

**City Council Minutes – March 7, 2000**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 7, 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, Pomeroy, McClinton, Carkhuff, Hill, and Gardner –8. Mayor Wagnon presided-1. Absent: Councilmember Duffy -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Alcalá.

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

Mayor Wagnon stated that Councilmember Duffy was absent because he was attending business out of town.

Mayor Wagnon stated that Item 2A, a claim appeal for Karen Black, would be removed from the consent agenda and placed directly following item 4A at the request of Councilmember Lee.

THE CONSENT AGENDA was presented as follows:

A Communication from the Public Health and Safety Committee recommending approval of claim appeal for Marvin J. George in the amount of \$365, was presented.

A Communication from the Public Health and Safety Committee recommending denial of claim appeal for Freddie L. Graham, was presented.

A FINAL PLAT for Harris Subdivision on property located at 403 NW Lyman Rd. in the City of Topeka, Kansas, was presented. (P99/50)

Minutes of the Regular Meeting of February 22, 2000, were presented.

Councilmember Gardner moved to approve the consent agenda except for Item 2A. The motion seconded by Councilmember McClinton carried unanimously. (8-0-0)

ORDINANCE NO. 17473 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, placed on first reading February 15, 2000, was again presented.

Councilmember Hill moved to refer the ordinance back to the Finance, Audit and Administration Committee for further review. The motion was seconded by Councilmember Gardner.

Councilmember Dunn asked if there were any proposed changes to the current language.

Councilmember Hill explained that the current Charter Ordinance includes both the words "shall" and "may". She stated that from a legal standpoint "shall" or "may" could be used but not both.

The motion failed. Councilmembers Pomeroy, McClinton, Carkhuff and Lee voted "no". (4-4-0)

Councilmember Dunn moved to accept the Committee report. The motion seconded by Councilmember Pomeroy failed. Councilmembers Gardner, Hill, Lee, Carkhuff, McClinton and Pomeroy voted "no". (2-6-0)

Councilmember Pomeroy moved to amend the language from "the first day in May and the first day in July" to "the first Tuesday in May and the first Tuesday in July". The motion seconded by Councilmember Lee carried. Councilmembers Dunn, Hill and Gardner voted "no". (5-3-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Hill, McClinton, Carkhuff, and Lee -5. Noes: Councilmembers Gardner, Dunn and Alcala -3. Absent: Councilmember Duffy -1.

A Communication from the Public Health and Safety Committee recommending denial of claim appeal for Karen L. Black, was presented.

Councilmember Lee gave the Committee report.

Tom Watson, Street Section, Transportation Operations Division explained the storm water run-off around the property and why the run-off was not maintained.

Councilmember Dunn expressed concern regarding labeling this area a flood plain. She requested that the claim appeal be deferred for further review.

Mayor Wagnon removed the claim appeal from the agenda and referred it back to the Legal Department for further review.

PROJECT BUDGET AND RESOLUTION NO. 7050 introduced by Mayor Joan Wagnon, authorizing Sanitary Sewer Project No. 40856 located in an area bounded by North Topeka Blvd., Soldier Creek, Menninger Road, and Sproaton Lane, were presented.

Jeff Hunt, Engineering Department appeared for questions.

Councilmember Carkhuff moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Lee carried. Councilmember Dunn was out of the room. (7-1-0)

PRESENTATION by the State and City staff on the Topeka State Hospital Development Plan, was presented.

Barry Beagle, Planning Department gave the staff report. He explained the current land usage of the Topeka State Hospital grounds. He stated that a committee, which was commissioned by the Kansas Department of Administration, recommended a Master Land Plan to redevelop the Topeka State Hospital grounds as a business and technology park. He explained that the Master PUD Plan is a reflection of the Master Land Plan, which recognizes five major components: business office park; business light industrial; commercial land use; office land use; and multiple family residential land use.

