COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 9, 2016. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen and Harmon -9. Mayor Larry E. Wolgast presided -1.

AFTER THE MEETING was called to order, Maurice Hiem, Topeka Police Department Chaplain gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

DENIAL of Tort Claim submitted by ADM, L.L.C., seeking $64,300 in civil damages, was presented.

DENIAL of Tort Claim submitted by Richard Maxon seeking $10,664.42 in civil damages was presented.

BOARD APPOINTMENT recommending the appointment of Aubrey Coufal to the Jayhawk Area Agency on Aging Advisory Council for a term ending February 9, 2019, was presented.

BOARD APPOINTMENT recommending the reappointment of Bill Naeger to the Topeka Sustainability Advisory Board for a two-year term ending October 1, 2017, was presented.

MINUTES of the regular meeting of February 2, 2016, was presented.

A Cereal Malt Beverage License application for Great Life North located at 350 NE U.S. 24 Highway was presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

CHARTER ORDINANCE NO. 117 introduced by City Manager Jim Colson, amending Charter Ordinances codified at Topeka Municipal Code Sections A2-1, A2-22, A2-26, A2-29 and
A2-30, creating new Section A2-21.5, and repealing in its entirety Section A2-25.5, all concerning the form of government, was presented.

Lisa Robertson, City Attorney, reported in response to the request made by the Governing Body at the February 2, 2016, Council meeting to review the language of the charter ordinance, changes were made to lines 146 and 147 as well as lines 170 and 171 by replacing the term “council” with “governing body.”

Councilmember Schumm moved to adopt the charter ordinance. The motion seconded by Councilmember Schwartz carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

The charter ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Schumm, De La Isla, Jensen, Schwartz, Coen, Harmon and Mayor Wolgast -10.

DISCUSSION pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the North Topeka West Neighborhood Plan was presented.

Bill Fiander, Planning Department Director, provided a brief history and overview of the North Topeka West Neighborhood Plan and Stages of Resource Targeting (SORT) area priorities.

Councilmember Ortiz asked if there are plans to widen Tyler Street and if there are plans to remove the railroad tracks on Tyler Street for safety reasons.

Bill Fiander stated Tyler Street is a top priority in the Capital Improvement Plan, with improvements running south between Lyman and Paramore Streets including curbs, gutters and sidewalks. He reported the railroad tracks are active and the City does not have authority to remove the tracks.

Councilmember Clear commended the area Neighborhood Improvement Association for a great job in constructing the plan and taking an active role in the process.

DISCUSSION for the purpose of establishing priorities for the 2017 budget on or before the third Tuesday of May was presented.
Jim Colson, City Manager, reported staff would continue throughout the budget process to focus on providing thorough information to make informed decisions; follow a budget process schedule similar to last year; continue to engage the Governing Body and citizens in the budget process; and focus on infrastructure improvements, specifically streets, sidewalks, curbs and gutters. He commended the Governing Body for addressing and taking the necessary steps to address tough infrastructure issues over the past couple of years, however, there are still challenges as they move forward.

Nickie Lee, Budget Manager, provided a brief overview of 2016 budget accomplishments and priorities as well as 2017 budget issues and the tentative budget calendar.

Brandon Kauffman, Financial Department Director, provided a brief report on the potential property tax lid measure proposed by Kansas State Legislators. He explained under the state law passed last year, city and county governments will have to hold a public vote if they want to raise spending by more than an adjusted Consumer Price Index (CPI); however, there are exemptions including road construction increases, bond interest payments, special assessments, legal expenses and expenditures mandated by federal or state law. He reported if voters do not approve spending increases, than the City would have to cut property tax rates to adjust to the spending level allowed by the State. He noted the new law will also have an effect on special elections, certification of mill levy rates and distribution of property taxes.

Councilmember Jensen asked if the issue proceeds in the same fashion as presented would it be prudent to approve small mill levy increases annually as opposed to a large increase every four to five years. He questioned if there is a contingency plan in place if the City should encounter a situation where they are in need of more funds.

Jim Colson stated he would not recommend the strategy proposed by Councilmember Jensen because it is very important to link expenditures to revenues and manage the revenues available.
Mayor Wolgast reported other cities throughout the state have expressed great concern to the Legislature in regards to the implications of the law. He noted if a city experiences a natural disaster they would still be fiscally restricted by the new property tax lid.

Councilmember Schumm recognized the City’s Finance Department for their hard work. He stated every year the City participates in more cash purchases as opposed to debt financing the more feasible it is to create a backup plan while taking proactive steps for the future.

Councilmember Schwartz asked what the requirements are for cities regarding ending balance percentages for annual budgets.

Brandon Kauffman stated it is a policy decision to be made by governing entities. He reported the goal of the City of Topeka is to be within 15% of the ending balance and currently the City is at 20%.

Mayor Wolgast reported the new law will also have an effect on home rule authority for cities, making it difficult for cities to govern.

Councilmember Ortiz asked for clarification on the deferred maintenance schedule for Fleet Services and Facilities Operations.

Brandon Kauffman reported City staff conducted a study in June 2015 and is reviewing how the deferred maintenance schedule can be addressed in the upcoming budget.

Jim Colson reported the study has not been finalized; however, staff is getting closer as they continue to look at solutions in collaboration with each department. He stated the finalized study would be presented during the budget process.

Councilmember Hiller asked what the 2015 CPI compared to the 2017 CPI would equal in terms of the mill levy.

