

**Council Minutes – March 26, 2013**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 26, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Brown, Ortiz, Everhart, Wolgast, Manspeaker, Collazo, Gray and Harmon -9. Mayor William W. Bunten presided -1.

AFTER THE MEETING was called to order, Steven Seehorn, Topeka Police Chaplain, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

DENIAL OF TORT CLAIM of Arab Shriners in the amount of \$12,704.55 for damages sustained from a fire line break on or about December 8, 2011, was presented.

RESOLUTION NO. 8504 introduced by Councilmember TJ Brown granting Heritage Christian School an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of March 19, 2013, was presented.

Open After Midnight License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Abigail's Grill & Bar	3701 SW Plaza Drive
Boss Hawg's	2833 SW 29 <sup>th</sup> Street
Buffalo Wild Wings #149	1227 SW Wanamaker Road
College Hill Pizza Pub	1418 SW Lane Street
Henry T's Bar & Grill	1521 SW 21 <sup>st</sup> Street
IHOP #5318	1731 SW Wanamaker Road
J&J Gallery Bar	917 N Kansas Avenue
J&J Gallery Bar	917 N Kansas Avenue
La Fiesta	1017 NE Seward Avenue
McDonald's #317	3117 SW Topeka Boulevard
McDonald's #995	1100 S Kansas Avenue
McDonald's #5596	2001 NW Topeka Boulevard
McDonald's #7244	2880 SE California Avenue

<u>Business Name</u>	<u>Address</u>
Old Chicago	1231 SW Wanamaker Road
Speck's Bar & Grill	2105 SW Mission Avenue
The Spot Tavern	2202 SW Buchanan Street
Topeka Moose Lodge 555	1901 N Kansas Avenue

Councilmember Collazo moved to approve the consent agenda. The motion seconded by Councilmember Gray carried unanimously. (9-0-0)

RESOLUTION NO. 8505 introduced by City Manager Jim Colson, expressing support for the application submitted to the Kansas Housing Resources Corporation (KHRC) for Low Income Housing Tax Credits by Pridon, L.L.C., for the Victory Village Apartments development project was presented.

Brad Reiff, Housing and Neighborhood Development Acting Director, reported the Victory Village development project is the proposed new construction of a 30-unit apartment complex located near the southeast corner of the U.S. Department of Veterans' Affairs (VA) property located at 2200 SW Gage Boulevard. He gave a brief description of the individual units and noted parking and transportation would be offered to tenants. He gave background information on the actions taken by the developer, Pridon, L.L.C., informing the surrounding neighborhood of the proposed development by conducting public hearings and sending written notice. He reported the developer followed the new City of Topeka Citizen Participation Model and provided a developer's report for review. He stated staff is recommending approval of the project.

Councilmember Harmon asked if Council approval is a requirement of the Low Income Housing Tax Credit Program application process and if the City would be required to expend any funds for the project.

Brad Reiff stated approval by the Council is a requirement of the application process and the City would not be required to invest funds in the development.

Councilmember Everhart moved to approve the resolution. The motion was seconded by Councilmember Manspeaker.

Dan Crow, attorney for the applicant, appeared to answer questions.

Curtis Brown, U.S. veteran, asked the Council to support the development project and stated it is a chance for the City to do the right thing by not delaying the project any longer.

Councilmember Manspeaker thanked Mr. Brown for his service to the nation and encouraged the Council to support the project.

Councilmember Gray spoke in support of the development and asked the Council to approve the resolution.

Joseph Ledbetter spoke in support of the project and stated he was impressed with the VA's transparency and compromising attitude with the neighbors to achieve a good result.

Judy Pfeiffer spoke in support of the project and encouraged the Council to take the first step in implementing a project that would help veterans and their families.

Councilmember Manspeaker thanked the VA and Pridon, L.L.C., for working to find a resolution with the neighborhood. He stated he believes their actions spoke highly of the project and veterans.

Councilmember Hiller thanked the VA, Pridon, L.L.C., City management and staff and the community for working hard to make the project happen.

Mayor Bunten stated he fully supports all military personnel; however, he believes the project will be a homeless shelter located in the middle of a nice neighborhood. He reported

opposition has been expressed to him by many residents living east of the proposed project location.

The motion to approve the resolution carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$2,500,000, NOTICE OF INTENTION and ORDINANCE NO. 19807 introduced by City Manager Jim Colson, authorizing Improvement Project No. T-281060.00, which provides for water main replacement work in various locations citywide, which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto placed on first reading March 12, 2013, was again presented. The item was deferred from the meeting of March 19, 2013.

Jim Colson, City Manager, reported approval would authorize \$2,500,000 to replace defective water mains at 17 locations throughout the city. He stated they intend to use cash reserves from the Utility Operating fund to pay for the project; however, the ordinance lists additional funding options to ensure sound fiscal policy for the City.

Mike Teply, Public Works Director, stated different funding options were included in the ordinance as a fiscal safeguard and noted the intent has always been to pay for the project with cash reserves.

Councilmember Gray thanked City staff for meeting with him to discuss the project funding and stated he was unaware that initially staff planned to pay for the project with cash reserves.

Councilmember Collazo asked what circumstances would trigger the issuance of bonds to pay for the project.

Mike Teply explained that bonding would be necessary if monthly revenues and expenses are not close to anticipated projections.

