

Governing Body Minutes – May 21, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, May 21, 2019. 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. Deputy Mayor Clear presided -1. Absent: Mayor De La Isla -1.

AFTER THE MEETING was called to order, Reverend Larry Crossley, Topeka Police Chaplain, provided the invocation.

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

A PRESENTATION of the Troy Scroggins Award was presented to Dene’ Mosier, Chief Executive Officer, Kansas Children’s Discovery Center, by Deputy Mayor Clear on behalf of the Topeka Human Relations Commission.

THE CONSENT AGENDA was presented as follows:

APPROVAL of the acquisition of real property located at 1203 NE Chester Avenue (*Contract No. 47793*) and 1221 NE Chester Avenue (*Contract No. 47794*) was presented.

RESOLUTION NO. 9112 introduced by Councilmember Karen Hiller, granting Seaman High School Class of 1989 an exception to the provisions of City of Topeka Code Section 9.45.150 concerning noise prohibitions was presented.

APPROVAL of a proposed settlement in the amount of \$32,954.68 was presented.

MINUTES of the regular meeting of May 14, 2019, was presented.

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

<u>Business Name</u>	<u>Address</u>
Buy & Ride #7	810 SE 15 th Street
CVS #8605	2835 SW Wanamaker Road
CVS #10244	3901 SW 21 st Street
Gas & Shop	1900 N Topeka Boulevard
Herman’s Beef & Sausage House	823 NW Gordon Street

Business Name

Murphy Express #8599
Sam's Club #8176
Valero

Address

1531 SW Wanamaker Road
1401 SW Wanamaker Road
2044 NW Tyler Street

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

SETTING a public hearing date of June 11, 2019, for consideration of imposing special assessments for SW 49th Street and SW Wenger Road street improvements was presented.

Brent Trout, City Manager, reported approval would set a public hearing date of June 11, 2019, to consider imposing assessments for public improvements. He stated the total cost of the project was approximately \$1.3 million.

Councilmember Hiller moved to approve the public hearing date of June 11, 2019. The motion seconded by Councilmember Emerson carried unanimously. (9-0-0)

ORDINANCE NO. 20183 introduced by City Manager Brent Trout, regarding the filing and disposition of claims, amending, revising and repealing various sections of Chapter 3.35 of the Topeka Municipal Code was presented.

Lisa Robertson, City Attorney, reported the proposed amendment would (1) raise the claim threshold for Governing Body approval from \$10,000 to \$50,000; (2) eliminate the appeal process in order to streamline the process in a manner similar to that used in other Kansas cities; (3) codify the existing practice regarding motor vehicle claims; and (4) add the language, "with the concurrence of the City Manager" on line 25 after the word "attorney" in regards to settlement of claims not to exceed \$50,000.

Councilmember Hiller expressed her appreciation to staff for further clarification. She spoke in support of providing the Governing Body quarterly reports outlining claim information.

Councilmember Emerson questioned if the \$35,000 threshold would be more appropriate and capture the majority of claims.

Brent Trout, City Manager, confirmed \$35,000 would capture the majority of claims filed. He stated he would support the lower amount as well as the change in process supports the recommendation of the Rapid Process Improvement team.

Councilmember Hiller questioned the response time for claims and asked staff if it could be adjusted to expedite the review process.

Lisa Robertson stated staff was currently working to implement a more efficient correspondence process.

Councilmember Emerson moved to amend the ordinance on lines 27 and 32 to replace “\$50,000” with “\$35,000.” The motion seconded by Councilmember Jensen carried.

Councilmembers Ortiz and Padilla voted “no.” (7-2-0)

Councilmember Coen moved to adopt the ordinance as amended. The motion seconded by Councilmember Lesser carried. Councilmembers Ortiz and Padilla voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Emerson, Jensen, Mays, Coen and Lesser -7. Noes: Ortiz and Padilla -2.

At 6:30 p.m., City Manager Brent Trout announced he has been informed the Topeka area has been included in a tornado warning.

Deputy Mayor Clear announced the Governing Body meeting would recess until the tornado warning expired. She directed everyone to proceed to the storm shelter located in the lower level of the Topeka Performing Arts Center (City Wellness Center).

At 6:45 p.m., the Governing Body meeting reconvened into open session.

