

Governing Body Minutes – March 7, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 7, 2017. The Governing Body members of the City of Topeka met in session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Emerson, De La Isla, Schwartz, Coen and Harmon -8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Jensen -1.

AFTER THE MEETING was called to order, Councilmember Emerson gave the invocation.

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

BOARD APPOINTMENT recommending the reappointment of Kerry Storey to the Topeka-Shawnee County Public Library Board of Trustees for a term ending May 1, 2021, was presented.

BOARD APPOINTMENT recommending the reappointment of William “Butch” Brown to the City of Topeka Board of Electrical Appeals for a term ending January 1, 2019, was presented.

BOARD APPOINTMENT recommending the appointment of Melinda Neuman to the Topeka Human Relations Commission to fill an unexpired term ending March 8, 2019, was presented.

Councilmember Clear moved to approve the appointments. The motion seconded by Councilmember De La Isla carried unanimously. (8-0-0) The Mayor did not vote.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8860 introduced by Councilmember Karen Hiller, approving a special event known as the Cruisin’ the Capitol Car Show was presented.

RESOLUTION NO. 8861 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. 8862 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Topeka: A Capitol Brew Festival to be held on June 24, 2017, was presented.

RESOLUTION NO. 8863 introduced by Councilmember Karen Hiller, granting Visit Topeka, an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

ORDINANCE NO. 20056 introduced by Interim City Manager Doug Gerber, allowing and approving City expenditures for the period of December 31, 2016, through February 3, 2017, and enumerating said expenditures therein was presented.

MINUTES of the regular meetings of February 14, 2017 and February 21, 2017, was presented.

APPROVAL of Dance Hall License applications were presented for Sasnak located at 1834 N. Topeka Boulevard and Serendipity located at 820 N. Kansas Avenue.

APPROVAL of the following Open After Midnight License applications were presented:

<u>Business Name</u>	<u>Address</u>
Applebee's	5928 SW 17 th Street
Buffalo Wild Wings	1227 SW Wanamaker Road
The Celtic Fox	118 SW 8 th Street
Cousins Club	1211 S Kansas Avenue
Henry T's	1521 SW 21 st Street
Hy-Vee #1658	2951 SW Wanamaker Road
Hy-Vee Gas	6011 SW 29 th Street
Los Charros	4111 SW Gage Center Drive
Nirvana Hookah House	1414 SW 16 th Street
Old Chicago	1231 SW Wanamaker Road
Panchos 2	3506 SW Topeka Boulevard
Taco Bell	2013 N Topeka Boulevard
Taco Bell	101 SE 29 th Street
Taco Bell	1560 SW Wanamaker Road
Terry's Bar-Grill	522 SW 6 th Avenue
Walgreens #03069	1001 SW Topeka Boulevard
Wild Horse Saloon	3249 SW Topeka Boulevard

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

ORDINANCE NO. 20057 introduced by Interim City Manager Doug Gerber, authorizing initiation of condemnation proceedings to acquire temporary easements and permanent right-of-way easements for California Avenue Trafficway Improvement Project No. T-701011.00 was presented.

Doug Gerber, Interim City Manager, stated approval would authorize the City Attorney to initiate condemnation proceedings in Shawnee County District Court to secure easements for the California Avenue Trafficway Improvement Project.

Councilmember Ortiz asked how the City notifies property owners.

Mary Feighny, Deputy City Attorney, reported owners were notified by the real estate company as well as the City reached out to the owners numerous times since September 2016 by telephone, certified mail and regular mail.

Councilmember Coen asked if the easements were needed for demolition of property or on a temporary basis for the project.

Doug Gerber stated there are no plans for demolition and the easements are only needed for the project.

Councilmember Clear moved to adopt the ordinance. The motion was seconded by Councilmember Schwartz.

