

## **Council Minutes – October 6, 2015**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 6, 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, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Reverend Dr. Junie Ewing, Westminster Presbyterian Church gave the invocation.

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

Jim Colson, City Manager, introduced new City Attorney, Lisa Robertson.

Councilmember Clear moved to add a resolution granting a noise exception for Amos Walker III to the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

Mayor Wolgast announced the resolution would be added to the consent agenda as item 4D.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Judith Scherff to the Topeka Sustainability Advisory Board for a term ending April 30, 2017, was presented.

MINUTES of the regular meeting of September 15, 2015, was presented.

RESOLUTION NO. 8725 introduced by Councilmember Sandra Clear, granting Amos Walker III an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

Councilmember Jensen moved to approve the consent agenda as amended. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

ORDINANCE NO. 19969 introduced by City Manager Jim Colson, allowing and approving City expenditures for the period of August 1, 2015, through August 28, 2015, and enumerating said expenditures therein was presented.

Doug Gerber, Deputy City Manager, reported approval would authorize City expenditures in the amount of \$33,942,128.92.

Councilmember Schwartz moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

DISCUSSION regarding the use of the Countywide Retailers' Half-Cent Sales Tax was presented. (*Continued from the Council meeting of September 15, 2015.*)

Jim Colson, City Manager, reported the City of Topeka and Shawnee County have reached a consensus on the majority of the proposed items in the interlocal agreement with the exception of the following:

- Reduction in funds for the Kansas Expocentre from \$45 million to \$25 million
- Inclusion of a Urban Economic Development fund in the amount of \$15 million to encourage the development of an economic development program focused on workforce development primarily directed toward unemployed/underemployed residents including veterans, youth employment programming, rehabilitation of blighted, derelict and underutilized facilities and infrastructure to attract economic development prospects and job training funds in areas of the city that have been disadvantaged from a job and economic growth perspective
- City residents want the majority of funds to be spent on street improvements and under Shawnee County's proposal, the City would not be able to complete substantial road projects until eight years after the initial levy of the tax and it is primarily due to the amount and timing of funding for the Kansas Expocentre
- Due to ballot question language restrictions the \$5 million initially proposed to be allocated for the Pedestrian Plan will now be allocated to the Bikeways Plan for a total allocation of \$8.5 million

Councilmember Schumm stated many residents have expressed their concern with being misled in regards to the amount of funding the Kansas Expocentre would receive and noted it

was their understanding the Expocentre would receive \$40 million as outlined in a document circulated in July 2014.

Councilmember Clear asked how funding the Kansas Expocentre would delay street improvements for the City; what areas of the city would be considered disadvantaged; what is the difference between the Bikeways Plan and the Pedestrian Plan as well as why was funding for the Bikeways Plan increased; and who were the “knowledgeable parties” that provided input on the proposed needed funding in the amount of \$25 million for the Expocentre.

In response, Jim Colson stated the following:

- The ballot question did not include language identifying a specific dollar amount for the Kansas Expocentre; however, there were a number of conversations regarding different amounts to be allocated to the Expocentre. He stated the City fully supports the Expocentre; however, they must determine the needs for the facility.
- Shawnee County plans to finance the Kansas Expocentre with cash instead of bonding the needed amount, delaying city street improvements for approximately eight years.
- The “knowledgeable parties” were individuals involved in the engineering profession that expressed their concern on what would be the best number to fund Expocentre improvements.
- In generalization, the disadvantaged areas of the city would be considered to the east and north; however, many areas of the city could be considered disadvantaged.
- Based on the specific ballot language, the Bikeways Plan did not include the Pedestrian Plan; therefore, they could not allocate funds for this purpose. He noted it was the goal of City staff to make the whole city safer for children to walk to school while promoting healthier lifestyles.

Councilmember Hiller provided a brief history of discussions by the previous Governing Body relating to the proposed interlocal agreement and the decision not to finalize it prior to the November 2014 election, excluding specific dollar amounts for the Kansas Expocentre and County bridges in the ballot question. She noted in the proposed interlocal agreement Shawnee County increased bridge funding from \$22.5 million to \$32.5 million; and HR Cook was present and could speak to the needs of the Kansas Expocentre improvements. She referenced the new proposal presented by the City Manager and asked if the Urban Economic Development Program would be managed in the same manner as JEDO and the current \$5 million allocated for

economic development in terms of planning and annual oversight. She stated there has been a lot of discussion on workforce training and development; however, it has not been fully explored by Garner Economics; therefore, it may be premature to assume at this time.

Councilmember De La Isla stated she concurred with Councilmember Hiller. She reported the previous Governing Body had a lot of discussion as well as disagreements on how to allocate funds, specifically regarding JEDO and if the funding should be used in other ways. She reported the consensus of the Governing Body was to wait until the new Governing Body members were elected and had time to discuss the issues before the interlocal agreement was finalized.

