

Governing Body Minutes – January 8, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Monday, January 8, 2018. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M.

AFTER THE MEETING was called to order, Councilmember De La Isla provided the invocation.

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

A SWEARING IN CEREMONY for the following newly elected officials was conducted by Municipal Court Judge Lori Dougherty-Bichsel:

- Mayor Michelle De La Isla
- Councilmember Karen A. Hiller, Council District No. 1
- Councilmember Sylvia E. Ortiz, Council District No. 3
- Councilmember Tony Emerson, Council District No. 4
- Councilmember Mike Padilla, Council District No. 5
- Councilmember Aaron Mays, Council District No. 7
- Councilmember Michael Lesser, Council District No. 9

Shampayne Lloyd read the poem “What You Allow Lingers” written by Annette Billings.

ROLL CALL: The following Councilmembers were present: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor Michelle De La Isla presided -1.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of December 19, 2017 and January 2, 2018, and Special Meeting of December 28, 2017, was presented.

Councilmember Clear moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

RESOLUTION NO. 8964 introduced by City Manager Brent Trout, relating to the City of Topeka’s legislative agenda for the 2018 legislative session was presented.

Whitney Damron, City Lobbyist, reported the resolution outlines the issues the Governing Body would like to be addressed during the 2018 Legislative Session. He stated the major issue for the 2018 Session will be to address the K-12 School Finance Shortfall as ordered by the Kansas Supreme Court.

Councilmember Coen questioned the status of the Scrap Metal law regulated by the State of Kansas.

Whitney Damron stated the regulation of the Scrap Metal Act has been delayed due to the challenges the Attorney General's office has faced in creating a comprehensive database.

Councilmember Jensen moved to approve the resolution. The motion was seconded by Councilmember Coen.

Councilmember Hiller thanked staff for providing input on suggested amendments presented at the November 21, 2017 Governing Body meeting. She highlighted the following items she would like addressed in the future:

- She referenced State law regarding election signs placed in public rights-of-way. She asked staff to research how other cities are addressing the problem.
- She reported 81% of gun thefts last year involved unlocked vehicles. She suggested the Governing Body support regulation of unattended guns in motor vehicles.
- She reported the League of Kansas Municipalities completes their legislative agenda in October of each year. She requested a procedural change to the City's process. She suggested the Governing Body consider their legislative agenda proposals in July or August of each year with the goal of completing their annual legislative agenda in November or December of each year.

The motion to approve the resolution carried unanimously. (10-0-0)

DISCUSSION providing an update on the 2015 International Building Code (IBC), International Fire Code (IFC) and Life Safety Code (LSC) was presented.

Richard Faulkner, Development Services Division Director, provided an overview of the 2015 International Building Code (IBC), International Fire Code (IFC) and Life Safety Code (LSC).

Councilmember Jensen expressed his appreciation to staff for their work on the proposal; however, he believes a full review of the IBC, IFC and LSC should be conducted by a Council Committee so the extensive changes could be fully vetted by builders and commercial developers in the community.

Councilmember Clear asked if the proposed changes were discussed with professionals in the community.

Richard Faulkner stated the proposed changes were reviewed by architects, engineers and contractors in the community.

Councilmember Emerson stated he concurs with Councilmember Jensen and believes all of the codes should be reviewed by a Council Committee. He reported significant frustration has been expressed by builders in the community as well as there are many conflicting issues specifically relating to building code administrative matters. He recommended the IBC be reviewed by the Policy and Finance Committee.

Councilmembers Clear and Lesser questioned why staff was not proposing the adoption of the 2018 code versions.

Michael Martin, City Fire Marshal, reported code development processes are updated every three years which equates to one code cycle and best practices and standards in code development supports adoption of a new code every three code cycles which would coincide with the 2015 versions.

