

Governing Body Minutes – May 15, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 15, 2018. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -8. Mayor Michelle De La Isla presided -1. Absent: Councilmember Clear -1.

AFTER THE MEETING was called to order, Councilmember Lesser asked for a moment of silent meditation in honor of National Police Memorial Day.

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

A PRESENTATION on the 2017 City Financial Audit was provided by Audrey Odermann, Mize Houser and Company, P.A.

Mayor De La Isla commended the Finance staff for their hard work on transparency and following proper internal controls.

A PRESENTATION on the City's Finance 1st Quarter Report was provided by Nickie Lee, Finance and Administrative Services Director.

A PRESENTATION on the City's Planning 1st Quarter Report was provided by Bill Fiander, Planning Director.

Tuck Duncan, Chrystal Brim, Ronald Dean and Monica Schrag appeared to speak under public comment.

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20120 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of March 31, 2018, through April 27, 2018, and enumerating said expenditures therein was presented.

RESOLUTION NO. 9013 introduced by Councilmember Karen Hiller, granting Rotary Club of Topeka an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9014 introduced by Councilmember Sylvia Ortiz, granting Faith Family Life Centre 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 May 8, 2018, was presented.

APPROVAL of Cereal Malt Beverage License applications were presented for the following:

<u>Business Name</u>	<u>Address</u>
Barnwell Service Inc.	600 SE Quincy Street
Buy & Ride #7	810 SE 15 th Street
Murphy Express #8599	1531 SW Wanamaker Road
Target Store T-0355	2120 SW Wanamaker Road

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

SETTING a public hearing date of June 5, 2018 for consideration of imposing special assessments for Miller's Reserve, Horseshoe Bend and Misty Harbor was presented.

Brent Trout, City Manager, reported approval would set a public hearing date of June 5, 2018, to consider imposing special assessments for public improvements.

Councilmember Jensen moved to approve the public hearing date of June 5, 2018, and authorize the City Clerk to publish the Notice of Public Hearing in the Topeka Metro News. The motion seconded by Councilmember Coen carried unanimously. (9-0-0)

RESOLUTION NO. 9015 introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code amending a Conditional Use Permit (CU07/05A) to allow for the expansion of a pet crematorium to include one additional cremator

and a building to enclose the cremator on property zoned “O & I-2” Office and Institutional District located at 1137 SW Gage Boulevard in the City of Topeka, Shawnee County, Kansas, was presented. (CUI7/05A)

Bill Fiander, Planning Director, reported approval would allow expansion of an existing pet crematorium to include a second cremator in the rear yard of the property. He stated the additional cremator was anticipated to have no visible emissions or detectable odors; and the permit and inspection by the Kansas Department of Health and Environment (KDHE) ensures no substantial detrimental impact to the environment. He stated the recommended conditions of approval impose limits on operating hours, the physical design of the structures as well as substantial landscaping to screen the structures from the residential property located to the west.

Mayor De La Isla asked members of the Governing Body to declare ex parte communications.

Ex parte communication was declared by Councilmember Lesser. He stated despite the communications received he was able to make a fair and objective decision on the application based on the evidence provided in the record.

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

RESOLUTION NO. 9016 introduced by City Manager Brent Trout, establishing the City of Topeka policy for Tax Increment Financing (TIF) was presented.

Councilmember Hiller, Policy and Finance Committee Chair, reported the Committee recommended approval of the proposed policy on April 27, 2017. She noted the committee met several times in March and April to gather input from developers and other stakeholders on the policy.

Mayor De La Isla thanked the committee for their work and communicating with developers and stakeholders on the issue.

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

ORDINANCE NO. 20121 introduced by City Manager Brent Trout, concerning false fire alarms creating Chapter 8.55 of the Topeka Municipal Code was presented.

Michael Martin, Topeka Fire Marshal, reported approval would authorize the City to recoup costs incurred to respond to commercial facilities that have monitored fire alarm systems that are repeatedly activated due to poor maintenance or inspection. He stated staff has removed the \$25 registration fee and changed the Violation Fee Matrix to reflect the discussion at the May 8, 2018, Governing Body meeting.

Councilmember Hiller thanked staff for their work and asked how monitored fire alarm systems differ from security alarm systems.

Michael Martin stated the proposed ordinance only applies to monitored commercial systems. He reported staff was in the process of creating a database for all monitored alarms within the city so they could notify existing businesses, new businesses when they register their systems as well as alarm installation companies of the new Violation Fee Matrix.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -9. Absent: Clear -1.