Art Griggs, Kansas Department of Administration and Phil Morse, Kansas Commercial Real Estate Services appeared to present the Master Land Plan for the proposed Kanza Business and Technology Park and to introduce the different entities and people that have been working with the development of the plan. They emphasized the economic benefits of the proposed business and technology park and stated that a Board of

Trustee has been developed for the proposed park. They encouraged approval of the zoning change for positive development at the Topeka State Hospital campus that is sitting largely vacant.

Clay Lloyd, member of the Legislative Advisory Committee appeared in support of the project. He stated that the proposed plan was an opportunity for the revitalization of the inner City.

Candace Shively, representative of Social and Rehabilitation Services (SRS) appeared to present an update regarding the Division of Services for the Blind, which is located at the Topeka State Hospital grounds. She stated that SRS has announced plans to move the facility to a new location and explained how accommodations were being made for the different areas within the division and in what capacity it would function in the future.

Councilmember McClinton asked how traffic signalization would be developed.

Art Griggs stated that traffic signalization would be developed with the growth of the park.

Mayor Wagnon noted that U.S.D. 501 has explored putting a sports complex there but it is not part of the current plan.

Councilmember Dunn asked if there were any projections of how much revenue would be generated by taxes.

Art Griggs explained that tax revenue could not be projected until development starts to spur.

Councilmember McClinton asked if the right-of-ways have been included as part of the plan.

Barry Beagle stated that approximately eighty-five feet of property has been dedicated to future right-of-ways.

Councilmember Pomeroy asked if they were approving the road structure of the complex. He also asked if some of the existing buildings would be preserved, particularly the Administration Building.

Barry Beagle stated that there is opportunity for adjustments in the Master Plan for street alignments so historical structures like the Administration Building could be preserved. He explained the potential impact to

Gage Boulevard and the exit points onto MacVicar Street. He stated that it is anticipated that MacVicar will be updated to a four-lane street and eventually would connect to Gage Boulevard at some point in the future.

Art Griggs explained that it would not be impossible to preserve the Administration Building, but it would be very costly.

Councilmember Lee asked who would provide financing for street improvements as the development progresses.

Art Griggs explained examples of financing street improvements with other types of larger developments within the City.

Mayor Wagnon asked if there was anyone present who wanted to speak on the proposed project. She stated that they wanted to allow public comment because of the multitude of the project.

Several people appeared to speak regarding the project. Comments included: future plans need to include adequate water drainage that would accommodate the development and fix current drainage problems; opposed unless better accommodations are made for the Division of Services for the Blind; the increased amount of traffic would create too much congestion with the current street structure; establish better safety mechanisms at Frazier Street for the safety of the approximately six hundred children that cross it daily to attend the Family Service and Guidance Center; and concerns with placing a business complex next to a middle school.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Joan Wagnon pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, was presented for first reading. (CPA00/01)

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 commonly known as the Topeka State Hospital Complex and generally

bounded by S.W. 6<sup>th</sup> Street, I-70, S.W. MacVicar Avenue and S.W. Oakley Street to the south, north, east and west respectively, in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District all to "PUD" Planned Unit Development District (mixed land use), was presented for first reading. (Z00/01)

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmember John Alcala, exempting certain property, more specifically property owned by Mainline Printing, 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 818 Adams, Topeka, Kansas, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, authorizing Bridge Project No. 12044, which provides for construction of the bridge and approaches of Burlingame Road over Shunganunga Creek, north of 45<sup>th</sup> Street and Burlingame Road, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon designating and establishing Trafficway Improvement Project No. 70179 of the City of Topeka and authorizing the improvement of said trafficway located at Huntoon Street from 300 feet east of Fairlawn Road to McAlister Street, hereinafter known as Trafficway Improvement Project No. 70179, all under the authority of K.S.A. 12-685 et seq., was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 50-foot wide public right-of-way as dedicated by Terra Heights Subdivision, City of Topeka, Shawnee County, Kansas; on property located on the south side of SW Sanneman Drive in the City of Topeka, Kansas, was presented for first reading. (V00S/1)

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 at 701 SW Lane Street in the City of Topeka, Kansas from "M-1" Two-Family Dwelling District to "M-S" Medical Services District, was presented for first reading. (Z00/02)

AN ORDINANCE introduced by Mayor Joan Wagnon amending § 107, Fees of the Uniform Building Code, 1997 Edition, was presented for first reading.

