



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## PUBLIC INFRASTRUCTURE COMMITTEE

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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Date: February 28, 2023

Time: 11:00 a.m.

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

**Committee members present:** Council members Tony Emerson (Chair), Neil Dobler, Michelle Hoferer.

**City staff present:** City Manager Stephen Wade Public Works: Director Braxton Copley, Jason Tryon, Mark Schreiner, Robert Bidwell, Josh McAnarney; Planning: Interim Director Rhiannon Freidman, Division Director Dan Warner, Division Director Richard Faulkner; Utilities: Director Sylvia Davis, Deputy Director Nicole Malott; Legal: Deputy City Attorney Mary Feighny; Finance: Deputy Director Rachelle Mathews

### Call to Order

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

### Approval of January 17, 2023 Meeting Minutes

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

### Amendment to CIP - 17<sup>th</sup> Street Project from I-470 to MacVicar

Public Works Director Braxton Copley introduced this item. This project was approved in 2016. The an original project budget of \$14.6M. Inflationary adjustments and increases to constructions costs since 2016 has increased the project cost to \$24,850,000. Staff is seeking an amendment to approve an additional \$10M. Staff is not requesting a change in scope of the project, but only to approve an increase to the project budget. The project will include 2.7 miles of a three-lane arterial street, as well as a tremendous amount of storm water and sanitary sewer replacements. That cost, when added into the total is \$7.6M. The total project cost is increasing from \$14.6M to \$32.48M.

Committee member Hoferer inquired if the project was still planned to be one bid for the three-year process? Director Copley noted that would be his recommendation, and stated that there might be some cost savings of up to \$1M by being able to complete all aspects at one time with the three-year project, as

opposed to having to pay additional costs for design and remobilization to break this into three separate projects.

City Manager Stephen Wade added that there is a new issue that may cause a hang-up, which is Senate Bill 248. This Bill has passed through the Senate and is headed to the House. It includes an elimination of sales tax collected on food. The impact to the half-cent sales tax for the County side, Street side and general fund is enormous. He noted that, while staff is recommending the passage of this budget request, there is a caveat that should SB248 make it through the Governor's desk, the project would have to immediately stop because the City would not be able to afford it.

Committee member Dobler inquired about the project's funding source. Director Copley stated it was funded with the County-wide half-cent sales tax. Given the timing of the collection of the county-wide half-cent sales tax, the City has \$450K of Federal Fund Exchange which will also help fund the street side of this project. The Utility Revenue Bonds would cover the utility piece of the project. The total scope of the project is 2.7 miles, which equates to 8.1 lane miles, for a three-lane facility.

Committee member Dobler inquired as to what point in time will these types of projects get too expensive? He inquired as to if staff has reviewed County-wide half-cent sales tax infrastructure portion to see how future projects are laid out? City Manager Wade stated that projects that are in process currently, should be able to be funded, assuming the Senate Bill does not pass. There have been a couple of such projects that have been pushed back to accommodate.

Committee member Hoferer inquired if there were any other major projects, other than the remainder of the 12<sup>th</sup> street project, which will be taking place? Director Copley stated that the 17<sup>th</sup> Street project will be the biggest project for the next 3-years. However, the next big project will be coming up next year and will be to the concept design of the Huntoon street project. This project will include Huntoon, and will be parallel to the 12<sup>th</sup> street project. There will be public involvement, then moving into design, then utility relocation in order to prepare for that project.

Chairman Emerson noted the huge expense that comes with the Complete Streets projects. Given costs, he inquired when might be the appropriate time for the Governing Body and staff to review that policy to decide whether the City still feels the need to do every reconstruction project identified within the Complete Streets initiative? Director Copley stated the current Resolution was passed by the Governing Body in 2009. He stated the current Governing Body absolutely has the ability to re-evaluate that determination, in terms of creating those corridors outlined within the Complete Streets. There can be arguments made by both sides, in terms of reduction of cost and arguments regarding promotion of safety and creating a "Complete Street" - allowing for pedestrian, bicycle, vehicular and transit. Chairman Emerson stated it may be the time for the Committee and Governing Body to revisit the Complete Streets process. Committee member Dobler

agreed and added he felt there was a process to addressing when projects feel like they are beginning to get out of control, financially. He would like to review aspects of the study and find out if there are other options for utilities and storm water to possibly bring the costs down. He stated he would not be in support of this increase at this time as he felt \$32M for less than three miles of three-lane street was far too expensive.