Brandon Kauffman reported in terms of dollars it would be approximately $130,000 or one-tenth of a mill levy.
Councilmember Schwartz stated she believes it is very important to address streets and infrastructure because this is a priority of the citizens.

Mayor Wolgast stated he concurs with Councilmember Schwartz and noted this is the number one complaint he receives from constituents.

Councilmember Hiller asked what feedback staff has received from the Governing Body.

Nickie Lee reported there have been no specific edits from the Governing Body. She stated infrastructure continues to be a top priority along with some slight language amendments including changing “improving fiscal stability” to “continuing fiscal stability” as well as adding more definition to the priorities.

Councilmember Schumm asked staff to elaborate on anticipated concerns over the next three to ten years.

Nickie Lee reported the City has a five-year forecasted budget projection. She stated the property tax lid and utility rates are both issues to monitor as well as the Citywide Half-Cent Sales Tax which provides a large amount of funding for street improvements and sunsets in 2019.

Jim Colson reported neighborhoods are still vital to the overall budget as well as City operations. He noted a large amount of funding will be spent in neighborhoods and residential streets including repair of potholes and street improvements.

Joseph Ledbetter stated he hopes the Governing Body would continue viewing neighborhoods and street improvements as a top budget priority. He requested GPS indicators be installed in all Public Works and Topeka Police Department vehicles, the Governing Body support urban redevelopment and code enforcement enhancements for stricter enforcement of habitability standards.
Councilmember Schumm asked what portion of the street improvement funds would be used for residential streets.

Jim Colson reported $12 million would be used towards the residential portion of the street program which includes alleys and other improvements.

Councilmember Hiller referenced the street plan approved by the Governing Body to fix residential streets before major thoroughfares. She stated she questions if the repair of residential streets delayed the repair of major streets that are in desperate need of repair right now. She asked if there was a plan in place to address the problem.

Jim Colson reported the repair of residential streets did not delay the repair of major collector streets because separate funding has been set aside for residential street repairs.

Doug Gerber announced a project meeting would take place in the near future regarding plans for SW Topeka Boulevard between SW 7th and SW 11th Streets to help alleviate some of the issues with the project. He confirmed some of the major thoroughfares are part of the long-term Capital Improvement Plan (CIP) and are being scheduled for repair.

Councilmember Ortiz stated she concurs with Councilmember Hiller and asked when SE Adams Street between SE 29th and SE 37th Streets would be repaired.

Jim Colson reported the City has hired a new Public Works Director who has expertise in street maintenance and implementation of capital improvement plans. He stated staff continues to concentrate efforts in allocating resources to generate the best return on long-term investment.

Councilmember Ortiz asked how excess funds for road treatments are used if the City experiences a mild winter season.

Doug Gerber reported staff remains cautious in using excess funding early in the season because the funds are needed for the entire year (January to December).
Jim Colson reported when feasible, excess funds are made available for other street improvements.

Councilmember Jensen commended City staff for implementing a long-term approach for the repair of potholes in the community.

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

Brenda Younger, City Clerk, gave a brief overview of the February 16, 2016 Council agenda.

Jim Colson, City Manager, announced the City has hired Jason Peek as the new Public Works Director and he will begin employment February 22, 2016.

Councilmember Hiller commended Topeka Fire Chief Greg Bailey for his service to the City and congratulated him on his retirement effective June 20, 2016. She provided an update on the closing of the Dillon’s grocery store in central Topeka and noted the City, GO Topeka, Visit Topeka and other agencies have engaged in ideas for the future in this area.

Councilmember Clear stated there is an urgent need to educate citizens on human trafficking because it is a serious problem.

Councilmember Schumm stated he concurs with Councilmember Clear and encouraged people to read “In Darkness, a Light Still Shines”, a book written by Barry Feaker, Topeka Rescue Mission Executive Director.

Councilmember Schwartz thanked Doug Gerber for serving as Interim Public Works Director. She announced the City of Topeka’s Health and Wellness Clinic held a grand opening on February 8, 2016; the Topeka Garden Show at the Kansas Expo Centre would be held February 12-14, 2016; and the Kay McFarland Estate Sale is scheduled for February 25-27, 2016, at the Big Gage Shelter House with the proceeds benefitting Kay’s Asian Garden at the Topeka Zoo. She also announced this week’s “gem” of Topeka is the local school teachers.
Joseph Ledbetter and Teresa Miller appeared to speak under public comment.

Councilmember Schumm moved to recess into executive session for a time period not to exceed ten minutes to discuss labor negotiations and to include the Governing Body, City Manager, Deputy City Manager, Budget Manager, Human Resources Director, City Attorney and staff. The motion seconded by Councilmember Jensen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

At 7:28 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Ortiz moved to recess into executive session for a time period not to exceed 20 minutes to continue discussion on labor negotiations and to include the Governing Body, City Manager, Deputy City Manager, Budget Manager, Human Resources Director, City Attorney and staff. The motion seconded by Councilmember Coen carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

At 7:48 p.m., the Governing Body reconvened into open session and Mayor Wolgast announced no action was taken.

Councilmember Jensen moved to recess into executive session for a time period not to exceed ten minutes to discuss a workers’ compensation claim and to include the Governing Body, City Manager, Deputy City Manager, City Attorney, Human Resources Director and staff. The motion seconded by Councilmember De La Isla carried unanimously. Mayor Wolgast voted “yes.” (10-0-0)

At 7:58 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 8:00 p.m.

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Brenda Younger
City Clerk