

Governing Body Minutes – September 18, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, September 18, 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, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Pastor Johnathan Sublet, Fellowship Bible Church Hi-Crest Campus, provided the invocation.

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

BOARD APPOINTMENT recommending the appointment of Corey Dehn to the Topeka Planning Commission for a term ending September 30, 2021, was presented.

Councilmember Lesser moved to approve the board appointment. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20141 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period of August 5, 2018, through August 31, 2018, and enumerating said expenditures therein, was presented.

RESOLUTION NO. 9052 introduced by Councilmember Karen Hiller, approving a special event known as the Iron Rail Grand Opening and Topeka Brew Festival was presented.

MINUTES of the regular meeting of September 11, 2018, was presented.

APPROVAL of a Cereal Malt Beverage License application for Sam's Club located at 1401 SW Wanamaker Road, was presented.

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

APPROVAL of a Real Estate Report and Method of Disposal of Real Property located at 421 SW Huntoon Street, was presented.

Sasha Haehn, Neighborhood Relations Director, reported approval would authorize sale of the property through private negotiated bid with adjacent property owners. She noted all City departments have indicated no interest in the property; therefore, it has been declared surplus property.

Councilmember Jensen moved to approve the real estate report and method of disposal. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

RESOLUTION NO. 9053 introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for Water Line Improvement Project No. T-281104.00, NE Strait from Seward Avenue to the Norwood Booster Pump Station was presented.

Doug Gerber, Deputy City Manager, reported the request would be the first of a couple proceedings over the next several months that would be presented to the Governing Body for consideration. He stated approval would authorize the City Engineer to perform a survey for the purpose of determining the necessity of condemning private property for the Norwood Street Waterline Improvement Project. He noted Kansas law allows cities to condemn private property for public purposes such as water line improvement projects provided that the owner is compensated for the property's fair market value. He stated prior to initiation of an eminent domain proceeding, the Governing Body must first enact a resolution authorizing the City Engineer to perform a survey to identify the properties necessary for the project and; if the resolution is approved, the Governing Body will consider an ordinance authorizing the City

Attorney to file an eminent domain action in Shawnee County District Court at the October 2, 2018, Governing Body meeting.

Councilmember Emerson asked if City staff has exhausted all other avenues before the Governing Body considers the resolution to put the condemnation process into action.

Councilmember Ortiz asked if all heirs to the property have been contacted; and why it was necessary to replace the waterlines.

Doug Gerber stated two parcels have been identified and the property owner was deceased; therefore, the heirs were contacted but were dissatisfied with the City's offer. He noted the City requests the properties for an easement associated with the waterline project which would connect to the Norwood Booster Pump Station to better serve the southeast area.

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

Bob Sample, Utilities Director, stated the new waterline would run from NE Strait to the Norwood Booster Pump Station and help pump water from the central zone to the southeast.

Councilmember Hiller noted the property would be used as an easement by the City; therefore, there would be some restrictions on the property uses.

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

DISCUSSION providing update on the 2017 National Electrical Code (NEC) was presented.

Richard Faulkner, Development Services Division Director, reported the City currently operates under the 2011 NEC and the Topeka Electrical Appeals Board has reviewed the 2017 NEC and recommends the code be adopted without local amendments. He stated the 2017 NEC addresses residential and commercial properties, basic electrical systems, complicated commercial applications, and adds additional locations for arc-fault circuit interrupter protection

for fire prevention. He reported staff has discussed the 2017 NEC with local building contractors and they support the 2017 NEC as proposed.

Councilmember Jensen asked why other surrounding cities have not updated to the 2017 NEC and if the 2017 NEC would be more or less restrictive than the 2011 NEC. He expressed concern with the proposed code change as it could lead to higher construction costs for builders. He requested more information be provided on the difference between the 2011 NEC and 2017 NEC; and questioned if Shawnee County has an electrical code that regulates builders outside city limits.

