

Governing Body Minutes – August 13, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, August 13, 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, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Councilmember Jensen asked for a moment of silent meditation.

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

A PRESENTATION on the Wastewater and Stormwater Collection System was presented by Bob Sample, Utilities Director.

BOARD APPOINTMENT recommending the re-appointment of Ariane Messina to the Topeka Planning Commission for a term ending September 30, 2022, was presented.

BOARD APPOINTMENT recommending the reappointment of Cathy Leonhart to the Shawnee County Juvenile Corrections Advisory Board for an unexpired term ending July 31, 2022, was presented.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9132 introduced by Councilmember Karen Hiller, approving a special event known as Tap That Topeka and rescinding conflicting portions of Resolution No. 9079 was presented.

RESOLUTION NO. 9133 introduced by Councilmember Karen Hiller, approving a special event known as Tap That After Party was presented.

RESOLUTION NO. 9134 introduced by Councilmember Karen Hiller, granting The Celtic Fox an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 9135 introduced by Councilmember Karen Hiller, approving a special event known as Taco Topia was presented.

MINUTES of the regular meeting of July 23, 2019, were presented.

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

ACCEPTANCE of Land Dedications in the Final Plat for Horseshoe Bend Subdivision No. 5 located between SW Topeka Boulevard, SE 45th Street and the Kansas Turnpike, all being within the City of Topeka, Shawnee County, Kansas was presented. (P19/11)

Bill Fiander, Planning Director, reported the plat would extend and connect SE 43rd Terrace with SE Truman Avenue and include a trail easement for the purpose of installing a concrete multi-use path to connect to the Landon Trail located along its west boundary. He stated a neighborhood informational meeting was conducted and the key issues that arose were directly related to the subdivision design including the need for a multi-use path connection between the Landon Trail and Horseshoe Bend neighborhood/park; two access points to the Horseshoe Bend subdivisions; and maintenance and ownership of the stormwater management easement retention ponds by the developer. He stated the Planning Commission recommended approval of the plat and staff also recommends approval.

Councilmember Padilla moved to accept the land dedication in the final plat for Horseshoe Bend Subdivision No. 5. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

ORDINANCE NO. 20197 introduced by City Manager Brent Trout, authorizing and providing for the issuance of \$37,090,000 aggregate principal amount of General Obligation [refunding and improvement] Bonds, Series 2019-A and \$1,440,000 aggregate principal amount of General Obligation Bonds, Series 2019-B (zoo projects), of the City of Topeka, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto was presented.

Jessica Lamendola, Administrative and Financial Services Director, provided a summary on the competitive bid results for the General Obligation [refunding and improvement] Bonds, Series 2019-A and Series 2019-B (Zoo Projects) as well as General Obligation Temporary Renewal and Improvement Notes, Series 2019-A , and Taxable General Obligation Temporary Renewal Notes, Series 2019-B . She stated Jeff White and Kevin Cowan, Columbia Capital Title Company were available to answers questions.

Councilmember Emerson moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

RESOLUTION NO. 9136 introduced by City Manager, Brent Trout, prescribing the form and details of and authorizing and directing the sale and delivery of \$37,090,000 aggregate principal amount of General Obligation [refunding and improvement] Bonds, Series 2019-A and \$1,440,000 aggregate principal amount of General Obligation Bonds, Series 2019-B (Zoo Projects), of the City of Topeka, Kansas, previously authorized by Ordinance of the issuer;

making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

Councilmember Clear moved to approve the resolution. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

RESOLUTION NO. 9137 introduced by City Manager Brent Trout, authorizing and directing the issuance, sale and delivery of \$38,305,000 in the aggregate principal amount of General Obligation Temporary Renewal and Improvement Notes, Series 2019-A , and \$3,650,000 in the aggregate principal amount of Taxable General Obligation Temporary Renewal Notes, Series 2019-B of the City of Topeka, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith, was presented.

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

PUBLIC HEARING NOTICE

A PUBLIC HEARING to obtain citizen input on the City of Topeka's draft FY2020 Consolidated Action Plan was presented.

APPROVAL of the 2020 Consolidated Annual Action Plan was presented.

Brent Trout, City Manager, reported approval will help secure funding for housing and neighborhood improvements, economic development and social services in the community.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Clark Trammell spoke in support of increased funding to the Neighborhood Improvement Associations.

Upon hearing no further comments, Mayor De La Isla announced the public hearing was closed.