DISCUSSION regarding the Dynamic Core Redevelopment District, a tax increment financing district (TIF) that would encompass the downtown area and North Topeka Arts District (NOTO) was presented.

Doug Gerber, Deputy City Manager, stated the intent of the discussion was to provide the opportunity to introduce the concept and answer questions before the proposal was considered by the Governing Body.

Vince Frye, Downtown Topeka Inc., President and Chief Executive Officer, provided an overview of the history of the proposed redevelopment zone as well as the types of businesses that could occupy the area.

Curtis Sneden, Topeka Chamber of Commerce Executive Vice President, stated the establishment of the district would grant Tax Increment Financing (TIF) in the Dynamic Core Redevelopment area. He highlighted the following:

- Overview of the boundaries of the zone, as a result of numerous decisions with community leaders in downtown and NOTO as well as affected property owners and others.
- The potential for growth in the Dynamic Core by establishing the district in advance setting a Base Value of the properties subject to development.
- Overview of Opportunity zones through the layering of a TIF District with other incentives such as grants.

Councilmember Coen referenced the City of Overland Park and its approval of vast miles of TIF districts and questioned why Topeka was not including larger areas in proposed districts.

Curtis Sneden stated the boundaries were based on the redevelopment zone established in 1991; however, if the district was successful, the model could be used in other parts of the city.

Mike Morse, Downtown Topeka Inc. Board of Directors, expressed his appreciation to the Governing Body for continuing to support development in the downtown area and NOTO Arts District.

Councilmember Jensen asked when the base value incentive would be set within the TIF District.

Councilmember Emerson referenced the increase in property values over the past couple of years and questioned if setting a low base value for the TIF District would have an effect on the City's General Fund. He asked if there was a way to "float" properties until a project and/or development plan was in place.

Doug Gerber stated the tax increment base value will be immediately secured upon establishment of the TIF District; TIF funds are restricted by state statute and usually deposited in a separate fund for a specific purpose; and properties could not be "floated" as the district has to be considered as a whole.

Brent Trout stated the City could potentially lose revenue in the General Fund; however, the district would benefit in other areas such as infrastructure improvements.

Councilmember Padilla asked if the TIF District would assist small business entrepreneurs and what fees are associated with the application.

Doug Gerber reported there are no prohibitions in regards to the size of a business; however, fundamentally, TIF districts were designed to benefit larger developments. He stated per the City's policy, there was a \$5,000 application fee and a \$30,000 retainer fee to cover the City's costs of evaluating the requests which may include, but not limited to, direct costs of the City's financial and legal advisors.

Councilmember Mays referenced government-owned buildings around the downtown area and questioned if the proposed TIF District would motivate the State and Federal governments to sell and/or privatize their buildings.

Councilmember Jensen asked if TIF district funds could be used to help improve parking issues downtown instead of remaining in a fund until a project plan was in place.

Councilmember Lesser asked if the City has the ability to establish a district and then begin to collect the incremental base tax when a project plan was in place.

Councilmember Hiller referenced the improvements already made to the downtown area that were financed through bonds and noted it was the intent of the Governing Body to use anticipated property taxes to help pay for the bonds. She questioned if the base value could be adjusted when the project starts; if the Governing Body would consider including a sunset clause; and if it was an incentive that would motivate developers.

Councilmember Emerson questioned how the sunset clause would affect property taxes.

Councilmember Mays asked if the base tax value could be reset if the TIF District was to sunset.

Curtis Sneden stated the sunset clause has not been discussed to date; however, they would be open to the concept.

In response, Doug Gerber stated the following:

- The funds could be used for parking infrastructure improvements; however, the process would have to follow guidelines regulated by state statute.
- In regards to consideration of a sunset clause, he would have to research the inquiries and report back to the Governing Body.
- In reference to motivating developers, it was a different approach than the City was currently taking and he believes it could have a positive impact on economic development efforts.
- State statute does not allow a change in the tax increment base once the district has been established.

Councilmember Jensen spoke in support of the proposal because it could provide funding for future infrastructure improvements as the downtown area grows.

DISCUSSION regarding changes in snow operations and a summary of winter operations from November 2018 through March 2019 was presented.

Jason Peek, Public Works Director, provided an overview of the changes in snow operations and a summary of winter operations from November 2018 through March 2019. He reported the total cost (labor, equipment and material) for snow operations was \$959,478.05; and the direct cost for deicing material and snow removal contracted services was \$551,479.84. He commented on costs per event for winter operations during 2018 and 2019 (**Attachment A**).