Councilmember Lesser stated he believes the 2017 NEC would not more restrictive; however, it would update the codes and require safer products than the 2011 NEC.

Richard Faulkner stated Shawnee County has not adopted an electrical code. He also stated that he believes the 2017 NEC would be a more comprehensive code and require safer practices. He noted other cities currently use the 2011 NEC and 2014 NEC and some are examining the 2017 NEC for adoption in the near future.

Councilmember Clear spoke in support of the 2017 NEC and stated she believes making homes and businesses safer was important.

Councilmember Padilla stated he believes other cities will eventually adopt the 2017 NEC when the applicable code adoption cycle permits.

Councilmember Emerson asked when the 2017 NEC would become effective and how would the adoption impact current projects.

Richard Faulkner stated implementation would occur 90 days after the ordinance was adopted. He noted each project would be taken into consideration and assessed against the new requirements to determine whether the project would be grandfathered under the previous code.

Councilmember Hiller commended staff for engaging the building community in the process. She asked staff to comment on the National Electrical Code and how it relates to the International Building Codes and Uniform Codes.

Richard Faulkner reported because the NEC was a series and/or part of the National Fire Codes published by the National Fire Association it would not be considered part of the International Building Codes or Uniform Codes.

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

Brent Trout, City Manager, announced Topeka Public Schools U.S.D. 501 was currently in 2nd place in the Encore Gen2Gen campaign and encouraged everyone to vote before it ends on September 25, 2018. He also announced Clean Slate Day would be held on September 21, 2018, from 9:00 a.m. to 3:00 p.m. at Municipal Court; and the Topeka Zoo would host an Open House concerning the Gage Park construction project on September 20, 2018, at 6:00 p.m.

Councilmember Emerson encouraged everyone to vote in the Encore Gen2Gen campaign. He commended Water Department staff on their hard work in repairing watermain breaks around the city.

Councilmember Jensen encouraged people to attend the many events happening around Topeka.

Councilmember Mays announced the Aaron Douglas Art Fair would occur on September 22, 2018, from 10:00 a.m. to 5:00 p.m. at SW 12th and Lane Streets.

Councilmember Coen invited everyone to attend Oktoberfest at Fairlawn Plaza on October 6, 2018, from 10:00 a.m. to 8:00 p.m.

Councilmember Lesser invited everyone to attend the Topeka Zoo's Serengeti Nights, a fundraiser for the Zoo, on September 22, 2018, from 6:00 p.m. to 10:00 p.m.

Councilmember Hiller announced various events happening around Topeka in September.

Councilmember Clear announced the Topeka Governing Body team sold 58 ducks for the Sertoma Great Topeka Duck Race on September 15, 2018.

Councilmember Ortiz announced October was Firefighter Prevention Month. She also announced she would be hosting the movie "Coco" on October 5 and 6, 2018, at Santa Fe Park at 8:00 p.m.

Councilmember Lesser referenced the previous discussion on the 2017 National Electrical Code and reported Shawnee County has adopted the same codes as the City pertaining to buildings and residential construction as well as permit fees. He noted Shawnee County does not have an inspection office; however, builders are responsible for implementing the regulations and could be held liable.

Bill Fiander, Planning Director, stated he concurs with Councilmember Lesser and noted when the City of Topeka adopts a new code relating to building regulations Shawnee County subsequently takes action to adopt the same code.

Councilmember Hiller moved to recess into executive session for a period of time not to exceed 15 minutes to discuss security measures pertaining to protection of the City's information and communication systems, as justified by K.S.A. 75-4319(b)(12). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Police Chief, Bill Cochran; Administrative and Financial Services Director, Nickie Lee; Deputy Police Chief, Bryan

Wheeles; Police Legal Counsel, Luther Ganieany; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

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

Councilmember Coen moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters, as justified by K.S.A. 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Deputy City Manager, Doug Gerber; Administrative & Financial Services Director, Nickie Lee; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. Councilmember Emerson did not vote. (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.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:25 p.m.

Brenda Younger
City Clerk