

City Council Minutes – February 15, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 15, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Lee, Dunn, Duffy, Hill, Gardner, and Pomeroy –7. Deputy Mayor Carkhuff presided-1. Absent: Mayor Wagnon and Councilmember McClinton -2.

Deputy Mayor Carkhuff stated that he would be standing in for Mayor Wagnon who was in Washington, D.C. attending Federal Energy Regulatory Commission hearings concerning electrical rate increases.

Councilmember Hill requested a moment of silence for the recent passing of Linda Jeffrey's mother and Councilmember McClinton's nephew.

AFTER THE MEETING was called to order, prayer was offered by Kristen Swafford, Topeka High School student.

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

THE CONSENT AGENDA was presented as follows:

Deputy Mayor Carkhuff stated that Item 2A, a resolution for Trianon Acquisition, L.P. has been withdrawn at the request of the applicant.

Final Plat for Southboro Subdivision No. 5, on property located about the northwest corner of the intersection of SE 45th Street and SE California Avenue in the City of Topeka, was presented.

PROJECT BUDGET and RESOLUTION NO. 7046 introduced by Mayor Joan Wagnon, describing Improvement Project No. 24104-B which provides for sidewalk reconstruction in the Quinton Heights-Steele Neighborhood Improvement Association area; generally bounded by SW 21st Street, Western Avenue, SW 27th Street, and Shunganunga Creek and authorizing the same, were presented.

Minutes of the Regular Meeting of February 8, 2000, were presented.

Councilmember Lee moved to approve the consent agenda. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

RESOLUTION NO. 7047 introduced by Mayor Joan Wagnon designating February 29, 2000, as Connect Kansas Day, was presented.

Robena Farrell, Area Director of the Topeka Social and Rehabilitation Services office appeared in support of the resolution. She distributed a handout that described the program and explained the overall benefits this would bring to area communities.

Max Wilson, Director of Shawnee County Regional Prevention Center appeared to explain how data is collected for the Kansas Data and Planning Guides.

Dr. George Thompson, Chair of the Juvenile Corrections Advisory Board for Shawnee County appeared to explain the planning process that is being used by Connect Kansas. He gave a brief overview of history and explained the elements involved that address juvenile crime and violence. He distributed a handout of recommendations by the Kansas Third Judicial District that included prevention; intervention; and graduated sanctions. He stated that the handout also included funding recommendations by the board for various programs throughout the community.

Councilmember Dunn asked where the program funds would come from.

Dr. George Thompson stated that they would come from a grant from the tobacco money that was received by the State.

Councilmember Alcalá asked if the programs would be geared toward drug rehabilitation or prevention for adolescents.

Dr. George Thompson stated that one of their recommendations include a treatment center.

Councilmember Dunn suggested using the newsletters distributed by the Neighborhood Improvement Associations as an automobile to communicate information to neighborhoods.

Councilmember Hill moved to approve the resolution. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

ORDINANCE NO. 17468 introduced by Mayor Joan Wagnon, adopting the National Electrical Code, 1999 Edition, amending City of Topeka Code § 26-341, § 26-342, § 26-343, and § 26-382, and specifically repealing said original sections, placed on first reading February 8, 2000, was again presented.

Miriam Berke, Development Coordination appeared to answer questions.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Gardner, Dunn, Carkhuff, Duffy, Hill, and Lee -8. Absent: Councilmember McClinton -1.

REVISED PROJECT BUDGET for Project No. 29092, design and installation of a new radio-based SCADA system to provide reliable, remote, around-the-clock surveillance of wastewater pumping stations and treatment facilities, was presented.

RESOLUTION NO. 7048 introduced by Mayor Joan Wagnon, describing and authorizing the installation of new radio-based monitoring system for wastewater pumping stations hereinafter referred to as Project No. 29092 and rescinding City of Topeka Resolution No. 6785, was presented.

Councilmember Duffy gave the committee report.

Councilmember Duffy moved to adopt the committee report. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

Mark Green, Water Pollution Control Department gave the staff report, and answered questions regarding the \$68,000 budget increase.

Councilmember Alcalá moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Dunn carried. Councilmember Dunn stated that she seconded the motion with the stipulation that Council is made aware if there is another short fall with the budget. The motion carried. Councilmembers Dunn and Carkhuff voted "no". (6-2-0)

Councilmembers Dunn and Carkhuff expressed that they voted no because of the increase in the budget.