Councilmember Manspeaker expressed appreciation to the Governing Body for deferring the item so they could fully discuss the funding options available. He stated he initially planned to propose an amendment to the ordinance to use Utility Operating funds to pay for the project due to the large balance of cash reserves. He noted it is the City's responsibility to be fiscally accountable and not issue bonds when it is not necessary.

Mike Teply reported the total cash reserve balance is \$14.8 million with previous project commitments totaling \$6 million reducing the actual total cash balance to \$8 million. He stated there would be other projects coming before the Council in 2013 for consideration that include a cash funding option.

Councilmember Manspeaker stated there would still be a remaining balance of \$3.5 million in cash reserves if the project is paid for with cash. He also stated it is the Governing Body's obligation to make the best financial decisions for the City and staff's responsibility to present a plan to accomplish necessary projects. He questioned if this was a viable plan for the replacement of infrastructure.

Councilmember Harmon stated revenue bonds would not add to the City's indebtedness and would be paid from Utility Operating funds.

Councilmember Wolgast stated he believes citizens are mainly concerned with replacing aging infrastructure. He reported the City has presented a plan and he believes the Governing Body has an obligation to help implement the plan.

Councilmember Hiller stated constructing a master plan and becoming debt-free has always been a priority for her and paying with cash reserves saves a substantial amount of money in the long-term. She asked if the project includes repair only or complete replacement of water mains.

Mike Teply stated the 2013 Watermain Replacement Program focuses on restoring mains associated with half-cent sales tax and other priority street improvement projects implemented by the City, as well as, mains in or along streets considered to have the most extensive break repair histories. He stated the complete replacement of the water mains should last approximately 50 to 70 years.

Mayor Bunten stated the City Manager has discussed vigorous investment fund plans regarding idle funds with staff, and it is his understating if the money is not spent it would be invested.

Joseph Ledbetter stated he understands the need for the program; however, he questions the need to issue bonds to pay for the project. He stated he has researched the cash reserve fund and believes the City should utilize the cash to pay for the program. He noted water rates were raised approximately 10 to 15 years ago to correct red water issues; however, rates were never adjusted after the issue was resolved.

Councilmember Harmon moved to approve the project budget and adopt the ordinance and notice of intention. The motion seconded by Councilmember Wolgast carried unanimously. Mayor Bunten voted “yes.” Councilmember Manspeaker voted “no.” (9-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Brown, Ortiz, Everhart, Wolgast, Collazo, Gray, Harmon and Mayor Bunten -9. Noes: Manspeaker -1.

RESOLUTION NO. 8506 introduced by Councilmember Denise Everhart, expressing encouragement to our Congressional Delegation to support efforts in Congress to address the backlog of veterans' claims was presented.

Councilmember Everhart gave the staff report and stated Topeka is home to the Colmery-O'Neil VA Medical Center and the resolution seemed appropriate to let Congress and U.S. Veterans know Topeka supports efforts to address the backlog of veterans' claims.

Councilmember Everhart moved to approve the resolution. The motion was seconded by Councilmember Manspeaker.

Councilmember Hiller requested the City Clerk read the resolution in its entirety.

The resolution was read by the City Clerk.

Councilmember Harmon spoke in support of the resolution and stated Congress needs to take action on this very serious problem.

The motion to approve the resolution carried unanimously. (9-0-0)

No Retail Cereal Malt Beverage or Scrap Metal Dealers License applications were presented.

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code Section 2.15.020 and specifically repealing said original section, concerning the times and dates for council meetings for the next two (2) years was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of a platted green space easement running along the northerly 30 feet of five lots, located on the north

side of SW Woods Drive just east of SW Cambridge Avenue, City of Topeka, Shawnee County, Kansas was presented for first reading. (VI3E/2)

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

Jim Colson, City Manager, announced in an effort to encourage people to support downtown businesses, beginning March 30, 2013, and continuing for six months, the City would implement a free parking pilot program for City owned parking garages in the downtown area.

Councilmember Hiller expressed on behalf of the Arab Shrine that they hoped that as the City looks at its water rate structure in the future, the City would consider including fire suppression lines as part of the City's responsibility rather than those of the property owners. She stated that based on a comment from last night's Council round tables, she wanted to encourage that the City consider including water conservation rates in new water rate schedules. She said she would like the City to consider, as we go into budget both for the utilities and in general, re-establishing a fund for concept engineering and project design so that we are not bonding such projects.

Councilmember Brown spoke in support of the Victory Village Development Project and stated he hopes the project moves forward as planned in response to the needs of the community.

Councilmember Ortiz offered her condolences to the Karren Friess Family.

Councilmember Wolgast encouraged citizens to vote in the General Election, April 2, 2013.

Councilmember Collazo thanked City staff for providing additional information on bond financing relating to the 2013 Watermain Replacement Program. He also thanked his constituents for their support while serving on the City Council.



Councilmember Gray encouraged the community to vote in the General Election, April 2, 2013.

Councilmember Harmon thanked Councilmember Brown for his service on the City Council.

Brett Blackburn appeared to speak under public comment.

A RECOGNITION and TRIBUTE CEREMONY for Mayor William W. Bunten was presented by Deputy Mayor Larry Wolgast and City Manager Jim Colson.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:45 p.m.

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Brenda Younger  
City Clerk