City Manager Wade added additional context for the question raised by Committee member Hoferer regarding other projects. As part of the City's agreement with the Topeka Zoo, there are roughly \$4.1M of County-wide half-cent sales tax projects allocated for various zoo projects. That commitment stretches over a five-year time period.

Chairman Emerson also stated he could not support this increase at this time. He sought direction from staff as to what next steps might look like?

Committee member Hoferer inquired if there were any alternate projects on the Complete Streets list that could be moved around? She inquired when this project was slated to go to bid. Director Copley responded that, if approved this month, it would be put out for bid within the next few weeks. The consultant has been holding off on providing final plans until after this discussion at the Committee-level was held, to see if there was sufficient funding and whether it was going to be approved to do the three-year project or just a portion, such as phase one. Without having the approval of the amendment to the project, staff would not have the authority to put it out for bid, as they do not have the flexibility or authority to do bid alternates. One option staff could come back to the Committee with could be to look at value engineering and an amendment to the Complete Streets policy to provide the Governing Body with discretion for staff to then come back with some value engineering ideas.

Chairman Emerson inquired as to the need for the waterline replacement on this section of 17<sup>th</sup> Street, or was it more of replacing water lines while the rest of the street was being torn up? Director Copley stated that, to his recollection, was that there were sections of line within that area that have seen a number of breaks. However he deferred to Utilities Director Sylvia Davis to respond further. Director Davis inquired if the Committee would like for staff to bring back additional information regarding the utility line portion of the project? Chairman Emerson confirmed that would be helpful, and noted that water line projects can be schedule-killers of street projects. Director Copley stated the waterline is under the outside eastbound lane, due to the other utility conflicts. As such, it would mean the project would need to be completed as a phase project, where a section of the road is closed to get the water line down and then build the new street before then re-doing the other section of the street. He stated it would be inefficient to put a new water line in and add temporary surface on top to only go back later to remove all of that to catch up with the road work through the next few years as the phases move along. Director Davis stated the water line issues in that area are enormous.

She referenced the two different budgets that this project would be sourced from, with some of it coming from the Utilities budget, and suggested, that in the essence of time, staff bringing some additional options back to the Committee at a later time to review.

City Manager Wade rephrased, noting the question for the Committee is, do they want to proceed with phase one, and then stop? Or postpone the entire project? He felt it was staff's recommendation to complete the utilities work at the same time as to not cause future issues and that the City is addressing a significant issue underground. The three phases of the project would include I-470 bridge to Fairlawn, as phase 1. From Fairlawn to Gage as phase 2. And from Gage to MacVicar as phase 3. These phases would be completed over the course of three years. Director Copley stated the cost for Phase 1 of the project would cost approximately \$8M. This would include all aspects of the original scope.

MOTION: To defer the 17<sup>th</sup> Street Project until the March 30, 2023 Committee meeting, to allow staff to provide alternative perspectives. Committee member Dobler made the motion. Committee member Hoferer seconded. Motion approved 3-0-0.

Committee member Hoferer would like staff to bring additional cost savings information about a roundabout at 17<sup>th</sup> and Oakley versus leaving the intersection as is, and what the cost savings may look like. Staff confirmed they would be able to include that information.

**Amendment to CIP – Polk/Quincy Utility Relocation** [video 25:15 minute mark] Utilities Director Sylvia Davis introduced this project. Staff received some questions from the Governing Body about information found in a memo that was sent out, regarding a request for a project budget amendment to address some overages on the Utility's portion of the Polk-Quincy Viaduct project.

