

Council Minutes – October 13, 2015

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 13, 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 Jay Henderson, University United Methodist Church gave the invocation.

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

A PRESENTATION recognizing Public Works Department staff members for winning the 2015 Snow Rodeo competition in Olathe, Kansas, was presented by Mayor Larry Wolgast and Deputy City Manager Doug Gerber.

Jim Colson, City Manager, offered the City's condolences to the families of the firefighters lost in the line of duty in the City of Kansas City, Missouri.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the reappointment of Martin Hazen to the Topeka Board of Zoning Appeals for a term ending October 1, 2018, was presented.

BOARD APPOINTMENT recommending the reappointment of Helen Crow to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 1, 2018, was presented.

MINUTES of the regular meeting of October 6, 2015, was presented.

Councilmember Coen moved to approve the consent agenda. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted "yes." (10-0-0)

APPROVAL of an amendment to the current labor agreement between the City of Topeka and Local 1294 Missouri/Kansas State Council 72, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO was presented. (*Contract No. 44658*)

Jacque Russell, Human Resources Director, gave the staff report and stated approval would provide for wage increases for those employees covered under the agreement.

Councilmember De La Isla moved to approve the labor agreement. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

RESOLUTION NO. 8726 introduced by City Manager Jim Colson, establishing a policy for the financing of public improvements through the use of special benefit districts in the City of Topeka, Kansas, and rescinding Resolution No. 8242, was presented.

Jim Colson, City Manager, reported approval would establish a policy for the financing of public improvements through the use of Special Benefit Districts in the City of Topeka while encouraging development and providing financial security for the City.

Brandon Kauffman, Finance Director, stated the new policy would require financial review, financial sureties and water improvements paid for by the developer.

Councilmember Schumm moved to approve the resolution. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

DISCUSSION relating to a new Southeast Topeka interchange was presented. (*Continued discussion from the Council meeting of September 15, 2015.*)

Jim Colson, City Manager, reported there have been multiple public meetings to gather input to help determine if the City wants to participate in a study with the Kansas Turnpike Authority (KTA) to see how a southeast Topeka interchange would impact residents.

Doug Gerber, Deputy City Manager, reported he believes the study would provide the answers the public is seeking. He stated the interchange would encourage economic development and growth, is a Land Use Growth and Management Plan (LUGMP) priority and it would connect the city with the “Beltway” of the state. He noted because the interchange was considered one of two Metropolitan Transportation Planning Organization priorities, the City has added a placeholder in the 2016-2020 Capital Improvement Plan (\$500,000 for design) as well as the City has requested inclusion in KTA’s long-term needs plan. He stated KTA is supportive of a southeast interchange and in response has developed the following four feasible design option locations:

- (1) SE 29th Diamond
- (2) SE 29th “Offset” Diamond
- (3) SE California Diamond
- (4) SE California “Folded” Diamond

In conclusion, Mr. Gerber reported the City held two public meetings with approximately 70 citizens attending each meeting generating many questions about economic impact, traffic concerns and the impact to residents. He stated City staff would present a resolution for the Governing Body to consider at the October 20, 2015, Council meeting.

Mayor Wolgast asked if the study would finalize one location and if the City would be committed to the option as submitted by KTA. He questioned if the resolution language should be amended to insure the Governing Body authorizes only the feasibility study.

Councilmember Harmon questioned if the study would be a development plan or if it would be a design study and/or concept plan.

Jim Colson clarified the study would be an engineering plan that would develop a specific footprint of the location of the interchange.

Councilmember Hiller asked if staff could share financial and economic impact assumptions.

Jim Colson stated there has only been a conceptual look at economic impact, increased traffic and other activities; therefore, he could not provide specifics at this time.

Councilmember Clear asked if staff has identified a funding source for the study; how would the total project be funded; and if KTA would consider paying 100% of the cost of the study.

Doug Gerber reported the study would be funded through the City's General Fund (Public Works Department) and has been included in the Capital Improvement Plan (CIP) process. He stated staff did not request KTA to fully fund the study because staff felt the initial offer was reasonable.

Councilmember Schumm provided a brief background of public input and reported the main concern expressed by the public was the need for continued improvements of streets throughout the city. He summarized the following concerns expressed by citizens:

- (1) They want to trust that the City will do what has been promised in regards to street improvements.
- (2) The location should be based on how it would impact surrounding neighborhoods.
- (3) They are not sure if there is an actual need for an interchange.
- (4) They have safety concerns for school children crossing SE California Avenue.

Councilmember Schwartz asked if KTA has fully funded similar studies for other cities in the past.

Councilmember Jensen stated the interchange would be crucial to economic development in southeast Topeka and he believes KTA does not "need" the interchange; therefore, the City should welcome the offer made by KTA. He referenced Option No. 2 (SE 29th "Offset" Diamond) and suggested extending the roadway to connect the interchange to initiate development in the area and avoid traffic congestion.

