

City Council Minutes – January 4, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 4, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Lee, Dunn, Duffy, Hill, Carkhuff, Gardner, and Pomeroy –8. Mayor Wagnon presided –1. Absent: Councilmember McClinton –1.

AFTER THE MEETING was called to order, a poem titled, A Psalm of Life, by Henry Wadsworth Longfellow, was read by Claude Lee.

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

Mayor Wagnon stated that Councilmember McClinton was attending another meeting and would be late.

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of December 21, 1999, were presented.

Councilmember Carkhuff moved to approve the consent agenda. The motion seconded by Councilmember Lee carried. Councilmember Dunn abstained. (7-0-1)

The public hearing on the revised Redevelopment Plan, Watertower Place Redevelopment District scheduled to reconvene Tuesday, January 4, 2000 at 5:30 p.m. in the Council Chambers at 214 SE 8th Street was cancelled.

A Communication regarding the “Memorandum Decision and Order” issued by the Shawnee County District Court for H.T. Paul Company, Inc., v. City of Topeka, Kansas, Case No. 99-C-580, was presented.

Linda Jeffrey, City Attorney explained the communication.

Councilmember Lee stated that there were several people present who wanted to comment on this issue and she believed that they should be given the opportunity.

Mayor Wagnon stated that they zoning case had already been decided and the question now is whether or not to appeal the Judge’s decision.

Councilmember Lee moved to allow public comment. The motion was seconded by Councilmember Dunn.

Councilmember Gardner stated that he was opposed to the motion because this was not in the form of a resolution.

The motion carried. Councilmember Carkhuff, Duffy, and Gardner voted “no”. (6-3-0)

Several people appeared in support of the City appealing the decision for the preservation of neighborhoods throughout the community.

Several other people appeared in opposition to the appeal and stated that it could be expensive for the City in damages if the appeal was not successful.

Councilmember Gardner raised the question of where funds for damages would come from if awarded.

Jeff White, Director of Budget and Information Technology stated that the funds would be generated by cutting operating expenditures.

Councilmember Dunn moved to adjourn into executive session for twenty minutes to avoid damaging the City’s position in discussing the legal case. The motion was seconded by Councilmember Lee.

Councilmember Gardner stated that he opposed the motion because it could be discussed in open session.

The motion carried. Councilmember Gardner, McClinton, Carkhuff, and Duffy voted “no”. (5-4-0)

Mayor Wagnon extended a point of personal privilege to Thelma Simon so that she could offer information regarding an upcoming event being hosted by the Kickapoo Tribe of Kansas. She stated that the executive session would follow the brief presentation.

Thelma Simon, Kickapoo Tribal Member, Horton, Ks, appeared to announce the upcoming “Four Tribes in Kansas Bar Bench Conference 2000” and to extend an invitation to the Council. She explained the itinerary of events and goals of conference organizers.

The meeting adjourned into executive session.

The meeting reconvened following executive session. Mayor Wagnon stated that no action had been taken.

Councilmember Lee moved to appeal the case. The motion seconded by Councilmember Hill failed. Councilmembers McClinton, Alcala, Dunn, Duffy, Carkhuff, Gardner, and Pomeroy voted “no”. (2-7-0)

Councilmember Gardner moved to suspend the rules to add a resolution relating to the Millennium Park to the agenda. The motion seconded by Councilmember Alcala carried. Councilmembers McClinton, Duffy, and Lee voted “no”. (6-3-0)

Mayor Wagnon stated that she would place the item on the agenda following the first readings.

Councilmember Carkhuff moved to reinstate the rules. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmembers Samuel Carkhuff and Clark Duffy, exempting certain property, more specifically property owned by Swan’s Formal Wear, Inc., from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at 2010 SW Ashworth Place, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmembers Samuel Carkhuff and James McClinton, exempting certain property, more specifically property owned by Co-Nect-It Frame Corporation from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 1100 SE Rice Road, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon 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 3802 SW Topeka Boulevard in the City of Topeka, Kansas

from “C-4” Commercial District to “PUD” Planned Unit Development (commercial usage), was presented for first reading. (Z99/29)

AN ORDINANCE introduced by Mayor Joan Wagnon 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, the centerline of which, is located approximately 385-feet north of SW 27th Street in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “O&I-2” Office & Institutional District, was presented for first reading. (Z99/45)

A RESOLUTION introduced by Councilmember Jim Gardner, rescinding Resolution No. 7001, which authorized the Millennium Park Project and the transfer of specified funds from the Park Land Acquisition and Development Fund, was presented.