Joseph Ledbetter, Hi-Crest Neighborhood Improvement Association President, distributed handouts regarding the Hi-Crest Neighborhood Plan adopted December 15, 2015 and the City's Open Data Policy. He spoke in support of a five-lane improvement project to support area

infrastructure and economic development. He expressed concern with the lack of communication by the City with the NIA when changes were made to the project.

Fred Martinez, Rolling Meadows Neighborhood Improvement Association, stated the NIA was seeking clarification on the project.

Doug Gerber reported the project would consist of three lanes as supported by traffic flow numbers. He stated the area did not meet the needs of a five lane street as well as it would be intrusive to property owners as the majority of the area is residential in character.

Councilmember Ortiz expressed the importance of the City ensuring that the NIAs involved are notified as well as area residents.

Councilmember Hiller provided a brief history of the project plan and noted the project initially included three lanes due to the Kansas Turnpike Authority (KTA) Bridge as well as three lanes would provide a huge improvement for the residents along SE California Avenue. She stated it was her understanding the residents along the east side of SE California Avenue signed a petition in support of a three lane road.

The motion to adopt the ordinance carried. Councilmember Ortiz voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Emerson, De la Isla, Schwartz, Coen, Harmon and Mayor Wolgast -8. Noes: Ortiz -1. Absent: Jensen -1.

A REPORT from the Tourism Business Improvement District (TBID) Planning Committee was presented.

Kurt Young, TBID Planning Committee member provided the report. He highlighted the following:

- TBID would be assessed to hotels pursuant to K.S.A. 12-1782 et. seq.
- Scope of Services
- Cost of Services - \$500,000 annually for the next three years
- Method of Financing - \$1.00 per occupied room

- TBID would begin on January 1, 2018 and sunset on December 31, 2027
- City would contract with Topeka Lodging Association for TBID services
- City would retain 2% of the fees to cover administrative costs
- Collection and Delinquency Provisions
- Advisory Board would consist of seven members
- Advisory Board Operational Requirements
- Annual Report Requirements

Lisa Robertson, City Attorney, reported most of requirements are outlined in State statute regarding the TBID. She stated the next steps in the process would be for the Governing Body to approve the resolution of intent to create the TBID which would include the final report along with the notice of public hearing to be conducted on May 9, 2017.

Councilmember Clear asked what is included in the administrative costs and questioned if 2% would cover those costs.

Nickie Lee, Financial Services Director, stated 2% was the common percentage included in Business Improvement and Tax Increment Financing Districts; and the administrative services would include collecting the fee, audit services, review of financials as well as distributing funding to appropriate entities.

Councilmember Emerson inquired if hotels located outside city limits but within Shawnee County would participate in the TBID. He asked if levying the base fee of \$1 per night, per room, would be for the entire 10-year period and if not, what would be the process to change the fee.

Kurt Young stated one hotel outside city limits has volunteered to participate at this time with hopes of more hotel properties participating in the future. He noted any proposals to change the fee would have to be approved by the Governing Body.

Councilmember Schwartz asked if the fee would apply to Airbnb, Inc., properties outside city limits; and if Visit Topeka as well as the Kansas Office of Tourism and Travel would be involved in the TBID.

Kurt Young stated Airbnb, Inc., properties outside city limits would be considered on a case-by-case basis. He noted there has been questions whether to involve Visit Topeka because of a possible conflict of interest as they receive funds.

Councilmember Ortiz stated she believes some of the services listed are duplicated by Visit Topeka.

Kurt Young stated the TBID provides funding for a lot of the same services; however, it also allows for focused expenditures on the Downtown Plaza while Visit Topeka funding is utilized community-wide.

DISCUSSION of recently completed Capital Improvement Plan projects was presented.

Doug Gerber, Interim City Manager, reported the Governing Body would consider a CIP covering a 10 year period and a CIB covering a three year period in the upcoming months prior to the 2018 operating budget discussions. He expressed the importance in understanding what projects have been completed in 2016 and stated the project updates would be provided on a quarterly basis with the quarterly financial report.