Joseph Ledbetter distributed a letter of support from Thomas R. Petersen, Petersen Development Group. He spoke in support of the study and noted the Hi-Crest neighborhood also

supports the concept and east Topeka needs the interchange due to the great economic impact it would have on the area.

Fred Sanders spoke in support of the study. He stated the interchange would help east Topeka grow properly, help downtown revitalization and benefit the entire city.

Jim Colson suggested the following language amendment on page 1, lines 19-22 of the proposed resolution as drafted by the City Attorney:

“1. The governing body supports exploring the feasibility of a new Southeast Topeka interchange and will partner with the KTA to facilitate fund the Interchange Concept Study. ~~The governing body approves an expenditure~~ in an amount not to exceed \$20,000. ~~to fund the Interchange Concept Study.~~” He noted the language amendment would limit funding specifically to the concept study. He asked the Governing Body to determine a preferred location for the interchange.

Councilmember Clear and Councilmember Schwartz requested staff ask KTA to pay 100% of the study before the Governing Body takes action on the resolution.

Doug Gerber reported KTA has already invested 20-25 hours of engineering work related to the proposed interchange options.

Jim Colson stated staff would research how KTA has historically funded similar studies and report back to the Governing Body.

Councilmember Hiller referenced a handout from Mr. Edward Fitzpatrick and asked him to explain his proposal.

Edward Fitzpatrick stated his proposed concept was a slight deviation from Option No. 2 as presented by KTA, providing the most benefit with the least impact to the area.

Councilmember Jensen expressed concern with the “loop” concept proposed by Mr. Fitzpatrick because it was not favorable to the type of traffic flow in the area.

Mayor Wolgast noted there would be future upgrades to SE California Avenue that may be conducive to interchange plans.

Councilmember Schumm reported most residents are concerned with being fairly compensated for their property.

Councilmember Jensen spoke in support of Option No. 2 (SE 29th “Offset” Diamond) and believes it is the most effective option.

Councilmember Ortiz spoke in support of Option No. 2 (SE 29th “Offset” Diamond) if located on SE 30th Street. She expressed concern with how much land would be affected and increased traffic congestion on SE 29th Street and SE California Avenue.

Councilmember Schumm spoke in support of Option No. 2 (SE 29th “Offset” Diamond) because it has less of an impact on residential areas; however, SE 29th Street would have to be widened or possible addition of a frontage road.

Councilmember Hiller stated economic development is very important to the City’s future; therefore, the open space around Option No. 2 (SE 29th “Offset” Diamond) would support development. She commented on the need to challenge proposed interchange designs to ensure the design would make Topeka “visible” to motorists and encourage visitors to the city.

Councilmember Harmon spoke in support of Option No. 2 (SE 29th “Offset” Diamond).

Upon hearing no objections, Mayor Wolgast announced it was the general consensus of the Governing Body is to consider Option No. 2 (SE 29th “Offset” Diamond).

DISCUSSION concerning the Transient Guest Tax Committee recommendations, allocating transient guest tax funding for a period of 12 years to certain designated recipients was presented. *(Continued discussion from the Council meeting of September 8, 2015.)*

Jim Colson, City Manager, stated it was suggested to consider each recipient separately; therefore, a resolution for each recipient would be presented at the October 20, 2015, Council

meeting for consideration by the Governing Body. He stated the purpose of the discussion was to determine what specific language needs to be included in the resolutions.

Councilmember Schwartz provided a brief overview of the Transient Guest Tax application process and how the Transient Guest Tax Committee determined the funding recommendations. She spoke in support of all four applicants (Constitution Hall, Downtown Plaza, Evel Knievel Museum and Jayhawk Theatre). She noted development agreements for each corresponding recipient would follow if the resolutions are approved by the Governing Body.

Mary Feighny, Deputy City Attorney, gave a brief overview of the proposed language changes as suggested from the September 8, 2015, Council meeting discussion. The language amendments were summarized as follows:

- (1) The funds would be allowed to be used for capital improvements
- (2) Final approval would be by the Governing Body

Councilmember Hiller spoke in support of Transient Guest Tax Committee recommendations; however, she believes there is still a need to amend the language to ensure funds are used to the best of their ability by setting parameters in development agreements and releasing money accordingly to generate Transient Guest Tax dollars. She commented on the concept changes that applicants have agreed to which helps develop stronger relationships with the applicants and better serves the community. She suggested project parameters be established in the same manner as major development budget so it is secured and could be leveraged to apply for major grants in the future.

Mayor Wolgast stated he supports considering each applicant separately because all projects are unique and require approval by the Governing Body. He encouraged the Governing Body to consider the items soon as it will be difficult to find contractors who would perform work prior to being paid.