DEMOLITION REQUEST for three buildings located at 618, 630 and 632 S. Kansas Avenue, within the boundaries of the South Kansas Avenue Commercial National Historic

District, in the City of Topeka, Shawnee County, Kansas pursuant to Topeka Municipal Code Section 18.255.030 was presented. (CLGR18/02)

Bill Fiander, Planning Director, reported approval would allow demolition of the buildings for a public plaza conditioned upon approval of the final plaza design by the Topeka Landmarks Commission as required by State law. He stated on April 12, 2018, the Topeka Landmarks Commission determined the demolition would adversely affect the properties' historic integrity and the historical integrity of the surrounding South Kansas Avenue Commercial Historic District; however, State law allows an appeal process to the Governing Body by the applicants. He noted the Governing Body must make a determination that there are no feasible or prudent alternative to the proposal; and the project includes all possible planning to minimize harm to such historic property and the district resulting from such use.

Pat Michaelis, Downtown Topeka Foundation Chairman, appeared to answer questions.

Zach Snethen, HTK Architects, highlighted the staff report included in the Governing Body Agenda Packet and the Topeka Landmarks Commission report. He stated the process has evolved and historic guidelines have been reviewed to encourage private sector development.

Kurt Young, Topeka Lodging Association Executive Director, appeared to answer questions.

Brent Trout, City Manager, reported he was contacted by Councilmember Clear requesting that he state her opposition to the demolition request.

Councilmember Jensen gave a brief overview of projects that anchor downtown and the many designs of a plaza that included a public space. He stated he understood the concern associated with demolishing buildings in the downtown area; however, two of three buildings are not historical in nature and the third needs extensive improvements. He noted the downtown

area would not move forward unless a public plaza was constructed offering all citizens of Topeka an opportunity to gather and encourage a sense of community.

Councilmember Jensen moved to approve the demolition request based upon the testimony provided by Mr. Fiander and representatives of the Downtown Topeka Foundation, in addition to the information set out in the Council packet there are really no feasible or prudent alternative to the proposed demolitions. This is because the absolute best location for a downtown plaza in Topeka is Kansas Avenue. Having a plaza on Kansas Avenue will not only serve as an anchor for downtown revitalization but will also greatly enhance economic development efforts in the downtown area and community. This particular location on Kansas Avenue was selected because it would have the least negative impact to the historic district. The three buildings proposed for demolition are non-contributors to the historic district, as Mr. Fiander noted. An existing parking lot was also made part of the plan in order to minimize harm. The design of the plaza highlights the street wall and recessed entries, inviting patrons into the plaza where they previously went into stores. The design leaves Kansas Avenue, 7th Street and the alley “open” and will include elements to exemplify and commemorate the history of the properties previously located at the site, as well as their uses. Based upon all of this, I move to allow demolition of the three specified properties along Kansas Avenue to provide for construction of a public plaza, conditioned upon approval of the final plaza design by the Topeka Landmarks Commission. The motion was seconded by Councilmember Coen.

Councilmember Hiller commented on the history of the properties and the concerns of Topeka Landmarks Commission. She spoke in support of the proposed plaza design and the positive effect it would have on the downtown area.

Mayor De La Isla asked members of the Governing Body to declare ex parte communications.

Ex parte communication were declared by Councilmembers Hiller, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla. They stated despite the communications received they were able to make a fair and objective decision on the application based on the evidence provided in the record.

The motion to approve the demolition request based upon the testimony provided by Mr. Fiander and representatives of the Downtown Topeka Foundation, in addition to the information set out in the Council packet there is really no feasible or prudent alternative to the proposed demolitions. This is because the absolute best location for a downtown plaza in Topeka is Kansas Avenue. Having a plaza on Kansas Avenue will not only serve as an anchor for downtown revitalization but will also greatly enhance economic development efforts in the downtown area and community. This particular location on Kansas Avenue was selected because it would have the least negative impact to the historic district. The three buildings proposed for demolition are non-contributors to the historic district, as Mr. Fiander noted. An existing parking lot was also made part of the plan in order to minimize harm. The design of the plaza highlights the street wall and recessed entries, inviting patrons into the plaza where they previously went into stores. The design leaves Kansas Avenue, 7th Street and the alley “open” and will include elements to exemplify and commemorate the history of the properties previously located at the site, as well as their uses. Based upon all of this, I move to allow demolition of the three specified properties along Kansas Avenue to provide for construction of a public plaza, conditioned upon approval of the final plaza design by the Topeka Landmarks Commission carried. Councilmember Ortiz voted “no.” (8-1-0)

RESOLUTION NO. 9017 introduced by Councilmember Sylvia Ortiz, asking that the City's Congressional delegation intercede on the City's behalf by requesting Amtrak to provide full passenger service at its Topeka facility was presented.