Councilmember Hiller stated she has a series of questions related to the proposed codes and inquired on the following:

- She requested a document clarifying what each code specifically regulates. This would include the International Building Code, International Property Code and International Residential Code.
- She questioned text references made to the Uniform Code for Building Preservation in the proposed documents and if the City has adopted such a code. She referenced historical preservation and the need for the City to establish standards to keep buildings from deteriorating.
- She questioned references made to a series of electrical and plumbing exceptions listed in the proposed documents where residents would not have to secure permits for home improvements. She asked if the exceptions are intended to support a proposed Rehab Code by allowing more handy man work or Do-It-Yourself (DIY) work.
- She inquired on the feedback received in public meetings where the City's building code process was discussed.
- She questioned if the energy conservation elements created by City staff and area builders were included in the proposed 2015 IBC for consideration by the Governing Body.

Richard Faulkner reported the City has adopted the International Residential Code for residential properties, the International Building Code for commercial properties as well as a Conservation Code that would apply to existing structures. He stated home improvements would require permits unless the improvements would be considered exempt; and the energy conservation elements would be included in the Residential Code.

Councilmember Mays questioned what version of the code has other Cities of the First Class implemented.

Richard Faulkner reported there are a number of cities operating under the 2018 version of the code; however, he would report back to the Governing Body when his research has been completed.

Keith Finney, Chairman of the Board of Building and Fire Appeals, reported the Board only addresses the health and safety concerns for buildings based upon related requirements not administrative processes and issues.

Brent Trout, City Manager, stated staff would provide the Governing Body with a comprehensive document that outlines what staff has asked the Governing Body to approve compared to the issues discussed. He reported the item may be delayed until sometime in February depending on the amount of time needed for staff to review the administrative processes and make a determination on how to proceed. He noted there may only be a need to refer certain portions of the administrative processes to committee as opposed to the entire technical code.

Mayor De La Isla stated the issue has been a hot topic in the community; therefore, she would support sending it to committee for extensive review.

Councilmember Hiller encouraged the Governing Body to send all questions to the City Manager.

Brent Trout stated he would provide the Governing Body a summary of the feedback they received from the public meetings conducted on the issue.

Councilmember Lesser requested a comparison document be provided to the Governing Body that highlights the proposed changes.

Councilmember Ortiz stated she has a number of questions and requested the City Manager provide all requested documentation to the entire Governing Body.

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

Brenda Younger, City Clerk, provided a brief overview of the January 16, 2018, Preliminary Agenda.

Brent Trout, City Manager, thanked those who were able to attend the Meet and Greet for the final candidates of the Topeka Police Chief position. He stated he received great feedback and they are now working through the decision making process.

Mayor De La Isla welcomed new members of the Governing Body. She stated she looks forward to serving the community as well as the entire Governing Body as they move forward with unity and growing the community.

Councilmember Padilla stated he looks forward to serving the community.

Councilmember Jensen welcomed new Governing Body members and stated great things are happening in the community.

Councilmember Mays stated he looks forward to serving the community.

Councilmember Coen welcomed the new Governing Body members and stated serving on the Governing Body continues to be a rewarding job.

Councilmember Lesser stated he looks forward to working with Governing Body members and staff.

Councilmember Hiller welcomed new Governing Body members and looks forward to working with them and serving the community.

Councilmember Clear welcomed new Governing Body members. She announced she has been appointed to serve on the Shawnee County Jail Reentry Program Advisory Council and looks forward to serving the community.

Councilmember Ortiz welcomed new Governing Body members and thanked her constituents for allowing her to serve. She reported snow crews have pushed snow piles near a residence located at SE 10th Street and SE Golden Avenue, which has begun to melt creating

a sheet of ice in the driveway. She asked if the City could assist the elderly residents and remove the snow piles as well as find another location to place the snow in the future.

Councilmember Emerson welcomed the new Governing Body members and thanked his constituents for allowing him to serve. He stated he looks forward to serving the community

Clark Trammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:19 p.m.

Brenda Younger
City Clerk