In response, Jim Colson reported the following:

- Based on the best future projection as possible, City staff has identified approximately \$262 million of sales tax revenue would be generated over 15 years including an excess of \$6 million that has not been encumbered or identified for allocation at this time.
- Yes, the management of Urban Economic Development would be handled in the same manner as JEDO because uniform consistency is vital and makes the most sense due to the work being put into JEDO from a performance and accountability stand point.

Justin Janssen, Dr. Jeff Van Petten, Chuck Leivan, Kate Fowler, Martha Bloomquist, HR Cook, Chuck Sterry, Rick Myers, Jana Behlen and Brett Oetting spoke in support of providing funding for improvements to the Kansas Expocentre which would include new seating as well as major facility operations and expansion with the intent to plan for the future.

Councilmember Harmon questioned how the surplus of the current sales tax would be allocated between the City and County.

Mayor Wolgast reminded Governing Body members there was still time to have additional discussion as well as allowing time for Garner Economics to complete the study for JEDO, providing much needed information in some of the proposed areas of spending.

Councilmember Jensen asked when the funds would be available for the Kansas Expocentre to begin improvements.

In response, Jim Colson, reported the following:

- The current sales tax would end December 31, 2016, with the City receiving approximately \$8.9 million and the County receiving approximately \$6.7 million. Excess funds could be used for any item/project as long as all projects have been completed as outlined in the interlocal agreement and interlocal agreement has expired. He noted it was his understating the County would use their portion of excess sales tax revenue for bridge improvements.
- When the Expocentre receives funding would be determined by the finance mechanism used by the County (cash basis or bonding).

Doug Gerber, Deputy City Manager, reported it was the rationale of the City, upon agreement by Shawnee County, to prorate the proportional sales tax revenue shares so each entity could determine how to schedule their own programs. He stated the annual sales tax projection would be \$17 million over a 15-year period totaling approximately \$262 million in sales tax revenue.

Councilmember Ortiz spoke in support of funding the Kansas Expocentre in the amount of \$45 million due to the need to expand the facility.

Councilmember Hiller distributed a proposed language amendment to Section 1, page 2 of interlocal agreement relating to duties of JEDO:

“...and authorize JEDO to provide the economic development program for the City and the County; manage the Interlocal Agreement and any related issues as needed; monitor performance and impact of economic development, quality of life and infrastructure projects; steadily look for best practices and strategies that can improve performance; establish strategic economic development plans that include measurable objectives and benchmarks; review economic development plan performance annually; establish new plans and goals at least 6 months before contract rebiddings or renewals. The following agreements concerning JEDO shall be....

Councilmember Clear stated she would be hesitant to make any decisions regarding JEDO until the Garner Economics report has been finalized.

Councilmember De La Isla stated she believes Councilmember Hiller’s intent was well-stated in her proposed language amendments concerning duties of JEDO; however, she believes it is premature. She expressed the importance of allowing Garner Economics to complete the

study as well as allowing the Legal Department to review all language proposals before the Governing Body makes a decision on the matter.

Councilmember Jensen questioned if there was a deadline in regards to approval of the interlocal agreement.

Jim Colson stated there was not a predetermined deadline that needs to be met at this time.

Councilmember Hiller expressed the importance of setting priorities and assigning dollar amounts to allow Shawnee County and other entities to plan for the future; however, she also understands the advantage of taking additional time to consider all proposals. She suggested allocating \$15 million for the funding of the Kansas Expo centre by using the additional \$5 million proposed for the Bikeways Plan and reducing the County bridge proposal by \$10 million. She expressed concern with the following:

- No control over how funds will be spent
- What citizens expect
- If Urban Economic Development would be handled in the same manner as other economic development (JEDO)
- The projected amount of sales tax (\$262 million)
- The allocation of \$5 million in the Bikeways Plan for the incorporation of the Pedestrian Plan because it was not discussed with voters.

Following consensus of the Governing Body, it was determined to delay further discussion on the matter until after the Garner Economics report is finalized in December 2015. Governing Body members suggested a summary of discussion comments be created and distributed for informational purposes.

Mayor Wolgast requested Councilmember Hiller distribute her comments in writing to the Governing Body.

Jim Colson stated staff would provide a summary of discussion comments to date, and would include information relating to the Safe Schools initiative.

Councilmember Harmon stated he looks forward to receiving recommendations from staff on how to best utilize excess sales tax revenue funds.

Jim Colson, City Manager, left the meeting.

A DISCUSSION to establish a policy for the financing of public improvements through the use of Special Benefit Districts in the City of Topeka, Kansas was presented.

Doug Gerber, Deputy City Manager, stated the current policy was not serving the City in its best financial interest and as a result, City staff conducted public meetings with residents and developers to assist with the development of a sound Special Assessment Policy for the City moving forward.