Jason Peek, Public Works Director, distributed a handout listing the street improvement projects completed in 2016; bridge and street improvement projects carried over in 2017; and street improvement projects to begin in 2017. He expressed the need to develop an overall plan for facilities and asset management (plumbing, electrical, etc.) similar to the pavement management plan. He provided a broad overview of projects slated for the renovation of the City Hall building including the need to address an aging boiler system, fire suppressant system

as well as other mechanical, electrical and plumbing systems throughout the building. He expressed the importance of improving energy efficiencies through improved heating, cooling and lighting systems, considering the overall security layout and serving future needs.

Councilmember Ortiz asked if the boiler system in City Hall has been replaced.

Councilmember De La Isla asked if there was an ongoing plan to review all City assets in all locations to make sure all are maintained and if there was funding in place to address potential property code issues such as the City Hall fire suppressant system if needed.

Jason Peek stated the boiler has not been replaced as there was a need to systematically review the entire building and how to approach all of the issues as part of a larger project plan for the future needs of the City. He reported they completed an overall inventory of the Law Enforcement Center, Cyrus K. Holliday Building and City Hall and they are in the process of developing preventative maintenance plans as well as major capital improvement project needs.

Discussion continued on alley improvement projects and signal improvement projects. He expressed the importance of developing a signal asset management plan to remain current with changing technology.

Bob Sample, Interim Utilities Director, provided a report on the stormwater utility improvement projects completed in 2016 including the Oakland Levee Unit; wastewater utility projects completed including the South Kansas River Pump Station and water utility improvement projects completed in 2016. He stated some of the projects worked in conjunction with street projects and the majority of projects completed under budget were associated with the replacement program, a program that utilizes excess project funding for more replacement projects. He stated the 2017 priorities are a systematic approach to manage assets and utilities by

establishing a grading system, distribution master plan, updating the hydraulic model and the facility master plan for water plants along with a strong preventive maintenance program.

Mayor Wolgast asked how the City plans to fund \$151,357,181.75 for 2017 projects.

Nickie Lee, Financial Services Director, stated the projects would be paid from a combination of utility revenue bonds and cash funds.

Councilmember Hiller commended staff for the report and for all of the projects that came in under budget.

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

Doug Gerber, Interim City Manager, announced the City would start improvement projects early this year due to the mild weather and noted the Topeka Boulevard street improvement project would begin next week. He reported as a result of the City's public outreach event at NOTO's First Friday Art Walk on March 3, 2017, the City received input on 2018 budget priorities from over 160 residents.

Mayor Wolgast commended staff on the great outreach event regarding the City's 2018 budget priorities and stated he received many positive reports from citizens.

Councilmember Emerson commended Jim Green and Topeka-Shawnee County Emergency Management staff for sending updates during the inclement weather on March 6, 2017.

Councilmember Schwartz announced this week's "gem" of Topeka is the local news stations reporting updates to the community during the inclement weather on March 6, 2017. She announced the Transient Guest Tax Committee has scheduled a meeting on March 8, 2017, and invited individuals interested in tourism and travel in Topeka to attend. She also announced the downtown St. Patrick's Day Parade would occur on March 11, 2017.

Councilmember Hiller announced St. Patrick's Day festivities would occur on March 11, 2017, at various times and locations in the downtown area.

Councilmember Ortiz asked interested constituents who would like to serve on the Parks and Recreation Advisory Board to represent Council District No. 3 to contact her directly. She reported the North Topeka West Neighborhood Improvement Association meeting on March 6, 2017, included great discussions on the challenging issues facing the neighborhood. She requested a staff report on vehicle theft issues happening throughout the city and how the Topeka Police Department is educating the public on this serious issue.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Harmon left the meeting.

Councilmember Hiller moved to recess into executive session for a time period not to exceed five minutes to discuss personnel matters. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, City Attorney, Financial Services Director and Human Resources Director. The motion seconded by Councilmember Emerson carried unanimously. (8-0-0)

At 7:48 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 7:48 p.m.

Brenda Younger
City Clerk