



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

PUBLIC INFRASTRUCTURE COMMITTEE

CITY COUNCIL
City Hall, 215 SE 7th Street, Suite 255
Topeka, KS 66603-3914
Tel: 785-368-3710
Fax: 785-368-3958
www.topeka.org

Date: January 17, 2023

Time: 11:00 a.m.

Location: 1st Floor Conference Room; Cyrus K. Holliday Building 620 SE Madison
(*virtual attendance option also available*)

Committee members present: Council members Tony Emerson, Neil Dobler, Michelle Hoferer.

City staff present: City Manager Stephen Wade Public Works: Director Braxton Copley, Jason Tryon, Mark Schreiner; Planning: Interim Director Rhiannon Friedman, Dan Warner, Richard Faulkner; Utilities: Director Sylvia Davis; Legal: City Attorney Amanda Stanley; Finance: Interim Director Rachelle Mathews, Josh McAnarney

Call to Order

Committee member Tony Emerson called the meeting to order at 11:00am, and Committee members introduced themselves.

Approval of December 8, 2022 Meeting Minutes

Committee member Dobler made a motion to approve the minutes. Committee member Hoferer seconded the motion. Minutes approved 3-0-0.

Elect 2023 Committee Chair

Committee member Dobler nominated Committee member Emerson to serve as the 2023 Chair. Committee member Emerson accepted the nomination. Committee member Dobler made a motion to elect Committee member Emerson as the chair. Committee member Hoferer seconded. Approved 2-1-0, with Committee member Emerson voting "nay".

Amendment to CIP - NW Tyler Project

Public Works Director Braxton Copley introduced the amendment to the Capital Improvement Project to the NW Tyler project. The request for the increase of the budget is two-fold. First, staff added to the scope of the project to include stormwater project on Waddell and Beverly to address some ponding. That is approximately \$165K. The \$400K in additional increase is due to the inflationary pressure. Over the past two years, there has been an almost 25% increase in costs, in terms of projects to account for fuel, asphalt, concrete. Those reasons are the driving points for the \$565K additional funding request. This would come from either ARPA or GO Bond funding.

Director Copley reminded that this project was brought before the Committee in 2022 with a request to move it up within the CIP because the City had received a grant from KDOT to complete a ten-foot wide shared-use path. He stated the projects should occur in tandem as it would be the most cost effective and would be the most efficient use of the project dollars. As full disclosure, Director Copley stated that the \$565K request is for Project 701.034.00. There is additional funding of \$30K to be allocated to reprogram some of the 2020 Complete Streets funding, as well as \$288K from the 2022 Complete Streets programs that are going into this project.

Committee member Hoferer inquired if the project has been bid out yet? Director Copley stated it had not. This dollar amount request is based on the final cost estimate. The project is at the final plans and getting ready to put this out onto the street, however Staff is wanting to make sure the funding is in place in the case that bids come in at an amount as high as is estimated and so that the City can then award the contract. Without the amendment to the CIP, the City is limited to the amount approved in the current version of the CIP. Director Copley did not feel confident that any of the project bid estimates would come in under the existing project budget in order to make an award. There is an urgency to request action by the Committee and Governing Body in order to get the changes made in time to get it out to bid by March so construction can begin early within the upcoming construction season.

Committee member Hoferer inquired if the ten-foot wide shared-use pedestrian path was a requirement by KDOT? Director Copley responded that the path is being funded as part of the grant through KDOT. As part of the Complete Streets initiative, the City has tried to add a five foot-wide sidewalk on one side of the street and a ten foot-wide sidewalk on the other side. This is done on collector and arterial streets. This provides the greatest shared use for bicycle riders, walkers, strollers, etc.

Committee member Dobler inquired as to how long the project would take? Director Copley did not have the information at the meeting but would follow up.

Chairman Emerson inquired about Director Copley's confidence that the project would come in under the bid with the adjusted amount. Director Copley felt certain the actual cost would be under the approved amount, however it was his intention to set it high enough to not require him coming before the Committee and Governing Body later to seek additional funds.

MOTION: Committee member Dobler made a motion to provide approval to move the project forward to the Governing Body. Committee member Hoferer seconded. Motion approved 3-0-0.

Floodplain Ordinance

Development Services Division Director Richard Faulkner introduced a proposed amendment to Chapter 17 of the Topeka Municipal Code regarding the Floodplain Ordinance. The amended regulation is in conjunction with the City joining the Community Rating System (CRS).