Councilmember Ortiz reported approval would urge the City's Congressional Delegation to intercede on the City's behalf to facilitate full passenger service at the Topeka Amtrak facility including staffing with at least one customer service representative. She encouraged the Governing Body to support the resolution.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Hiller.

Mayor De La Isla thanked Mr. Jim Woods (Amtrak Customer Service Representative) for exemplifying customer service at the Topeka Amtrak facility and representing the community well. She reported a letter has been sent to Amtrak headquarters on behalf of the City expressing support of keeping the Topeka Amtrak facility open and retaining the customer service representative position.

Councilmember Hiller spoke in support of the resolution and making a commitment to retain train service in Topeka. She commented on Amtrak service and other routes and stated she believes Amtrak was a valuable transportation outlet for the city.

Pierre Sutphin spoke in support of retaining Amtrak service in Topeka and gave a brief history of his experiences while traveling by train. He commended Mr. Woods for the services he provides at the Topeka facility and creating a safe environment for all passengers.

Councilmember Padilla stated he believes the presence of the railroad in Topeka has been fundamental throughout history as well as now, supporting the need to retain a customer service representative at the Topeka Amtrak facility.

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

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

Brent Trout, City Manager, gave a brief overview of the preliminary June 5, 2018, Governing Body agenda. He announced the Battle of the Badges Blood Drive would be held May 17, 2018, at the Cyrus K. Holliday building located at 620 SE Madison starting at 9:00 a.m.

Mayor De La Isla commented on many events happening in the community. She noted citizens can view events she has attended, read her blog, and watch podcasts on her Facebook page - Michelle for Topeka.

Councilmember Hiller commented on meeting with United Nations Educational, Scientific and Cultural Organization (UNESCO) representatives regarding Summer School and the need to address the site as a keystone for the global nomination in regards to the Brown v Board historical events. She invited everyone to participate in a bus tour to recognize the 64th anniversary of the landmark Brown v. Board of Education decision that would include ten historical sites and alumni from Topeka's black elementary schools on May 19, 2018, from 1:00 p.m. to 5:00 p.m. at the Brown v. Board of Education National Historic Site located at 1515 SE Monroe.

Councilmember Ortiz thanked all those who volunteered at the 2018 Habitat for Humanity Women in Leadership Build Day on May 9, 2018. She reminded drivers to be mindful of children during the summer break. She announced the Topeka Metropolitan Transit Authority is offering a free ride program all summer for children 18 years of age and under. She encouraged everyone to participate in the Free Smoke Alarm Program sponsored by the Topeka Fire Department.

Councilmember Emerson congratulated all the 2018 graduates.

Councilmember Padilla commended the French Middle School students for their ideas to improve the Topeka community. He thanked the Topeka Police Department and officers across the nation for their service.

Councilmember Jensen thanked French Middle School students for their ideas on ways to improve the community. He announced the City of Topeka would host a Town Hall Meeting regarding the Sales Tax Extension on May 22, 2018, at 5:30 p.m. at the Law Enforcement Center, Classroom A, located at 320 S Kansas Avenue. He encouraged citizens to email their questions to the City Council. He reminded everyone to remember their pets during the warmer weather.

Councilmember Mays commended French Middle School students for their Save Our City Rally and stated he appreciated their ideas to make our community a better place. He announced the City would host road construction meetings for the area of SW 29th Street and SW Fairlawn Road in regards to the Wheatfield Village development on May 29, 2018, from 6:00 p.m. to 7:30 p.m. at French Middle School; and a mill and overlay project in Clarion Woods on May 30, 2018, from 4:30 p.m. to 6:00 p.m. at Prince of Peace Lutheran Church. He also announced another Brown v Board of Education Mural would be unveiled and permanently located on the 3rd floor of the Capitol building on May 17, 2018, at 12:00 p.m.

Councilmember Coen thanked French Middle School for hosting the Save Our City Rally. He announced the Topeka Gives event would be held June 5, 2018, at Fairlawn Plaza.

Councilmember Ortiz stated she would not be able to attend the Town Hall meeting on May 22, 2018.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 15 minutes to discuss matters related to employer-employee negotiations, as justified by K.S.A. 75-4319(b)(3). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Financial and Administrative Services Director, Nickie Lee; Public Works Director, Jason Peek; Assistant Budget Manager, Ted Clemons; Human Resources Director, Jacque Russell and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

Following a 15 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 20 minutes to discuss personnel matters related to non-elected personnel in order to protect the privacy of those discussed, as justified by K.S.A. 75-4319(b)(1). In order to aid the discussion, the following individuals should be present: Governing Body members; City Manager, Brent Trout and Human Resources Director, Jacque Russell. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

Following a 20 minute time period, the Governing Body reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:00 p.m.

Brenda Younger
City Clerk