

## **Council Minutes – December 8, 2015**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 8, 2015. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Schumm, De La Isla, Coen and Harmon -6. Mayor Larry E. Wolgast presided -1. Absent: Councilmembers Clear, Jensen and Schwartz -3.

AFTER THE MEETING was called to order, Father Mitchell Zimmerman, Christ the King Catholic Church gave the invocation.

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

A PRESENTATION on the Water Festival sponsored by the Kansas Association for Conservation and Environmental Education was provided by Doug Gerber, Deputy City Manager. He reported over 1,000 students from area schools participated in the event learning about water and wastewater issues with City staff providing live demonstrations.

A PRESENTATION on Police Recruiting Strategy was provided by Topeka Police Chief James Brown and Topeka Police Officer Brandon Gogian. Chief Brown gave a brief overview of the need for diversity on the police force and recruiting drives. Officer Gogian reported the Police Department would like to request assistance from citizens in the recruitment of individuals interested in serving as a law enforcement officer. He stated a Community Recruiting meeting has been scheduled for January 13, 2016, from 6:00 p.m. to 8:00 p.m. with the location to be determined. He noted discussion would consist of what was expected of an officer, current recruiting efforts and initial steps in the hiring process. He encouraged citizens to attend the meeting to provide input, identify problems and aid in mentoring to better prepare interested applicants.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of December 1, 2015, was presented.

An Open After Midnight License application was presented for Panchos 3 located at 1901 SW 10<sup>th</sup> Avenue.

Cereal Malt Beverage License applications were presented for the following businesses:

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Cypress Ridge Golf	2533 SW Urish Road
Dickey's Barbecue Pit	609 NW US Highway 24
Hooters	6100 SW 10 <sup>th</sup> Avenue
Sasnak North	1834 N Topeka Boulevard
New China Restaurant	201 SW 29 <sup>th</sup> Street
North Topeka Golf Center	350 NE US Highway 24
Porubsky's	508 NE Sardou

Dance Hall License applications were presented for the following businesses:

<b><u>Business Name</u></b>	<b><u>Address</u></b>
Lazy Toad	5331 SW 22 <sup>nd</sup> Place #2
Los Charros	4111 SW Gage Center Drive
Midwest Elks	1316 SE Madison
Sasnak North	1834 N Topeka Boulevard
Wild Horse Saloon	3249 SW Topeka Boulevard

Councilmember De La Isla moved to approve the consent agenda. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted "yes." (7-0-0)

A PUBLIC HEARING and ORDINANCE NO. 19978 introduced by City Manager Jim Colson, relating to the vacation of a north-south easement for public utilities at 4206 SW Stratford Road, within the City of Topeka, Shawnee County, Kansas was presented. (V15E/4)

Jim Colson, City Manager, reported approval of the vacation request would remove an easement platted in 1939 that was no longer necessary for utilities and lies beneath the existing residence.

Bill Fiander, Planning Department Director, reported Nathan Serrano, property owner, has requested the vacation of the easement in order to obtain clear title on the property.

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

No one appearing, Mayor Wolgast announced the public hearing was closed.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Harmon carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Schumm, De La Isla, Coen, Harmon and Mayor Wolgast -7. Absent: Clear, Jensen and Schwartz -3.

A PUBLIC HEARING and ORDINANCE NO. 19979 introduced by City Manager Jim Colson, relating to the vacation of a 10-foot wide public improvement easement for underground utilities on property located between SW Woodhull and SW Hillsdale, along the south side of SW Huntoon Street, within the City of Topeka, Shawnee County, Kansas, was presented.

*(VI5E/3)*

Bill Fiander, Planning Department Director, reported approval would allow the applicant to construct a new 9,000 square foot building on the west half of the property located between SW Woodhull and SW Hillsdale along SW Huntoon Street.

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

No one appearing, Mayor Wolgast announced the public hearing was closed.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Schumm, De La Isla, Coen, Harmon and Mayor Wolgast -7. Absent: Clear, Jensen and Schwartz -3.

## PUBLIC HEARING NOTICE

A PUBLIC HEARING for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds, amending the 2015 City of Topeka Operating Budget.

ORDINANCE NO. 19980 introduced by City Manager Jim Colson, approving and adopting certain amendments to the operating budget for the City of Topeka for the year 2015, and appropriating the amounts for the purpose as set forth therein was presented.

Brandon Kauffman, Finance Department Director, reported approval would increase the expenditures level of the 2015 City of Topeka Operating Budget from \$17,540,799 to \$20,351,075 a \$2,810,276 increase for the following funds:

- Alcohol & Drug Safety Fund - \$6,899
- Transient Guest Tax Fund - \$236,642
- Employee Separation Fund - \$1,200,000
- Historic Preservation Fund - \$90,962
- Countywide Half-Cent Fund - \$612,042
- Tax Increment Financing Fund - \$202,630
- Community Improvement District Fund - \$175,485
- Information Technology Fund - \$149,268
- Facilities Fund - \$136,348

Councilmember Harmon asked if the amendments would have an impact on the mill levy or the City's reserve funds.