Councilmember Gardner explained why the resolution was being presented.

Mayor Wagnon stated that the committee has met their commitment to raise \$100,000.

Councilmember Carkhuff stated that they should consider deferring the item for one week to allow an opportunity for public comment.

Councilmember Pomeroy made a substitute motion to defer the resolution for one week. The motion was seconded by Councilmember Lee.

Councilmember Alcala stated that he supported the original motion.

Councilmembers McClinton and Lee stated that they should defer the item for one week so that the people who have raised private money would have an opportunity to speak.

The substitute motion carried. Councilmember Alcala, Duffy, and Gardner voted “no”. (6-3-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Mayor Wagnon stated that John Arnold, CAO was not present but Jeff White had a report.

Jeff White reported that there were no Y2K surprises and thanked staff for all their hard work throughout the past six months that helped make things go smoothly.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee requested to withdraw the claim appeals for Richard Munoz and Joseph Ledbetter.

A Communication from the Public Health and Safety Committee recommending denial of claim appeal for Louise Johnson, was presented.

Councilmember Lee moved to accept the Committee's recommendation to deny. The motion seconded by Councilmember Duffy carried. Councilmember Gardner voted "no". (8-1-0)

Councilmember Carkhuff stated that the Policy Committee has been reviewing issues regarding the Legislative Policy. He announced that the Policy Committee would meet Monday, January 10, 2000 at 5:30 p.m. in the City Council Office, 2nd floor of City Hall to discuss these issues further.

Councilmember Alcalá moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, and Hill voted "no". (4-5-0)

The meeting was adjourned.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 4, 2000. The Councilmembers of the City of Topeka, Kansas met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lee, Carkhuff, Dunn, Duffy, Hill and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember McClinton –1.

NOTICE OF PUBLIC HEARING

A public hearing to consider an amendment to the adopted Neighborhood Revitalization Plan, pursuant to K.S.A. (1998 Supp.) 12-17, 114 et seq.

Mayor Wagnon gave an opportunity for anyone present to comment.

Councilmember Pomeroy stated that the Neighborhood Revitalization Act (NRA) is generally reviewed annually. He explained that the proposed amendments were to include the creation of a fourth multifamily residential district and special district both to be located in the former Topeka State Hospital grounds and a fifth multifamily residential district to be located in eastern Topeka generally bounded by east 6th Street, Woodland, Shunga Creek and Market Street.

Councilmember Gardner asked about taking the Watertower District out of the TIF.

Councilmember Pomeroy explained that it was not compatible to include both of them in the Plan.

Councilmember McClinton entered the room.

Mayor Wagnon expressed concern regarding the ramifications of offering incentives through the Neighborhood Revitalization Plan that would take away businesses that could potentially locate downtown and pay taxes.

Mark Stock, Housing and Neighborhood Development explained the purpose of the rebate part of the NRA. He also gave an overview of the history of the Act that was adopted by the City in January of 1995. He explained the amendments to the 1996-1999 plans and proposed amendments for the 2000 Plan. He explained

their marketing efforts for the NRA. He discussed the impact of the NRA using limited, estimated information. He noted some policy issues that should be reviewed and discussed in the future.

John Dugan, Planning Director explained the commercial and residential neighborhood health assessment as shown on the map.

Councilmember McClinton asked how the NRA could be more palatable to residential properties.

Mark Stock explained that people would like to take advantage of the rebate for major renovations but they fear a significant increase in their taxes that goes along with the improvements.

Jim Reardon, Facilities Director for the State of Kansas stated that the State Hospital Grounds supports an enterprise of inmates. He stated that there are fifty-four buildings that are vacant and the property is not on the tax roles now. He stated that twenty-two properties need to be demolished and the infrastructure needs to be improved. He explained tax incentives for a business(s) to develop the property. He stated that the City has proposed to obtain the property to allow non-profit agencies to renovate the property. He explained that renovation by a non-profit entity would not put the property back on the tax roles and wouldn't clean up the blighted areas and environmental issues. He stated that the property needs to be made more attractive so that it could be developed which would put the property back on the tax roles.

Councilmember McClinton moved to close the public hearing. The motion seconded by Councilmember Hill carried. Councilmember Gardner voted "no". (8-1-0)

AN ORDINANCE introduced by Mayor Joan Wagnon adopting an amendment to the neighborhood revitalization plan as provided for in K.S.A. (1998 Supp.) 12-17, 114 *et seq.*, Neighborhood Revitalization Act, was presented for first reading.

Iris Walker
City Clerk