Councilmember Hiller thanked staff for providing information on inmate crew funding totaling \$150,000. She requested an internal audit on the use of the crews as it relates to efficiency. She questioned if the Kansas Department of Transportation (KDOT) expected the City to use inmate crews on the clean-up of interstate highway right-of-way.

Sasha Haehn, Department of Neighborhood Relations Director, confirmed inmate crews are being used by the State for clean-up along interstate highways; however, the crews were not equipped to provide mowing services.

Councilmember Hiller moved to approve the 2020 Consolidated Annual Action Plan. The motion seconded by Councilmember Coen carried unanimously. (10-0-0)

PUBLIC HEARING NOTICE

A PUBLIC HEARING to obtain public input and answer questions and objections from taxpayers regarding the proposed 2020 City of Topeka Operating Budget.

APPROPRIATION ORDINANCE NO. 20198 introduced by City Manager Brent Trout, approving and adopting the operating budget for calendar year 2020 and appropriating the amounts for the purpose set forth therein was presented.

Brent Trout, City Manager, stated staff has considered all statements and suggestions by Governing Body members; however, he has no additional comments or additions to the budget.

Jessica Lamendola, Director of Administrative and Financial Services, commended staff and the Governing Body for their hard work during budget deliberations.

Mayor De La Isla opened the public hearing and asked if there was anyone present who would like to speak to the matter.

Dick Ketterman spoke in support of cutting the TMTA bicycle program and using those funds on necessary TMTA services. He also encouraged Governing Body members and citizens to donate food or money to the Topeka Rescue Mission.

Joseph Ledbetter spoke in support of increasing the use of private contractors for street repairs instead of City street crews. He referenced the need to increase the number of Full Time Employees (FTEs) in Animal Control by at least one for the purpose of increased enforcement of vicious animals. He also referenced 15% as the nationwide standard for ending fund balance for cities and stated the City's current 23% ending fund balance could be reduced. He stated the City needs to begin to replace entire blocks of water infrastructure pipes instead of repairing only certain sections to improve efficiencies.

Clark Trammell thanked the Governing Body for their work on the budget and noted next year the budget will be challenging and citizens need to get involved. He spoke in support of affordable housing and finding funds to support those efforts as well as funding for the Topeka Fire Department ALS Program.

Upon no further comment Mayor De La Isla announced the public hearing was closed.

Councilmember Jensen commended staff for drafting and presenting a flat budget with no mill levy increase.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Padilla carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

DISCUSSION of proposed amendments to Division 2, Title 18 of the Municipal Code regarding a comprehensive update of the Topeka Sign Code was presented.

Brent Trout, City Manager, stated a comprehensive update would be provided regarding Topeka's sign regulations and proposed revisions to the City's sign code.

Bill Fiander, Planning and Development Director, stated the sign code has not been updated for many years. He reported a variety of methods were used to gather input from stakeholders including a community-wide Visual Appeal Survey; the work of a Sign Code Committee of sign industry representatives; various public meetings as well as Planning Commission meetings.

Mike Hall, City of Topeka Planning Manager, provided an overview of the key recommendations to the sign code. He stated once the code was adopted, only new signs would need to comply with the new standards and existing signs made non-conforming because of the new code would be allowed to continue as is unless the size of the sign was altered voluntarily. He noted all signs would have to comply with the new code after a 20-year amortization period.

Discussion ensued by Governing Body members on the following:

- Compliance timeframe – why 20 years
- Elimination of portable signs – why 2 years
- How violations will be handled for abandoned signs on vacant property
- If political signs are covered in the sign code update
- Why advertisement signs on vehicles are exempt
- How will historical signs be handled
- How will painted wall murals be addressed
- If a fee will be charged to remove abandoned signs and how can the City recoup the cost
- How will faded signs and signs in disrepair be addressed
- Will the code address the number of flag signs allowed
- How will real estate signs be classified
- How will the new sign code address safety along the Wannamker corridor
- Will 30 days be sufficient for temporary sign advertising for community events

Bill Fiander and Mike Hall provided the following responses:

- The 20-year compliance regulation allows for a reasonable amortization time - other cities range from 10 to 20 years to comply.
- Business owners of portable signs supported a 2-year requirement to allow a fair amount of time for return on investment. The new sign code will be more restrictive in terms of location, duration of permit and number of signs.