Brandon Kauffman stated the amendments would not have an effect on the mill levy or reserve fund.

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

Harry Bishop expressed concern with the Employee Separation Fund and asked where the funds come from and if the Governing Body has ever considered lowering property taxes when revenues come in higher than expected.

Doug Gerber, Deputy City Manager, stated often times excess funds are legally obligated by state statute to be expended for a specific purpose as required with the Employee Separation Fund. He reported the fund was established in 2013 for the purpose of covering excess costs of employee retirements; however, all City departments are currently contributing to the Retirement Reserve Fund to cover future retirement costs when the Employee Separation Fund has been depleted.

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

Councilmember Hiller questioned if the increase for the Employee Separation Fund was being recommended to cover a higher than expected draw from the fund or simply a transfer of funds.

Brandon Kauffman reported the \$1.2 million increase would be withdrawn from the Employee Separation Fund (bonded fund) for the purpose it was created.

Councilmember De La Isla moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Schumm, De La Isla, Coen, Harmon and Mayor Wolgast -7. Absent: Clear, Jensen and Schwartz -3.

RESOLUTION NO. 8739 introduced by Deputy Mayor Karen Hiller, cancelling Council meetings for calendar year 2016, was presented.

Councilmember Hiller reported approval would provide notice that Council meetings would not be held on July 19, 2016; August 2, 2016 (Primary Election); and November 8, 2016 (General Election).

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Wolgast voted “yes.” (7-0-0)

RESOLUTION NO. 8740 introduced by City Manager Jim Colson, relating to the City of Topeka’s legislative agenda for the 2016 legislative session was presented.

Jim Colson, City Manager, reported City staff and the Governing Body have worked diligently to identify the City’s priorities for the 2016 Legislative Session. He listed the following City of Topeka legislative priorities for the 2016 Legislative Session:

1. Support reintroduction of SB 84 from the 2015 legislative session, which would allow cities to petition the district court for temporary possession of housing and structures determined by the court: (a) to be abandoned by their owners, possessors or parties of interest for the preceding 180 days or more; and (b) to have a blighting influence on surrounding properties as defined in the legislation.
2. Support review and discussion of tax policy in Kansas, but oppose any change to said policy that would negatively impact or shift state responsibilities to the local units of government.
3. Support legislation that would allow for urban economic development opportunities for the City of Topeka, including, but not limited to, options such as: (a) PEAK-type benefits for jobs within an Urban Opportunity Zone; (b) Tax Increment Financing; (c) Development Incentive Tax (e.g., higher taxes if blighted; reduced if redeveloped); and (d) Urban Gap Fund to match private dollars; loan guarantee fund.
4. Support the League of Kansas Municipalities 2016 municipal policy to the extent said policy is consistent with the City’s priorities and agenda.

Councilmember Ortiz spoke in opposition of the resolution and expressed concern with the priorities not including the scrap metal issue.

Councilmember Hiller asked if Mr. Damron was drafting language amendments for Senate Bill (SB) 84. (Kansas Senate Bill No. 84 “An act concerning cities; relating to the qualifications and rehabilitation of abandoned property; amending K.S.A. 2014 Supp. 12-1750 and 12-1756a and repealing the existing sections.)

In response, Whitney Damron, City of Topeka Lobbyist, reported the following:

- The scrap metal issue was resolved in the 2015 Legislative Session and he does not believe there will be any new scrap metal initiatives presented in 2016. He stated the new legislation was adopted which included the Kansas Attorney General establishing a database for registration and penalties, implemented in 2016. He noted the Kansas Attorney General's Office would assign an employee specifically for the purpose of working with metal dealers statewide and conducting inspections.
- There have been many discussions regarding the concepts and ideas of SB84 and it seems to be making progress. He reported the language amendments would clarify definitions, utility bill history, property taxes, record the number of attempts made to contact property owners, a remediation plan and who would take responsibility of an abandoned property. He noted the ultimate outcome of the bill would be to deed the property to a non-profit organization through the quit claim process. He stated the amendments have been distributed to other cities for their review and once the amendments have been finalized it would be presented before the Shawnee County Delegation.

Councilmember Harmon moved to approve the resolution. The motion seconded by Councilmember De La Isla carried. Mayor Wolgast voted "yes." Councilmember Ortiz voted "no." (6-1-0)

DISCUSSION regarding amendments to the Hi-Crest Neighborhood Plan including prioritizing SORT target area improvements was presented.