Highlights:

- Joining a CRS can provide some financial benefit for citizens.
- Overview - The Insurance Service Office administers the CRS for FEMA as part of the National Flood Insurance Program. Communities that are members of CRS receive discounts on their flood insurance premiums. The discount is based on points that the community receives for its floodplain program. Many of the points that the community will be rated on are things that the community is presently doing to mitigate flooding and to protect our citizens from flooding. Areas where the City would receive points for are:
 - Public Information
 - Mapping and Regulations - This will be the area where the City could receive the most points from.
 - Flood Damage and Reduction - This is another area where the City would likely receive points from.
 - Warning and Response
- Pre-requisites to participate:
 - In regular phase of National Flood Insurance Program (NFIP) for at least one year. - The City has met this pre-requisite for a number of years, since the first ordinance was adopted.
 - In full compliance with NFIP minimum criteria.
 - Maintain construction certificates. - This is something already being done by the City. Anytime a structure is built in a floodplain, to verify the elevation of the structure is above the flooding.
 - Assessment/mapping of repetitive loss areas. - There are two structures that were effected by repetitive loss. Although it is only two, they are mapped and staff is keeping abreast of what is going on. The City also owns two fire stations that are located in the floodplain and they have current and up-to-date insurance, so those requirements are already being met.
- As part of the process, Floodplain office officials also perform a site review of the community. They came to Topeka and found about 25 properties that were in a floodplain, and requested documentation from the City. The City complied and presented that information to them. This brings the City's status into compliance with the program pre-requisites. At that time, the representatives reviewed the current ordinances and noted that the existing ordinance had not been updated since 2011. There have been a number of changes to FEMA's regulations.
- Staff has amended the ordinance and is seeking the Committee and Governing Body's approval and adoption so that the updated ordinance can meet FEMA regulations.

- Prior to making changes to the ordinance, staff discussed the matter with state floodplain regulators, who have tentatively approved the amended ordinance, pending approval of it by the Governing Body.
- Slide 6 of the presentation shows a graph of the CRS and where 1,520 CRS communities rate. Most of the participating cities rank at a level 8. If Topeka participates in the program, it would have enough points to enter in at a level 8 as well. Level 8 means citizens who are required to have flood insurance can receive a 10% discount on their insurance premium. If citizens are not required to carry flood insurance, they would be eligible to receive a 5% discount on a flood insurance premium.
- Notable changes in the ordinance:
 - Accessory Structures do not have to meet the same regulations as the primary structure. Example provided would be a homeowner building a storage building on the lot located in the floodplain. Currently, both the structure and house would have to be elevated above the flood level. However, in the amended ordinance, the secondary structure would not have to be elevated, as long as there is enough circulation for the water to flow out of.
 - Critical facilities have to be elevated. This also requires facilities adjacent to the floodplain to be elevated, as well as the roadways that lead up to the elevated structures. Critical facilities would include things such as fire stations, police departments, hospitals, etc.
 - Establishing a cumulative value for substantial improvement. For example, if there is a primary structure that is presently in a floodplain, and the owner makes improvements that exceed 50% of the value of that property, the requirement will now state that the increased value will be tracked over ten years.
 - Allowing the encroachment in the floodway. The floodway is the channel that the water would flow through. Typically, building in that area is restricted. However, FEMA has allowed for building in that floodway, as long as the owner can demonstrate that the building will not increase the width of the flooding or the elevation of the flooding.

Questions/Comments:

Chairman Emerson commented that the portion about building within the floodway bothered him in that the process of elevating the property in order to improve it would be incredibly expensive. Division Director Faulkner stated that the current “old” ordinance requires the same improvements to be made, but does not take the cumulative account of the value over time and it measures the value as it stands right now.

Committee member Dobler inquired as to what types of improvements would be considered to be substantial enough as to raise the value of the property? Would something like putting in a new furnace or air conditioner count, or only something that requires a building inspection? Division Director Faulkner stated it would be whatever improvements that were made over the ten year period that would raise

that value. A new air conditioner or furnace could be part of that, as well as new cabinets, or a new roof, rehab, finishing a basement or a new room, etc. There are some of those building maintenance items that could be included within that cumulative value.

Committee member Dobler inquired as to the need for this piece of the change. Division Director Faulkner stated that the closer the City's regulations reflect FEMA's regulations, the City will receive more points on the CRS program. The change in points is minimal, so if the cumulative value portion was not something the Committee and Governing Body wanted to change, it would not impact the scoring much.