Highlights:

- Replacing/Relocating water lines in the target area in the amount of
  - 3,071 Linear Feet (LF) of 12-inch diameter pipe
  - 16 LF of 10-inch diameter pipe
  - 4,173 LF of 8-inch diameter pipe
  - 1,945 LF of 6-inch diameter pipe
  - 106 LF of 4-inch diameter pipe
- Stormwater lines that will need to be moved and upgraded.
  - 2,562 LF of Storm Sewer from 12-inch to 72-inch diameter pipe
  - 335 LF of 10-foot by 8-foot Rotating Biological Contractor (RBC) - these look like large concrete boxes that will go under the interstate.
  - 14 curb inlets
  - 7 manholes

- Wastewater lines - Currently tight and compacted. This project will allow for getting some of those pieces out of the way, and complete some improvements that are needed.
  - 7,009 LF of new sewer from 6-inch to 36-inch diameter
  - 37 manholes and other structures
  - 946 LF of Cured-in-place pipe (CIPP) from 15-inch to 54-inch diameter
- Project schedule - Director Davis acknowledged the tight turnaround shown on the project timeline. This is based on the work that KDOT needs to complete, in order to keep on their Master Timeline, and what the City has to get done in order to get the utilities out of the way. According to the timeline, the project would go out to bid by April 23rd, if the Committee approves this item today, and if the Governing Body approves it on March 14<sup>th</sup>. The contract would then be awarded in June.

Director Davis stated that, specifically, with the final plans that staff has received, they will have a count for some of the long-lead items that they have been looking at. The plan is to start pre-procuring those items to get them on their way with the hope to reduce the wait time for some of the items such as valves and fittings specifically for the water line.

Director Davis stated that staffs request today is for the Committee to approve the amended increase of \$3.87M budget request for this project. This increase provide funding for the revised project budget of \$26.37M total. The City's match is \$20M for this project. This utility work will count toward the \$20M match.

Committee member Hoferer inquired where the additional \$6.37M will come from, outside of the City's \$20M match. Director Davis referenced a highlighted section of the information provided to the Committee showing the plan would be to use Revenue Bonds for both the additional funds and the original request. City Manager Wade stated it was staff's intention to pay the debt from the General Fund side of the City's budget. The thought behind that decision is that this is a massive project that is being done because of a highway project and that then putting that responsibility on to the rate holders for Utilities would not be fair. Thus the funding would come from the G.O. Bonding side of the City's budget.

Committee member Hoferer inquired if this project will be bid out as one package at one time for one contractor to handle all of it? Or will it be bid out as multiple packages? Director Davis confirmed the plan is to bid it out for all utility work to be part of one project package.

Chairman Emerson inquired about the requirement for using Revenue Bonds versus G.O. Bonds. City Manager Wade explained it was his understanding, from an analysis that was conducted, that because this is part of the overall assets for Utilities, the need would be to utilize Revenue Bonds. As all of the utility lines flow

through the same channels, there would not be a way to separate out portions of area to use G.O. Bonds and leave portions of the project area under Revenue Bonds.

Chairman Emerson stated he felt his project timeline was aggressive, and inquired why it needed to be completed within the short timeframe? He felt it would be closer to a two or three year project to complete. Director Copley answered that the City entered into an agreement with KDOT that addresses the City's matching share. It also says the City has to have its utilities relocated prior to the Secretary allowing approval for the Polk-Quincy Viaduct project to go to bid. The current plan is to let it go to bid in September 2024, for an award in October. The work would begin in early 2025. In order to meet that deadline, the City must first complete the utility relocation in July 2024.

Chairman Emerson pointed out that these types of jobs are linear. You have to start at "Point A" and hook onto the source. Then you have to go short of "Point B" to test, which takes about a week if the test passes on the first round. If it does not pass the test the first time around, it takes another week before testing again. From there, you then have to hook onto "Point B" and then move down the line. This process, by the nature of it, takes a long time. Chairman Emerson voiced concerns for trying to super compress the schedule. One reason is that there may not be anyone in Topeka that would be able to bid on this project. The competition will be severely limited. Secondly, the City will have to pay a premium for anybody to even attempt to bid on the project. Potential bidders will either going to liquidate damages into their bid, or they will put enough money or crew on it that they will not care. Chairman Emerson did not feel that would be a reasonable amount of time to expect. He noted he had not yet reviewed the plans, however still felt there was a deep concern on being able to accomplish the project.

