

Governing Body Minutes – April 11, 2017

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 11, 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, Jensen, Schwartz and Coen-8. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Pastor Jeremiah Metsinger, South Knollwood Baptist Church, gave the invocation.

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

THE TROY SCROGGINS ORGANIZATION AWARD was presented to Judy Nickelson, Circles of Greater Topeka program coordinator by Mayor Wolgast.

Mayor Wolgast requested two resolutions be added to the consent agenda granting a noise exception to Specks Bar & Grill and the North Rock Baptist Temple.

Upon hearing no objections, Mayor Wolgast announced the resolutions would be added to the consent agenda as items 4H and 4I respectively.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 8874 introduced by Councilmember Karen Hiller, approving a special event known as 2017 Second Saturday Summer Concert Series, was presented.

RESOLUTION NO. 8875 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8876 introduced by Councilmember Sandra Clear, approving a special event known as Moto in Noto 3rd Fridays for 2017, was presented.

RESOLUTION NO. 8877 introduced by Councilmember Sandra Clear approving a special event known as the Sacred Heart-St. Joseph Parish Germanfest 2017, was presented.

RESOLUTION NO. 8878 introduced by Councilmember Sandra Clear, granting Sacred Heart-St. Joseph Parish 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 April 4, 2017, was presented.

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

<u>Business Name</u>	<u>Address</u>
Abigail's Grill & Bar	3701 SW Plaza Drive
Boobie Trap Bar	1417 SW 6 th Avenue
Dutch Goose	3203 SW 10 th Avenue
Flamingo Bar & Grill	2335 SW Clay Street
Fraternal Order of Eagles #4319	2941 SE Fremont Street
J & J Gallery/Event Space	917 N Kansas Avenue

RESOLUTION NO. 8879 introduced by Councilmember Jeff Coen, granting Specks Bar & Grill an exception to the provisions of City of Topeka Code Section 9.45.150 et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8880 introduced by Councilmember Sandra Clear, granting North Rock Baptist Temple 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. (9-0-0)

Doug Gerber, Interim City Manager, reported Governing Body members have requested additional information relating to the Capital Improvement Plan and Budget; therefore, he would request to defer agenda item 5C, a resolution adopting the 2018-2027 CIP and 2018-2020 CIB

and item 5D, a resolution authorizing the use of revenue bonds for utility improvement projects to the April 18, 2017 Governing Body meeting.

Councilmember Ortiz requested an email be sent to the entire Governing Body outlining the additional information requested.

Upon hearing no objections, Mayor Wolgast announced items 5C and 5D would be withdrawn from the Council agenda and placed on the April 18, 2017 Council agenda.

RESOLUTION NO. 8881 introduced by Interim City Manager Doug Gerber, authorizing the City Engineer to conduct a survey prior to initiating condemnation proceedings to acquire a temporary easement and permanent easements for a sanitary sewer pump station (Improvement Project No. T-291011.00) was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the City Engineer to perform a survey for the purpose of determining the necessity of condemning private property interests for construction of Pump Station No. 12 Improvement Project on vacant property located at NW Williams and NW Eugene Street.

Councilmember Jensen and Councilmember Ortiz expressed concern with the HUD restrictions currently on the property and how those restrictions may affect the project.

Doug Gerber stated the project is a necessity at this time because the existing pumps are failing and could potentially dump sewer into Soldier Creek.

Mary Feighny, Deputy City Attorney, stated the City does have the option to wait a year to start the project and acquire the property; however, the current status of the pump station is very poor.

Trey George, Topeka Housing Authority Executive Director, stated the application has been submitted for demolition with hopes that approval would be received very soon.

Councilmember Jensen moved to approve the resolution. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

RESOLUTION NO. 8882 introduced by Interim City Manager Doug Gerber, approving the distribution of the second quarterly payment to the Topeka Performing Arts Center, Inc. (TPAC) was presented.

Doug Gerber, Interim City Manager, reported approval would authorize the second quarterly payment in the amount of \$67,500 to TPAC as outlined in Resolution No. 8859. He noted Nickie Lee, City Finance Director, has received TPAC's financial statements, six-month cash-flow projections and quarterly progress reports, including the accomplishments and adherence to the items listed in TPAC's 2017 Goals and Objectives.

Councilmember Clear moved to approve the resolution. The motion seconded by Councilmember Schwartz carried. Councilmember Coen voted "no." (8-1-0)

DISCUSSION and update regarding the Property Maintenance Code Enforcement Division was presented.

Doug Gerber, Interim City Manager, reported the City has worked to improve the delivery of Code Enforcement services to the community. He announced Sasha Haehn, Neighborhood Relations Director, would provide an overview of the work undertaken so far to improve service delivery and partnerships as well as provide a review of Division activities in 2016.