Chairman Emerson inquired about flood insurance rates on a typical home. Division Director Faulkner stated that he had a breakdown on rates and noted that, even with a discount, the insurance is expensive. People who have a mortgage on a property within a floodplain are required to have flood insurance. The 10% discount would equal to \$167; meaning a year's worth of insurance coverage would cost \$1,670 annually. CRS has provided information to the City stating that if the City participates in the program, CRS will provide a lump sum of a \$34,000 discount to policy holders as a collective, not to the individuals. There are 616 properties which are in special flood hazard areas which are required to have insurance.

Committee member Dobler sought clarification that the City is currently part of the National Flood Insurance Program (NFIP). And asked what the difference was between the NFIP and the CRS program? Division Director Faulkner stated that the main difference was that there is a discount offered through the CRS program if pre-requisites are met. One of the pre-requisites for being in the CRS program is to already be part of the NFIP.

Committee member Dobler mentioned the two fire stations that are located within the critical floodplains that are located within the 100 year boundary. He inquired about the other structures that are located within the 500 year, lower risk flood zone? Division Director Faulkner would have to check on that information and get back to the Committee. Committee member Dobler follow-up with inquiring if a low-risk floodplain would require the City to elevate properties within those areas? Division Director Faulkner clarified that it would only be required for new critical facilities.

Chairman Emerson inquired if the same cumulative would apply to any City structure? Division Director Faulkner confirmed it would. He elaborated to say there is a provision in the ordinance to allow someone who cannot meet the regulation to apply for a variance.

Chairman Emerson voiced a concern that there are some areas of town with relatively new construction where this might not be much of an issue, however

there are some houses along Shunga Creek that may be \$70K-\$100K houses that would be effected by some unintended consequences.

Committee member Dobler appreciated how the ordinance is laid out and the definition for “less intensive” is written. However, he inquired about line 307 that references the ability of the floodplain administrator to abate issues, and what that meant. Division Director Faulkner stated it is similar to Property Maintenance, in that if they see a violation, they have the ability to go onto the property and take the trash or other items. This would give the floodplain administrator the ability to remove things that are in the floodplain that are not in compliance with the regulation; such as being built without a permit. Committee member Dobler sought clarification about there already being such an authorization in place to remove something that was built without a permit, and how this differed. Division Director Faulkner stated that there are some things which do not require a permit, such as if they are less than 200 square feet, that would still need to be addressed by the floodplain ordinance. Committee member Dobler expressed concern about giving more authority to the City to go on property and mitigate, remove or whatever. He requested additional information to provide clarity on this step.

City Manager Stephen Wade requested that the Committee allow staff time to find the answers and respond back to the committee. With no formal action required on this item at this time, Chairman Emerson agreed to have staff return and present additional information at a later meeting.

Committee member Hoferer requested a map of the city that shows where the flood plains are located. Staff will supply that map to her. Division Director Faulkner noted there is a buffer zone as well as a floodplain zone, known as a stream buffer zone. Director Copley added that the stream buffer zone is approximately located where the 100 year floodplain is. They are generally consistent, although with the new stream buffer ordinance there is some variation because it is a science-based notes. He offered to answer Committee member Hoferer’s initial question to say that, in areas protected by the levee, the Corp of Engineers govern 500 feet from the center line of the levee. And that any construction that will involve excavation needs to first be approved by the Corp of Engineers.

FIRM Update

Business Services Division Director Jason Tryon reviewed the latest FIRM memo. An additional \$139K has been added to the FIRM memo, from what was originally distributed to the Committee. This is for the TPAC/Municipal Court elevator repair to reconstruct the motor control center. Additional items on the memo included:

- Emergency authorization to repair damaged gas line to City Hall.
- Emergency repairs to both elevators (City Hall side and Municipal Court/TPAC side)
 - City Hall elevator drive failed and cost \$53K to repair.
 - Municipal Court/TPAC elevator had a non-functioning control board causing the elevator to be inoperable. Due to the obsolescence of the

materials, repairs will require a full overhaul of the mechanics and the control board. The cost of this repair is significantly higher than the City Hall repair.

- Stage lift at TPAC, in the auditorium that rises to the stage needed repairs.

Additional projects are listed on the memo and staff is seeking approval to move forward on to allow staff to explore those projects and establish that funding authority has been permitted for staff to pursue, as these figures are not firm quotes for the cost of repairs but rather authorizations that allow staff to spend up to that amount if it is determined to be a final cost for upgrades that are needed.

All of the items included in the FIRM program were items that were uncovered during the 2020 assessments to identify what components within the City's structures and facilities are at risk for failure over the next several years, and to attempt to ensure those issues are addressed before they fail and put them into an emergency repair where the City has to repair them quickly.