Brandon Kauffman, Finance Director, provided a brief overview of the current special assessment process. He reported the proposed change to the City of Topeka Special Assessment Policy was due to development concerns raised after the financial crisis. He stated City staff is recommending the Governing Body establish a policy for special assessments that would require financial review, financial sureties and water improvements paid for by the developer which is a similar approach to what a financial institute would require.

Councilmember Schumm stated local developers support this policy because it provides protection for current developers and reduces the City's risk.

Councilmember Clear questioned why special assessment collections were low in 2008.

Councilmember Ortiz asked why developers stopped paying for water improvements.

In response, Brandon Kauffman reported the following:

- In 2008, collections were low mainly because of the housing crisis and failed developments constructed by outside developers.
- In the past, the City required developers to pay for water improvements; however, over time the City moved away from the practice and started allowing a developer to finance street, sewer and water improvements.

Doug Gerber stated staff recommends developers pay for water improvements upfront to substantiate secure investments in area developments.

Governing Body members commended staff for taking swift action and recognizing the need for an improved process.

Chuck Leivan spoke in support of the new special assessment policy.

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

Brenda Younger, City Clerk, gave a brief overview of the October 13, 2015, Council agenda.

Doug Gerber, Deputy City Manager, announced the Mid America Snow Rodeo is scheduled for October 5-9, 2015, in Olathe, Kansas, and is sponsored by the Kansas City Metro American Public Works Association. He commented on the different competitions and stated some of the City's Street and Water Pollution Control employees would be participating in the events.

Mayor Wolgast announced the 2015 League of Kansas Municipalities Annual Conference would be held in Topeka on October 10-12, 2015. He stated conference events would be held at the Capital Plaza Hotel and Kansas Expocentre. He also announced the Capital City Jazz and Food Truck Festival would be held on October 10, 2015, from 4:00 p.m. to 10:00 p.m. on SW 9<sup>th</sup> Street and S. Kansas Avenue.

Councilmember Jensen announced the Capital City Jazz and Food Truck Festival scheduled for October 10, 2015, is in need of volunteers and individuals interested in volunteering can contact Downtown Topeka Inc., at 234-9336. He also announced the Topeka Alley Fest is being held on October 10, 2015, from 4:00 p.m. to 10:30 p.m. in the alley between SW 9<sup>th</sup> and 10<sup>th</sup> Streets from S. Kansas Avenue to SW Jackson Street.

Councilmember Schwartz thanked the volunteers at the Christ the King Catholic Church Anniversary Celebration. She stated this week's "gem" of Topeka is all the volunteers who give

their time in different ways in Topeka. She announced the Shawnee County Parks and Recreation Master Plan public meetings would be held October 10, 2015, at the Ramada Inn at 6:30 p.m. and on October 14, 2015, at Lake Shawnee at 6:30 p.m.

Councilmember Hiller encouraged everyone to attend the Capital City Jazz and Food Truck Festival on October 10, 2015. She stated Friends of the Kaw are seeking board members and asked if anyone is interested in serving on the board to contact Dawn Buehler, Kansas Riverkeeper at 785-312-7200. She commented on the Remember Rosa Unity Walk event that occurred on October 2, 2015, and stated it was a very successful event.

Councilmember Clear announced the North Topeka Fall Parade would occur on October 10, 2015, from 11:00 a.m. to 1:00 p.m. and would parade along N. Kansas Avenue. She also announced a Car Show is scheduled on October 10, 2015, from 9:00 a.m. to 11:00 a.m. at Garfield Park. She thanked the City Manager for finding the funds to construct a parking lot near the Oakland trails.

Councilmember Ortiz welcomed new City Attorney, Lisa Robertson. She commented on the “Beep Where You sleep” challenge regarding smoke detectors and encouraged the Governing Body to participate in the program. She announced the Topeka Fire Department would host an Open House on October 10, 2015. She thanked Mayor Wolgast for his leadership during the Remember Rosa Unity Walk event on October 2, 2015.

Councilmember Schumm thanked Highland Park High School staff and the American Legion for hosting the public meetings regarding the Kansas Turnpike Authority proposed interchange in southeast Topeka. He also thanked the individuals who volunteered at the Touch-A-Truck event on October 2, 2015, sponsored by the City of Topeka Neighborhood Relations Department.

Councilmember De La Isla thanked all citizens and Governing Body members for their support during her recent foot surgery. She stated there are many local organizations in the

community that can help individuals with mental health issues and encouraged people to utilize those services.

Ted Mize appeared to speak under public comment.

Councilmember Harmon moved to recess into executive session for a time period not to exceed 15 minutes to discuss employer-employee negotiations relating to the Water and Development Services labor negotiations and to include the City Manager, Deputy City Manager, Finance Director, Human Resources Director, City Attorney and staff. The motion seconded by Councilmember De La Isla carried unanimously. (10-0-0)

At 8:45 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:45 p.m.

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Brenda Younger  
City Clerk