Councilmember Hiller stated she concurs with the Mayor and noted the development agreements would serve as the beginning of each project's funding and framework for the organizations to apply for other capital funds.

Councilmember Schwartz spoke in support of including a specific process in development agreements.

Councilmember Jensen spoke in opposition to Councilmember Hiller's proposed concept because it would eliminate the ability to presently do small improvements that could benefit the applicants in the long-term.

Councilmember De La Isla expressed concern with making unrealistic requirements and stated she understands there is a desire to safeguard funds; however, it should be a simple process so that it does not discourage future development.

Councilmember Clear asked if the concept as proposed by Councilmember Hiller would absorb a lot of staff time.

Jim Colson stated the allocation process should set certain expectations so that once the applications are reviewed internally and presented to the Transient Guest Tax Committee for recommendations it is a smooth transition for consideration by the Governing Body.

John Hunter, Heartland Visioning, expressed the need for a change in the conversation specifically relating to funds generated by tourism. He suggested the Governing Body concentrate on quality of life improvements by allocating funding accordingly.

Vince Frye, Downtown Topeka, Inc., spoke in support of a downtown plaza. He distributed a handout stating the Downtown Topeka Foundation would coordinate a business plan as well as assist in site selection and plaza design. He noted a downtown plaza would help organizations save on costs associated with hosting public events downtown.

Kurt Young, Topeka Lodging Association, asked the Governing Body to reconsider restriction of funds for capital improvements because he believes it could delay projects. He encouraged the Governing Body to focus spending in Topeka as well as businesses in the downtown area that are pedestrian-friendly.

Councilmember Ortiz stated she believes a downtown plaza would not be needed if the Capital Building area was utilized.

Councilmember Clear stated she believes improvements in the downtown area should be complete before investing in a downtown plaza.

Councilmember Jensen spoke in support of a downtown plaza. He reported phase 1 of the downtown improvements should be complete by 2016; therefore, he believes it is a perfect time to consider a downtown plaza.

Councilmember De La Isla asked the Governing Body to keep in mind the downtown plaza would serve as an anchor for the future success of downtown. She suggested giving applicants 50% of the funding upfront and 50% upon completion.

Councilmember Schumm expressed concern with the current proposal of the downtown plaza being too small. He suggested setting a specific dollar amount to be used for capital improvements.

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

Brenda Younger, City Clerk, gave a brief overview of the October 20, 2015, Council agenda.

Jim Colson, City Manager commended Mayor Wolgast for his great leadership at the League of Kansas Municipalities (LKM) 2015 Conference events on October 10-12, 2015, and congratulated him for being selected as president of the LKM Board. He announced the City's

Planning Department was selected as the winner of the 2015 Pioneer Award by the American Planning Association for the Land Use and Growth Management Plan 2040 video.

Councilmember Schwartz recommended the Governing Body get involved with the inner-city visits and League of Kansas Municipalities activities. She visited Kansas City, Kansas, Livable Neighborhood Task Force, a great initiative the City of Topeka would begin implementing soon. She stated this week's "gem" of Topeka is Mayor Wolgast due to his continued efforts in presenting the City in a positive manner.

Councilmember Hiller announced Shawnee County will reactivate the Shawnee County Parks and Recreation Advisory Committee and based on the interlocal agreement, each Councilmember as well as each County Commission will be asked to appoint a representative from their district to serve on the board with terms beginning January 1, 2016.

Councilmember Clear thanked the Topeka Police Department for their assistance during the North Topeka Fall Parade.

Councilmember Ortiz congratulated Councilmember Hiller for receiving the Velma Paris Humanitarian Award presented by Community Action for supporting the philosophy and mission of Community Action in public policy. She announced October is National Fire Prevention Month and encouraged citizens to contact the Fire Department about their Smoke Alarm Program.

Greg Bailey, Topeka Fire Chief, reported the City of Topeka Fire Department currently has a federally funded Smoke Alarm Program for the purpose of providing lifesaving benefits to the citizens of the community. He asked residents to call 785-368-4000 to schedule a smoke alarm survey of their home.

Councilmember Schumm offered condolences to the families of the firefighters lost in Kansas City, Missouri.

Councilmember De La Isla offered condolences to the families of the fallen firefighters lost in Kansas City, Missouri, and asked that we remember others we have lost in the line of duty.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to discuss attorney-client privileged information regarding potential litigation and to include the City Manager, Deputy City Manager, City Attorney and staff and Water Pollution Control Director. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

Councilmember Harmon left the room.

At 9:20 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Hiller moved to recess into executive session for a time period not to exceed 10 minutes to discuss non-elected personnel matters and to include the City Manager, Deputy City Manager and City Attorney. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted “yes.” (9-0-0)

At 9:27 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 9:27 p.m.

Brenda Younger
City Clerk