PROJECT BUDGET for Project No. 29015-2, to allow Water Pollution Control to build effluent disinfection facilities to comply with State regulated National Pollutant Discharge Elimination System (NPDES) requirements, was presented.

RESOLUTION NO. 7049 introduced by Mayor Joan Wagnon, describing Improvement Project No. 29015-2 which provides for construction of the Oakland Wastewater Treatment Plant Effluent Disinfection and Pump Station Facilities and authorizing the same, was presented.

Councilmember Duffy gave the committee report.

Councilmember Duffy moved to accept the committee report. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmember Dunn moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to daycare centers, repealing City of Topeka Code § 26-145. Section 305.1, division 3, group E occupancies, was presented for first reading.

Darrell Dibbern, Fire Marshall gave the staff report.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to redemption of a dog from the humane shelter, amending City of Topeka Code § 18-127 and repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Councilmember Vanessa Hill and Deputy Mayor Sam Carkhuff relating to the Budget Schedule, amending City of Topeka Code § 2-271 and repealing said original ordinance, was presented for first reading.

Councilmember Gardner requested that the ordinance be referred to the Finance, Administration and Audit Committee.

Councilmember Duffy suggested considering five priorities that have been established by the review committee.

Councilmember Hill moved to refer the ordinance to the Finance, Administration and Audit Committee for review. The motion seconded by Councilmember Dunn carried. Councilmember Carkhuff voted "no".

(7-1-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, CAO distributed a revised strategic planning document to Council for review and future discussion. He also distributed a memo explaining why the warrant drive was suspended.

Councilmember Gardner requested a follow up report on the warrant drive.

John Arnold requested feed back from the Council regarding the memo he distributed relating to development fees.

Councilmember Gardner requested information on the cost to improve 10th Street, between Fairlawn and Gage and an ordinance for developer participation of the funding the project. He stated that it would be up to the elected officials to decide whether to adopt the ordinance.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced that the Public Health and Safety Committee would meet on February 21 to hear claim appeals, and on March 1 to consider information relating to the proposed non-smoking ordinance. She also stated that she is meeting with constituents of her district at 6:30 p.m. on February 24, 2000 at Fire Station No. 8. She invited anyone who is interested to attend.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner expressed his opinion regarding the City's Hostile Environment policy and questioned the Chief Administrative Officer's authority to develop the policy. He requested a copy of the document that allows the CAO to create an administrative policy.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 15, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Alcalá, Lee, Dunn, Duffy, Hill, Gardner, and Pomeroy –7. Deputy Mayor Carkhuff presided-1. Absent: Mayor Wagnon and Councilmember McClinton -2.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on February 15, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to consider a demolition permit application for 1110 SE Madison, filed by the Shawnee County Historical Society.

Deputy Mayor Carkhuff gave an opportunity for anyone present to speak.

Mark Works, President of the Shawnee County Historical Society appeared in support of the permit. He stated that the house is empty, utilities have been disconnected and the sewer is capped. He urged approval of the request to alleviate the deteriorating conditions of the house.

Beth Schafer, Assistant City Attorney explained that the applicant has applied for a demolition permit for a structure that is within 500 feet of a property that is listed on the historical register. She stated that the City Council would need to determine that there is no feasible and prudent alternative to the demolition, and that the proposed demolition includes all possible planning to minimize harm to the historic property in order for the proposed demolition to proceed.

Marge Bradshaw appeared in opposition to the permit. She stated that the entire area is significant to the history of the area.

Councilmember Duffy stated that he has been at the house and asked Mr. Works if he considered the house beyond repair.

Mr. Works stated that it is in very bad shape and would take a substantial amount of money to repair it.

Councilmember Duffy noted that if the Historical Society is required to spend money on this house, which is not of historical significance, it would take away funds they could use on the Ritchie house they are trying to preserve which does have historic significance.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

Councilmember Pomeroy moved to defer action on the permit application for one week to give the Councilmembers an opportunity to see the property. The motion seconded by Councilmember Duffy failed. Councilmembers Alcalá, Dunn, Carkhuff and Dunn voted "no". (4-4-0)

Councilmember Gardner moved to find that there is no feasible and prudent alternative to the requested demolition of 1110 SE Madison, and that the proposed demolition includes all possible planning to minimize harm to the historic property in order for the proposed demolition to proceed. The motion seconded by Councilmember Duffy failed. Councilmembers Alcalá, Dunn, Hill and Gardner voted “no”. (4-4-0)

Iris Walker
City Clerk