Sasha Haehn, Neighborhood Relations Director, provided an update on the Property Maintenance Code Enforcement Division. She discussed the efforts being made to change the culture of the Division including the Mission and Philosophy with compliance being the goal while stressing the importance of education, encouragement and enforcement. She highlighted 2016 Division activities including total cases, inspections, cases closed, cases on the code

enforcement docket and demolitions. She reported on the process improvements which includes the Code Enforcement Division, Prosecutor's Office, Habitat for Humanity, Community Policing Division, Housing & Credit Counseling and NetReach working in collaboration; consistency improvements; increase in housing cases; IPMC Certifications; hiring of seasonal staff to address overgrown vegetation and the transition to Cityworks software in 2018 for better management of work orders.

Governing Body members commented on the following:

- If Code Enforcement performs abatements
- Are landlords required to follow the same restrictions and timelines as other property owners
- Number of cases considered on the code docket weekly
- The need to shortcut the notification process for chronic offenders
- Cost and advantages of utilizing a personal notification service
- Consideration of using volunteers for the personal notification service as well as assisting with overgrown vegetation and other code issues
- Improve the number of cases processes and Division capacity to effectively manage caseloads
- Continue to focus on educating and cross-training Code Enforcement officers
- Increase education of citizens
- If Enforcement officers could take into consideration the weather as well as each personal situation
- The importance of the SeeClickFix application to assist staff and the community in addressing and prioritizing code issues as well as the "MyGov" application reporting features
- The importance of owner responsibility and the progress being made in closing cases by the Division
- The need to improve the administrative hearing process

In response, staff reported the following:

- Inmate crews are used for abatement cases
- Staff has been researching the implementation of notifications through a process server and would report back to the Governing Body regarding cost
- Staff notifies chronic violator's onsite as well as utilizes publications in the Topeka Metro Newspaper
- There are approximately 25-30 separate cases on the docket weekly
- Cross-training and certification of officers is an on-going process

- The need for more Code Enforcement Division personnel in 2018 specifically a new field supervisor to help manage cases and reach the Division goal of 11,000 cases in 2018
- Administrative hearings will be managed by the City Attorney's office and conducted on a bi-weekly basis
- Continued collaboration of Technical Group Services to ensure Cityworks has the same features as the "MyGov" application.

Joseph Ledbetter and Debra Edwards expressed concern with the lack of code enforcement by the City and the overall effect it has on the community and property value.

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

Doug Gerber, Interim City Manager, announced the Neighborhood Partnership Program will be accepting applications beginning April 12, 2017 until May 19, 2017 and noted more information could be viewed on the City's website at www.topeka.org. He announced AmeriCorps would begin work throughout the community from April 17, 2017 through mid-July.

Councilmember De La Isla thanked Mars, Inc., for their continued investment in the community. She announced Heartland Park would host NHRA events from May 19-21, 2017.

Councilmember Jensen announced Council District No. 6 would host a Town Hall meeting on May 4, 2017, at 6:30 p.m. at the Topeka-Shawnee County Public Library. He commended staff for implementing the new Neighborhood Partnership Program.

Councilmember Hiller commended the Topeka Police Department for their "Kick It" program a part of the OK (Our Kids) Program; and Shawnee County Parks and Recreation for the Tulips at Twilight events. She announced The Salvation Army has opened a new gym facility and she is excited about the opportunities it will provide the community.

Councilmember Clear stated she participated in the virtual jump experience at the Evel Knievel Museum and looks forward to the grand opening. She announced the North Rock Baptist Temple would host a Spring Tent Revival April 12-16, 2017 at 2322 NE Laurent Street.

Councilmember Ortiz announced Garfield Park and the Topeka Zoo would host Easter events April 15, 2017; and the Curb Your Clutter event on April 15, 2017 for properties located west of Topeka Boulevard. She stated she attended the First Friday Art Walk event on April 7, 2017, and noted it was well attended by the community.

Councilmember Emerson announced on April 22, 2017, Highland Park High School would celebrate their 100th Year Anniversary from 12:00 p.m. to 7:00 p.m. and noted for more information to contact him or Fred Maisberger.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 10 minutes to discuss a workers' compensation claim. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, City Attorney and Human Resources Director and staff. The motion seconded by Councilmember Clear carried. Councilmember Clear did not vote. (8-0-0)

At 8:02 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 20 minutes to discuss labor negotiations. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, City Attorney and staff, Human Resources Director, and Finance Director. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

At 8:22 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Emerson moved to recess into executive session for a time period not to exceed 10 minutes to continue discussion regarding labor negotiations. To assist the Governing Body in discussion, the following individuals were requested to attend: Interim City Manager, City Attorney and staff, Human Resources Director and Finance Director. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

At 8:32 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 8:32 p.m.

Brenda Younger
City Clerk