of Topeka for producing their audit on time this year which is a major positive benefit in the bond market.

The motion to adopt the ordinance carried unanimously. Mayor Wolgast voted “yes.”
(9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Campos II, Ortiz, Everhart, De La Isla, Schwartz, Schmidt, Harmon and Mayor Wolgast -9. Absent: Manspeaker -1.

ORDINANCE NO. 19846 introduced by City Manager Jim Colson, authorizing the issuance of \$5,000,000 aggregate principal amount of Taxable General Obligation Bond, Series 2013-C (Employee Separation Benefit Funding), of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, the home rule authority granted to the cities of the state of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Home Rule Ordinance No. 19841 of the City, all as amended placed on first reading August 27, 2013, was again presented.

Councilmember Hiller spoke in opposition to the ordinance and stated she does not believe the City should borrow money for this purpose.

Councilmember Campos II asked if the ordinance was approved, would it ultimately help increase the general fund ending balance. He stated at the end of the 2014 budget process, he

thought that only \$500,000 was needed and questioned why another \$4.5 million is being requested.

Jeff White stated the funds would be deposited in the Retirement Reserve fund which would help the ending fund balance. He reported the funds would be available for payment of final payouts of leave as individuals retire from the City. He clarified the transaction would allow a savings of \$500,000 by taking a peak of potential payment of retirement leave payouts and smoothing the payments over time into 2015, 2016 and 2017, which would produce five years of medium payments. He noted the first year of medium payment incremental difference is the \$500,000.

Councilmember Schmidt moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted “yes.” Councilmembers Hiller and Schwartz voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Campos II, Ortiz, Everhart, De La Isla, Schmidt, Harmon and Mayor Wolgast -7. Noes: Hiller and Schwartz -2. Absent: Manspeaker -1.

RESOLUTION NO. 8545 introduced by City Manager Jim Colson, authorizing and directing the issuance of Temporary Notes, Series 2013-A (General Improvements) of the City of Topeka, Kansas, in the aggregate principal amount of \$24,585,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the Series 2012-A Temporary Notes of said City, dated September 27, 2012, and (ii) pay a portion of the cost of certain improvements in said City was presented.

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

RESOLUTION NO. 8546 introduced by City Manager Jim Colson, prescribing the form and details of General Obligation Bonds, Series 2013-B of the City of Topeka, Kansas, in the aggregate principal amount of \$9,790,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

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

RESOLUTION NO. 8547 introduced by City Manager Jim Colson, prescribing the form and details of the Taxable General Obligation Bonds, Series 2013-C (Employee Separation Benefit Funding) of the City of Topeka, Kansas, in the aggregate principal amount of \$5,000,000 the issuance of which were authorized by the City pursuant to its ordinance adopted and approved September 10, 2013; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

Councilmember Harmon moved to approve the resolution. The motion seconded by Councilmember Schmidt carried. Mayor Wolgast voted “yes.” Councilmembers Hiller and Schwartz voted “no.” (7-2-0)

A PROJECT BUDGET in the amount of \$585,003 and RESOLUTION NO. 8551 introduced by City Manager Jim Colson, authorizing Improvement Project T-131028.00, which will restore three railroad cars and an authentic Santa Fe Depot, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented.

Jim Colson, City Manager, reported approval would authorize the restoration and preservation of three railroad cars and an authentic Santa Fe Depot at the Great Overland Station

Museum located at 701 N. Kansas Avenue and would be funded by the Railroad Heritage, Inc., and the Kansas Department of Transportation Enhancement Grant for a total of \$585,003.

Doug Whitacre, Public Works Director, reported the City has received a Transportation Enhancement Grant from Kansas Department of Transportation for the project to cover 80% of the construction and inspection costs and Railroad Heritage, Inc., would fund the remaining 20%. He noted there are no City funds allocated to the project; however, the grants are awarded through the City so staff would be managing the program.

Mayor Wolgast clarified only City staff time would be involved in handling the administrative part of the grant and funding.

Councilmember Schwartz moved to approve the project budget and resolution. The motion was seconded by Councilmember Campos II.

Councilmember Campos II stated the Great Overland Station has received grant funding since 1998, and are making great progress at no cost to city taxpayers. He thanked Bette Allen, Executive Director, and Beth Fager, Campaign Director, at Great Overland Station for doing a great job.

The motion to approve the project budget and resolution carried unanimously. (8-0-0)

DENIAL of an Alarm License Appeal for Anthony Breazeal was presented.

JaLynn Copp, Legal Advisor for Topeka Police Department, gave a brief background of the license appeal and denial.

Councilmember Ortiz asked if Mr. Breazeal would be allowed to sell and install home alarm systems door-to-door if the alarm license appeal is approved.

JaLynn Copp stated Mr. Breazeal would only be allowed to sell home alarm systems door-to-door.

Councilmember Hiller commended the City's legal staff for clarifying the license application to make it clear what type of information is needed from applicants.

Councilmember Ortiz moved to approve the denial of the alarm license appeal. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

RESOLUTION NO.8552 introduced by Councilmember Karen Hiller, approving a special event known as Jazzin' It Up Downtown event was presented.

Councilmember Hiller reported approval would allow the sale, consumption and possession of alcoholic liquor on a barricaded portion of S. Kansas Avenue between SW 7th and 8th Streets for the Jazzin' It Up Downtown special event on September 21, 2013, between the designated hours.

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (9-0-0)

NO Retail Cereal Malt Beverage License applications were presented.

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 2.55.040, and specifically repealing said original section, concerning the duties and responsibilities of the Human Relations Commission was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281032.00, for rehabilitation of the Layne Pump Station at the Water Treatment Plant, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the use of utility operation funds, authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitutes improvements to the municipally owned water, water pollution control, and stormwater utility

system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's sanitary and/or stormwater and sewage disposal system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the KDHE SRF Loan to pay the cost thereof was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, imposing a real estate lien, pursuant to K.S.A. 12-808c, upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for utility services where such payments to the City have not been made due to neglect, failure or refusal to pay was presented for first reading.

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

Jim Colson, City Manager, commended those involved in making the Kansas Bureau of Investigation crime lab project a reality. He stated the approval of the project marks an important step for the City and the partnership with the State of Kansas, Kansas Bureau of Investigation and Washburn University.

Mayor Wolgast acknowledged the Metropolitan Topeka Airport Authority on their success in reaching an agreement with United Airlines to provide two departure and arrival flights, seven days a week, between Topeka and Chicago starting in 2014. He stated there is a strong commitment to make the service successful and expressed how important the service is to Topeka's economic development and the community.

Councilmember Schmidt commended the Topeka Metropolitan Airport Authority for the significant advancement in providing flights between Topeka and Chicago in 2014. He spoke on

behalf of Councilmember Manspeaker who expressed regret that he was not able to attend the Council meeting and participate in the first reading of the ordinance concerning the Human Relations Commission. He stated Councilmember Manspeaker believes the ordinance is a very important step for the City's image and respects the rights of all citizens.

Councilmember Hiller congratulated area organizations for sponsoring various events throughout the community over the past weekend and noted the events were well attended.

Councilmember Schwartz commented on the Keep America Beautiful Volunteer Recognition Luncheon held September 10, 2013. She commended the volunteers on a job well done for keeping Topeka and the state of Kansas beautiful. She stated she attended the Heartland Healthy Neighborhoods meeting on September 9, 2013, at Avondale East Empowerment Center and commented on the good work the coalition is doing to improve the health of Topeka citizens.

David Cullip appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:12 p.m.

Brenda Younger
City Clerk