- Signs on vacant lots will have to be removed/covered or a violation will be issued.
- Political signs will follow temporary sign regulations currently regulated by State law.
- Vehicles signs were considered; however, these types of signs would be hard to enforce. It was noted these types of signs were not identified as a major issue in the community.
- Historical signs must be approved as an exception by the Landmark Commission. No signs will be removed until historical status has been determined.
- Wall mural signs would be considered painted exterior signs and fall under “Other Signs” regulations and only allowed in certain zoning districts
- Removal of abandoned signs (faded or disrepair) should be included in the lease of the property and if not, the violation will revert to the property owner.
- Flag signs and real estate signs will be considered freestanding incidental signs and regulated as such.
- Signs along the Wanamaker corridor will be required to be smaller and in the line of eyesight as they are replaced.

Chris Deister spoke in support of the newly proposed sign code and placing signs at a lower level to improve aesthetics of the city. He encouraged the Governing Body to consider how the navigation of cities will change in the future as they consider the proposed sign code update.

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, distributed a document providing responses to questions asked by the Governing Body about the Dynamic Core TIF District.

Curtis Sneden, Greater Topeka Chamber of Commerce, thanked staff for their support in moving the project forward. He stated the goal of the district was to tap into potential development in the downtown area by establishing the boundaries and setting the base tax line for the area. He stated they would suggest a modified boundary to remove some of the residents along 17th Street and noted there was a process in place to redistribute the funds if needed if the district would not flourish. He noted because the Neighborhood Revitalization Act and TIF

Districts could not be layered as economic development tools they are proposing to remove North Topeka Arts District (NOTO) from the district at this time with the intent to add NOTO at a later date.

Councilmember Lesser referenced small businesses and asked if there will be the option to add or remove parcels from the district once approved; and if renovation costs of existing buildings would be covered under district incentives.

Doug Gerber reported some renovation costs would be reimbursable.

Brent Trout referenced the market study and stated they would have the ability to add or remove parcels allowing them to accommodate large and small business developments.

Councilmember Jensen referenced recent downtown revitalization and the new Downtown Plaza and stated he believes this would be a good time to approve a TIF district. He stated the revenue could be used to upgrade infrastructure as well as other improvements in and around the downtown area to better accommodate community events.

Councilmember Hiller reported the proposed TIF District area was approved as an Enterprise District in 1991. She questioned if they should leave the area designated as an Enterprise District and accommodate business owners on a parcel basis. She cautioned against making small businesses and residents located in the proposed district ineligible for potential economic development tools.

Curtis Sneden stated the advantage of locking in a property tax base would be lost if the area was developed on a project-by-project basis.

Councilmember Mays stated he understands that certain economic development tools cannot be layered; however, there are other economic development opportunities that could be used in the community.

Vince Frye, Downtown Topeka Inc., stated the designation of a TIF district would provide guidance to developers on locations of building sites where incentives are offered.

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

Brenda Younger, City Clerk provided an overview of the August 20, 2019, Governing Body agenda.

Brent Trout, City Manager, announced Topeka Municipal Court would host "Clean Slate Day" on August 20, 2019. He noted anyone wishing to volunteer to help for the day can contact the Municipal Court at 785-368-3776.

Mayor De La Isla commended all those involved in the National Night Events and the various events happening around the city. She reminded citizens to stay involved civically. She thanked her interns for their assistance this year; the Governing Body for passing the budget unanimously and getting citizens involved; and the community for stepping up and helping support the Topeka Rescue Mission.

Councilmember Jensen encouraged citizens to take care of their animals during the extreme heat.

Councilmember Coen announced the grand opening of Johnny's Tavern at Wheatfield Village located at SW 29th Street and SW Fairlawn Road in August 2019.

Councilmember Hiller commended all those involved in the National Night Events. She thanked the community for supporting the Topeka Rescue Mission.

Councilmember Ortiz reminded citizens to be mindful of students returning to school. She thanked Councilmember Emerson for donating to Topeka Rescue Mission.

Councilmember Emerson announced Aviation Explorer Squadron 8 would host an Open House on August 24, 2019, at Billard Airport. He congratulated all those who earned their FAA Private Pilot Certificate. He commended Morgan Bracken, Topeka Police Community Officer, for attending National Night Out events; and Curtis Sneden for performing magic tricks at many National Night Out events.

Sonny Scroggins, Dave Jackson, Will Pope, Joseph Ledbetter and Clark Trammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:03 p.m.

(SEAL)

Brenda Younger
City Clerk