Chairman Emerson referenced the \$138K for the TPAC elevator and inquired about what else was needed to repair the board failure. Division Director Tryon stated that all of the components that operate the board are very old, and in order to put in a modern control board, several components would be required to be replaced. Items such as service keys, so firefighters are able to operate it in emergency situations; the lighting, the clutch, the door restrictor, the gates, etc. These components on the board are so outdated, that installing a board to control them is not possible.

Chairman Emerson commented that the speed of that elevator is very slow. He asked if the improvements would speed it up? Division Director Tryon stated he was not sure if the improvements would increase the speed of the elevator, but he would get that information from the elevator operation company.

Chairman Emerson inquired if the cost for a completely new elevator was known? Division Director Tryon did not have that information specifically, but could find out. This estimate is to get the elevator back into operation as quickly as possible with everything they will need in order to make those replacements. Chairman Emerson voiced being in favor for a total replacement if the cost would be something around \$200K, and would like to request staff to find that information out.

Chairman Emerson referenced the fire house window replacement project and asked why the cost estimate had doubled? Division Director Tryon responded that one component of the project was the cost of the windows, where the cost of the materials themselves and the cost of labor to install had gone up significantly from the original estimates. There had been an original hope that \$175K would address the window needs for all of the fire stations. There were a few factors, such as the ruling received from the State Historical Preservation Board which required metal replacement windows to keep from violating the tax credits for those being a

historical building. That was one cost component increase that was realized. Because of that, staff has gone back and identified which of those windows were most in need of absolutely needing to be replaced currently with the funds that are being requested in this memo, and will bring back additional information and cost estimates at a later time for the windows that need to be replaced but not immediately. Director Copley added that, with regard to historic rehabilitation, the National Parks Service guidance that the Kansas Department of Revenue and the State Historic Preservation Officer (SHIPO), follow is very strict. As it relates to windows, this is always an extreme touching point. To quantify it, the state tax credit is 25% of the qualifying cost. That is a significant factor. If the City was not going to be part of a qualified rehabilitation plan, as approved by the State, to go with something that was not qualifying.

Committee member Hoferer noted that not all of the fire stations qualify for historic status, and inquired which stations did qualify? Division Director Tryon stated stations 1, 4, 6, and 7 are considered historical. In relation to the memo, stations 1 and 7 are being requested for consideration, with 4 and 6 not being addressed with the funds that are being requested today. There are fewer restrictions as to which type of windows can be put into the stations that are not on the historic registry.

Committee member Dobler inquired about the process of the tax credits, and what the retroactive actions are if the work violates the standard? Does the State have control over the buildings indefinitely based on tax credits that the City sold for a project ten years ago? Division Director Tryon responded that the City, when the renovations as part of the product of the renovation is made, would have to apply for the tax credits. The tax credits then would be something the City could sell on the open market. Expenses would have to be submitted in order to receive the tax credits in the first place. The process would be for the City to perform the repairs, provide the documentation and then receive the tax credits.

Committee member Dobler inquired about additional funding sources being used? Division Director Tryon noted that as part of the CIP application process, those funds are requested each year. The program was established with a certain amount of funds being requested each year. The 2022 number is significantly higher, based on some additional cash infusion that was made to address fire stations. In the future CIP process, additional funds can be requested into the Governing Body to approve. The process is to establish an overall FIRM budget, and then as staff identify exactly where those dollars will be used, the specific projects which fall under the parent project, are brought to the Committee for approval. It is money that has already been approved by the Governing Body, but now staff is coming back to the Committee with the specific projects that are intended to be completed.

Committee member Dobler inquired if the City would be bonding any of the projects or if they would be all cash? Division Director Tryon stated it was a mixture of both. As an example, the additional fire station money was cash funded

but the other CIP funds are set up as a bonded program. When those projects are completed, Public Works staff work with the Finance Department to determine what bonding needs to be requested in order to do that.

Committee member Dobler asked if the approval of this memo by the Committee would be to amend the CIP process? Division Director Tryon confirmed.

MOTION: Committee member Dobler made a motion to approve the requested amendment to the CIP resolution. Committee member Hoferer seconded the motion. Approved 3-0-0.

Other Items

The committee members discussed setting a standing meeting schedule. The tentative schedule will be to set the meetings for the third Tuesday at 11:00am. This schedule is subject to change dependent on Committee member or staff needs.

Adjourn

Chairman Emerson adjourned the meeting at

This meeting can be viewed online at: <https://youtu.be/aGhe4yLKTyk>