Director Davis stated that staff was not seeking to have the Committee complete a deep-dive into the project specifics at this time, but rather to seek approval of the financing piece. Approval of the financing will allow staff to do their best to meet the timeline. She stated that working with KDOT, there have been a lot of discussions about the timeframes.

Brian Armstrong, is the project manager with Bartlett & West, and a consultant with KDOT for the Polk-Quincy Viaduct project. He noted that, when the larger Polk-Quincy project was added to the construction pipeline, which meant that KDOT fully-funded construction right away, they set the letting date of October 2024. That has continued to be the timeline that the project is working toward. This includes having both public and private utilities relocated by July 2024 as a target date. This shows contractors that there will be a clean and open workspace in the area as they bid on the larger Polk-Quincy project pieces. There have not been any additional discussions, to date, as to any other scenarios outside of having the City's utility project being targeted for completion within that timeframe.

Chairman Emerson inquired about the consequences for the project simply not being able to be completed? Mr. Armstrong stated he would not be able to answer that for KDOT.

Andrew Wright, project manager with Bartlett & West, felt that both parties are attempting to meet a deadline and that although tight, this is the best way to attempt to meet the deadline. He noted there were nine separate sanitary sewer projects within this larger project. None of them are bigger than \$1.5M. The stormwater project is \$3M, the water line is \$3.4M. It is a lot of little projects that have been pulled into one in order to try to meet the deadline. If there was not such a quick deadline to meet, there probably would not be an effort to split each of the projects out as they are doing.

Committee member Hoferer recounted a similar type of project that had taken place near the current site that experienced many prior unknown issues. She stated that she understood the money would need to be approved, however expressed the project needed to be looked at strongly, about how to structure it. Director Davis stated that there has been extensive inspection work done in this area due to the knowledge of having some combined sewer in this space. Utilities have done a lot of work to map out these systems using video to inspect them, and feel that many of the concerns expressed by Committee member Hoferer may have already been addressed.

Committee member Dobler suggested approving the CIP Amendment as it is the financial piece of the project, and then request follow-up on the project details to be provided at an upcoming meeting.

**MOTION:** To accept the increased funding recommendation, with a caveat to seek out opportunities to segment the project into smaller pieces. Chairman Emerson made the motion. Committee member Hoferer seconded. Motion approved 3-0-0.

### **2023 Preliminary Mill & Overlay Projects** [video 46:40 minute mark]

Director Copley stated that City Manager Wade had provided him with a challenge to move the needle with improving the pavement throughout the city utilizing the city-wide half-cent sales tax. Staff was able to identify a list of potential projects at a cost of just under \$5M in hopes of accomplishing that goal of improving the pavement throughout the city. Staff also tried to target streets that had a Pavement Condition Index (PCI) rating between 45 and 65. The projects will allow for there to still be a mill & overlay to get a new street surface, but also keep the road base stable enough so that projects will only need to have mill & overlays with limited full-depth patching. Director Copley stated this would be an amendment to the 2023 CIP, identifying the additional projects and staff is seeking approval by the Committee to move it forward to the Governing Body for final approval. The goal is to get these projects completed within the 2023 construction season. This is a lofty goal, as there is only one asphalt manufacturer in Topeka, and there is a limited number of local contractors, however staff is wanting to do their best. City Manager

Wade included that this request is to address 21 different street projects which includes more than 24 lane miles included in this request.

Committee member Dobler applauded the direction of City Manager and staff to work to bring these streets up and made a motion to move the request forward to the Governing Body for approval.