Bill Fiander, Planning Department Director, gave a summary of the history of the Hi-Crest area, the 2014 Hi-Crest Neighborhood Health Map, Hi-Crest West, revitalization strategies, community building and strengthening, SORT housing and infrastructure and potential infrastructure projects. He reported the blocks located north of the former elementary school (Avondale East) between SE Golf Park and SE 31<sup>st</sup> Street were targeted for SORT and address specific and unique needs to the area with an increased focus on landlord outreach, adjustment in the rehab program and funding spent on rehab and demolition rather than infill housing. He noted Westar Energy has agreed to install 31 new street lights in the area and convert existing street lights to LED fixtures to improve visibility. He thanked City staff and the Hi-Crest NIA for working together with the neighborhood to develop a great neighborhood plan.

Mayor Wolgast encouraged the public to view all the neighborhood plans as they illustrate a tremendous amount of work between the City and its citizens. He questioned if Shawnee County would take part in funding the park improvements.

Bill Fiander stated Shawnee County Parks and Recreation has been involved in many discussions regarding neighborhood parks and would take care of any maintenance needed.

Councilmember De La Isla expressed her appreciation for the collaboration of community involvement and City staff that have come together to create a comprehensive neighborhood plan. She noted the neighborhood faces challenges with landlords in the area; however, if communication and partnership continues the issues should get resolved.

Councilmember Schumm stated the Hi-Crest neighborhood is a unique opportunity to see transformation happening and residents working together to improve their neighborhood. He thanked the residents, City staff and the NIA for working together to create a better quality of life.

Councilmember Ortiz thanked City staff, residents and NIA members for their hard work as well as Joseph Ledbetter for his efforts. She commented on the NETReach Center and the “hub” it has created for the Hi-Crest community despite the area crime and stated she knows the community will continue to thrive and bond together.

Councilmember Hiller stated she is excited to see the impact the improvements will have on the community. She questioned why housing was not mentioned in the SORT funding detail.

Bill Fiander stated housing rehabilitation would be funded \$509,000 through Community Development Block Grant funds and infrastructure in the amount of \$1.4 million through general obligation bonds (SORT) funds.

Joseph Ledbetter, Hi-Crest Neighborhood Improvement Association President, thanked the Governing Body for their comments and support on implementing improvements in the Hi-Crest community. He expressed appreciation to City staff, NIA members and residents for the input and development of a comprehensive neighborhood plan. He expressed concern with the SE California Avenue area businesses and development and hopes to see more jobs come to east Topeka as well as looks forward to more planning by the Kansas Turnpike Authority in providing access for the area.

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

Jennifer Goodrich, Deputy City Clerk, gave a brief overview of the December 15, 2015 Council agenda.

Councilmember Coen reported SW 29<sup>th</sup> Street between SW Urish Road and SW Indian Hills Road is now open and thanked everyone involved in the improvement project.

Councilmember Hiller encouraged the public to participate in the Topeka Fire Department Smoke Detector program and stated individuals could contact the Fire Department at (785) 368-4000 for more information.

Councilmember Ortiz encouraged citizens to report street light outages to Westar Energy online at [www.westarenergy.com](http://www.westarenergy.com) or call 1-800-544-4857.

James Brown, Topeka Police Chief, reported auto thefts and break-ins are prevalent this time of year. He encouraged citizens to park vehicles in a lighted area, do not leave valuables in the car and lock vehicles at all times to avoid becoming a victim of crime.

Councilmember Schumm stated he is excited to see improvements in the community and thanked Councilmembers De La Isla and Ortiz for their support and mentorship. He noted the

Governing Body is committed to improving city streets and thanked citizens for their patience during the process.

Councilmember De La Isla stated it is wonderful to see all the new improvements in our community and in the downtown area. She announced Hazel Hill Chocolate was selected as “Best Local Gift” by MyRecipes.com holiday gift guide as the choice for Kansas and expressed appreciation to all the downtown businesses. She encouraged citizens to shop locally during the holiday season. She also stated she is excited about the improvements in the Hi-Crest neighborhood and the synergy happening for that area between individuals and organizations. She thanked Joseph Ledbetter and Betty Phillips for being strong voices for the community and believes the proposed improvements in Hi-Crest will be a model for other communities in the future.

Joseph Ledbetter appeared to speak under public comment.

Councilmember De La Isla moved to recess into executive session for a time period not to exceed 10 minutes to discuss nonelected personnel regarding a workers’ compensation claim and to include the Governing Body, City Manager, Deputy City Manager, Human Resources Director and staff and City Attorney. The motion seconded by Councilmember Coen carried unanimously. (7-0-0)

At 7:44 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 40 minutes to discuss nonelected personnel matters and to include the Governing Body and City Manager. The motion seconded by Councilmember De La Isla carried unanimously. (7-0-0)

At 8:24 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 8:24 p.m.

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Brenda Younger  
City Clerk