

## **Council Minutes –May 11, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 11, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Pastor Lynn Lamberty, Highland Park United Methodist Church gave the invocation.

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

A PRESENTATION on the marketing efforts of Visit Topeka, Inc., was presented by Olivia Simmons, Visit Topeka, Inc., Executive Director.

A PRESENTATION on the Community Resources Council 2009 Emergency Aid End of Year Report was given by Nancy Johnson, Community Resources Council Executive Director. Mariam Grable, United Way of Greater Topeka President and CEO gave a presentation on the Homeless Management Information System (HMIS). John Costello, MAACLink Administrator gave a presentation on the Mid-America Assistance Coalition (MAAC) organization.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Neil Carlson to the Board of Plumbing Examiners for a term that would end May 31, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Jeff Romine to the Board of Plumbing Examiners for a term that would end May 31, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Tom Woltkamp to the Board of Building and Fire Appeals for a term that would end May 31, 2012 was presented.

BOARD APPOINTMENT recommending the re-appointment of Mike Wilson to the Board of Building and Fire Appeals for a term that would end May 31, 2012 was presented.

RESOLUTION NO. 8249 introduced by Councilmember John Alcalá, granting Sacred Heart-St. Joseph Parish an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8250 introduced by Councilmember Larry Wolgast granting Tracee Jackson-Maye an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the regular meeting of May 4, 2010 were presented.

The following Cereal Malt Beverage License applications were presented for approval:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Prize Package	1420 E 6 <sup>th</sup> Street
Quality Gas & Shop, Inc.	1900 N Topeka Avenue
Quick Stop Summit	2201 SW 6 <sup>th</sup> Avenue
East Quick Stop	3100 E 6 <sup>th</sup> Street
Seabrook Apple Market	1945 SW Gage Boulevard
Tilton's Oakland Market	1905 Seward
Tilton's Westside	1100 W 6 <sup>th</sup> Street
Topeka Fuel Center, Inc.	1320 SW 6 <sup>th</sup> Street
Wanamaker Gas 4 Less, L.L.C.	2855 SW Wanamaker

The following Open After Midnight License applications were presented for approval:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Midwest Elk's Lodge #1441	1316 Madison
Terry's Bar and Grill	522 W 6 <sup>th</sup> Street

A Dance Hall License application for Club Hunter located at 820 N. Kansas Avenue was presented for approval.

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

ORDINANCE NO. 19416 introduced by City Manager, Norton N. Bonaparte, Jr., adopting the re-codification of ordinances of the City of Topeka, Kansas, providing for the repeal of certain other ordinances not included therein, excepting certain ordinances from repeal, and saving certain accrued rights and liabilities pursuant to K.S.A. 12-3014 and K.S.A. 12-3015 placed on first reading May 4, 2010 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

ORDINANCE NO. 19417 introduced by Councilmember John Alcalá authorizing the sale, consumption and possession of alcoholic liquor at specified locations and times for the 2010 Germanfest celebration on June 5 and 6, 2010, to be held at Sacred Heart-St. Joseph Parish placed on first reading May 4, 2010 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Swank, Archer, Preisner and Harmon -9.

A FINAL PLAT for Lauren’s Bay Estates Subdivision No. 2 located on the north side of SW 46<sup>th</sup> Street and SW Marlboro Road in the City of Topeka, Shawnee County, Kansas was presented. (P09/16)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Steve LaCasse, Bartlett & West Engineers appeared to answer questions.

Councilmember Wolgast moved to approve the final plat. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$332,840 and RESOLUTION NO. 8251 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Sanitary Sewer Improvement Project No. T-401017.00 (HTE 409730) which provides for sanitary sewer improvement in Bear Lake Subdivision No. 2 and The Vineyard, as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Harmon moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$2,213,280 and RESOLUTION NO. 8252 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and improvement district description and authorizing as amended Street Improvement Project No. T-601008.00 (HTE 606450) which provides for street improvements in The Vineyard, Kansas Heritage Park and Bear Lake Subdivision No. 2, as more specifically described herein, and rescinding Resolution No. 8085 was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Harmon moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$563,500, and RESOLUTION NO. 8253 introduced by City Manager Norton N. Bonaparte, Jr., amending the improvement district description and authorizing as amended Sanitary Sewer Improvement Project No. 40898-01 which provides for sanitary sewer service for the Arbor Valley Subdivision and The Vineyard, as more specifically described herein, and rescinding Resolution No. 7841 was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Harmon moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

RESOLUTION NO. 8254 introduced by Councilmember Sylvia Ortiz granting an exemption from the annexation requirements of City of Topeka Code Section 146-37, as amended, for the provision of water to certain specified property located in Shawnee County, Kansas was presented.

Councilmember Ortiz gave the staff report. She stated that the Council recently granted an exemption to the neighboring property; and she would support this request because it is important for young families to thrive in the community.

Jared Thomann, applicant stated that they purchased the property with the understanding they could receive City water service.

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Woelfel carried. Councilmember Harmon voted “no.” (8-1-0)

ORDINANCE NO. 19418 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 19, 2010 through April 25, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 1900 SW Mission Avenue from “R-1” Single Family Dwelling District TO “PUD” Planned Unit Development District (“M-1a” use group and “C-1” use group, including a vehicle surface parking lot in association with a principle use and specifically excluding liquor sales, packaged goods) was presented for first reading. (*PUD10/5*)

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

Norton N. Bonaparte, Jr., City Manager thanked the participants of the East Topeka Summit and reported that a follow-up meeting would be scheduled in September. He announced that the Topeka Police Department would conduct three, one week sessions of summer youth camp free of charge for youth entering 7<sup>th</sup> through 9<sup>th</sup> grades. He asked citizens to contact the Police Department at 368-9551 or visit the City’s website at [www.topeka.org](http://www.topeka.org) for more information and noted that the deadline for sign-up is May 17, 2010. He announced that the City

of Topeka and the Government Foundation Team of Heartland Visioning will co-host two public forums to seek citizen involvement in preparing the City of Topeka's 2011 Budget. He stated that the public forums are scheduled for May 19, 2010 from 4:00 p.m. to 6:00 p.m. at Logan Elementary School located at 1124 NW Lymon; and on May 26, 2010 from 6:00 p.m. to 8:00 p.m. at the Topeka-Shawnee County Library located at 1515 SW 10<sup>th</sup> Street. He noted the meetings would include a PowerPoint presentation on budgets in general, the City's General Fund, and a synopsis of the current budgetary climate; followed by an interactive discussion with outside facilitator Ron Alexander, Heartland Visioning to better understand what services residents would like from City government.

Councilmember Hiller announced that art exhibits for the Aaron Douglas Art Fair in September are now being accepted. She encouraged local artists to participate in the event by applying at [www.aarondouglasartfair.com](http://www.aarondouglasartfair.com).

Jason Chaika appeared to speak under public comment.

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:07 p.m.

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Brenda Younger  
City Clerk