Chairman Emerson inquired about the request of an additional \$5M for street projects. He noted that he receives a number of constituent calls about 29<sup>th</sup> Street from California to Adams, and inquired if there were any projects already in the process to address this section? Director Copley stated the project is in the design process currently, and staff is negotiating the contract to get the consultant on board. The first section of this project will be Topeka Boulevard from 21<sup>st</sup> to 29<sup>th</sup> Street. The project will involve full-depth reconstruction of 21<sup>st</sup> and Topeka, which will also allow for placement of a waterline through that intersection. This placement will reduce the cost to Utilities of that water line. From that point, it is mill & overlay with full-depth patching from 21<sup>st</sup> to 29<sup>th</sup>. Construction of this project will occur in 2024.

Chairman Emerson inquired if there were any future projects to address the area of 29<sup>th</sup> and Topeka Boulevard west to Burlingame, suggesting that possibly a mill & overlay would be sufficient to keep the PCI high enough to carry over for a few more years without requiring full reconstruction. He noted this stretch is bad and that without some sort of work being done, it will not be able to make it until the full reconstruction year. Director Copley was not aware of that location currently being part of any proposed street project. He will look into that.

Committee member Hoferer inquired about the bid process, and asked if this was bid as one total project by one contractor, or if it was awarded to multiple contractors as multiple projects? Director Copley responded that the plan would be to group these projects into five or six different pieces, which would reduce the cost for each smaller project thus also saving time with getting consultants on board due to not having to go through the full RFP process.

Committee member Hoferer inquired as to how long a mill & overlay for the Fairlawn project might take? Director Copley stated he would be able to get that information and meet with Committee member Hoferer at a later time. The sections that would involve full-depth patching would take longer than simple mill & overlay areas. He welcomed meeting with her at a later time, once the project design has been completed so that she could better understand what the timeframe may look like.

Committee member Hoferer inquired as to the consequences that would fall upon contractors who were not able to complete projects on time? Director Copley responded that projects would be over-wintered and that the contractors would only be paid after submitting app for the work that has actually been completed.



MOTION: Committee member Dobler made a motion to approve this moving forward to the Governing Body. Committee member Hoferer seconded the motion. Motion approved 3-0-0.

### **2024 Public Works Projects: Infill Sidewalks, Facilities, Citywide Half-cent Sales Tax**

Director Copley stated that, as part of the adoption of the CIP a few years ago, staff is required to bring all of the half-cent sales tax projects as well as a few other projects, to the Committee and Governing Body for those specific approvals. The 2024 project list includes:

- NE River Road
- SW 21<sup>st</sup> Street and Urish Roundabout
- SE 29<sup>th</sup> Street - Adams St. to California Ave.
- Hi-Crest neighborhood
- Westwood Neighborhood
- NW Menninger Rd. - Green Hills Rd. to Rochester Rd.
- NW Elm Row Ave - Spangles entrance to NW Topeka Blvd
- SW MacVicar Ave - south of SW 6<sup>th</sup> Ave

He is seeking approval by the Committee and Governing Body so that the process can move forward with the design phase. Each of the listed projects are intended to be constructed in 2024.

Chairman Emerson sought clarification that this approval is only for approving the projects and is not a request to change the funding level? Director Copley confirmed, that this request is only seeking approval to move forward with the projects identified. A resolution is included within the packet.

MOTION: To recommend approval of certain public infrastructure projects in 2024 utilizing Citywide Half-Cent Sales Tax and ARPA funds by the Governing Body. Committee member Hoferer made a motion to approve. Chairman Emerson seconded. Motion passed 3-0-0.

### **Floodplain Ordinance**

In the essence of time, Chairman Emerson inquired if this item could be reserved to be discussed at the March 30<sup>th</sup> meeting. Division Director Faulkner confirmed.

### **Other Items**

No additional items.

### **Adjourn**

Chairman Emerson adjourned the meeting at 12:01pm. The next meeting will be Thursday, March 30<sup>th</sup> at 11:00am in the Holliday 1<sup>st</sup> Floor Conference Room, with virtual attendance optional.

This meeting can be viewed online at: [https://youtu.be/8I-2Y\\_NyLRs](https://youtu.be/8I-2Y_NyLRs)