Councilmember Hiller referenced labor and equipment costs and commented on the importance of capturing the true cost of enhancing or maintaining snow operations.

Councilmember Emerson asked if the labor costs include routine salary expenses along with over-time compensation.

Councilmember Mays suggested eliminating the old policy, specifically the six (6) inch removal requirement on residential streets; partnering with Shawnee County; and improving communications with area school districts.

Jason Peek stated labor expenses include regular and over-time costs; staff has met with the Shawnee County Public Works Director as well as area school districts. He stated staff was seeking an overall consensus from the Governing Body on the policy before moving forward with any changes.

Councilmember Jensen stated he would prefer to know the true costs of different snow removal options before they discuss the budget as well as it would help residents understand the true costs of snow removal.

Councilmember Hiller expressed the importance of knowing the true costs associated with the different levels of service so they can relay the information to constituents.

UPDATE on the Topeka Fire Department Station Analysis was presented.

Brent Trout, City Manager, stated the update on the Topeka Fire Department Station Analysis was the final update of a three-part operational discussion continued from May 7 and May 14, 2019, Governing Body meetings. He reported the current administration was tasked with evaluating the best location for a new fire station based on the Department's own data and available resources. He stated it has been determined through analysis there was a need to build a new station in the northwest area of the city to better serve the community with an approximate cost of \$5.7 million.

Kelly Adams, Deputy Fire Chief, reported several studies and plans have been prepared resulting in similar coverage deficiencies; however, with differing recommendations. He provided an overview of factors considered in the evaluation of determining the proposed relocation of a new fire station as well as the advantages.

Councilmember Clear commended staff for conducting the study and determining where there was a need for services. She questioned if Fire Department employees were given the opportunity to provide their input on the recommendation.

Kelly Adams stated the decision was based on evaluation of collected data not employee input.

Councilmember Jensen expressed concern with coverage in the outer areas of the city.

Councilmember Emerson requested more information on current response time in all districts.

Councilmember Hiller commented on partnerships and mutual aid agreements with other townships and agencies in regards to covering outreach areas of the city. She expressed the importance of determining service needs and risks to establish a comprehensive Topeka Fire

Department Master Plan based on collected data. She requested an assessment of needs specifically relating to station locations be conducted and provided to the Governing Body.

Councilmember Ortiz spoke in support of building a new fire station and stated the data collected supports the need for another station. She expressed her disappointment with not including Fire Department employees in the recommendation and the importance of engaging all individuals involved in, or effected by, fire and emergency services. She encouraged the Governing Body to make a decision so the Fire Department could move forward on a plan and provide employees the necessary tools to perform their duties.

Councilmember Mays expressed concern with Fire Station No. 7 located at 1215 SW Oakley Avenue, and how the response time will be effected due to extended street improvements along SW 12th Street. He requested a chart outlining what the call volume would be for each station if the proposed changes were implemented.

Councilmember Jensen requested information on response times that include assistance from mutual aid in the outlining areas; the maximum number of incidents the Fire Department could handle at any given time *i.e.* worst-case scenario in regards to emergency management.

Councilmember Ortiz commented on mutual aid agreements and reminded the Governing Body the priority of outside agencies are the outlying areas such as townships, not the city.

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

Brent Trout, City Manager, congratulated the Topeka Fire Citizen Academy participants on graduating from the program on May 15, 2019. He reported recent improvements to the City's storm sewer system as well as the Shunga Creek seem to be working better in managing the high amount of heavy rainfall runoff than in the past.

Councilmember Emerson commended the Topeka Police Department for hosting the Strengthening Police and Community Partnerships event in Council District No. 4.

Councilmember Jensen thanked military families for their service in honor of Memorial Day.

Councilmember Hiller thanked organizers and volunteers for their hard work during the Brown vs. Board of Education 65th Anniversary Celebration week and noted there were over 2,500 participants.

Councilmember Clear commended Public Safety employees for their work in the community. She announced the Carry the Load Relay Team would be in Topeka on May 23, 2019. She stated the Team travels annually across the country during the month of May to provide an active way to connect Americans to the sacrifices of our Military, Veterans, First Responders and their families.

Henry McClure appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:56 p.m.

(SEAL)

Brenda Younger
City Clerk