Jeff White, Public Works Director distributed a handout that included information regarding revenues that would be generated by the fees.

Deputy Mayor Carkhuff referred the ordinance to the Economic Development Committee for further review.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, CAO presented an update on the Watertower project and status of development and disposition agreements with Sapphire and Wallace Theatre Group. He explained that staff is working on presenting a full report to Council that will include all details from the developers, architects and planners. He distributed pictures of the renovations that are being done at Rueger Park. He announced that Development Services would be hosting an open house on Thursday, March 9, 2000 from 10:00a.m. to 1:00p.m. at 515 S. Kansas. He noted the work that is being done with the cameras and sound system. He also stated that he has distributed information regarding the budget.

Councilmember Dunn expressed concern about not looking at the needs expressed by residents within the Watertower District as they move through the planning process.

Councilmember Gardner suggested including Council in the planning process more.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Gardner stated that the Community Development Committee met earlier regarding the graffiti ordinance. He stated that the committee voted in favor of both ordinances and requested that they appear on a future agenda.

Councilmember Lee stated that the Public Health and Safety Committee has met regarding the smoking ordinance and they have approved it by a three-zero vote. She stated that they received comments from a large group of people.

Councilmember Pomeroy stated that the Economic Development Committee is currently reviewing the smoking ordinance. He stated that they are considering some amendments to the ordinance.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Dunn requested that her ordinance dealing with downsizing appear on a future agenda. She stated that she read a news article that the City is looking at privatizing the Police Impound Lot.

Karen Holstein, Director of Financial Services stated that a Request for Proposal has not gone out, but it is something that is being reviewed.

Councilmember Dunn requested that Council be given periodic updates. She also asked for an update regarding the renaming of Code Compliance.

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

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Iris Walker  
City Clerk



## Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 7, 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, Dunn, McClinton, Carkhuff, Hill, Lee and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Duffy –1.

### 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 March 7, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street to consider the advisability of paving a portion of the Aquarian Acres Subdivision known as Aries Avenue.

Bill McCarter, Engineering gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Several people appeared in opposition to the project. Comments made in opposition included: method of funding; street paving should be the developer's responsibility; the project would not serve all residents in the area and some would be paying for a service they wouldn't be receiving.

Gilbert Gonzales appeared in opposition to the project and distributed a letter that was sent to the purchasers of residential lots in Aquarian Acres Subdivision from the original developers, M.W. Watson Inc. He stated that the letter summarized the costs that would be the developer's responsibility.

Gene Bilynsky appeared in support of the project. He stated that his mother has purchased a lot of land that would allow her to relocate to the area so that she could be closer to her family.

Eric Dinkel, developer of the project appeared to explain the proposed project and distributed a handout.

Councilmember Dunn stated that she supported the project. She asked if the developer was aware of any contracts that exist with the land.

Councilmember Lee suggested deferring the vote for one week until the existing contracts have been reviewed.

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

Councilmembers Alcalá suggested checking with the Register of Deeds to see how many contracts existed with the land.

Councilmember McClinton asked if the letter distributed by Gilbert Gonzales was a legal contract.

Councilmember Carkhuff suggested looking to see if there was any developer agreements filed with the final plat of the subdivision. He also requested information regarding the trust of M.W. Watson, Inc., to see if it holds any responsibilities to the project.

Mayor Wagnon withdrew the petition, project budget and resolution for one week so that the project could be further reviewed.

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### 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 March 7, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the City Clerk, on all lots, parcels and pieces of ground liable for the cost of Street Improvement Project No. 60542-H, paving of Westport Drive, 34<sup>th</sup> Place and Glendale Drive.

Bill McCarter gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

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

ORDINANCE NO. 17471 introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60542-H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60542-H as defined and described in Resolution No. 6920, adopted and approved September 16, 1998, placed on first reading February 22, 2000, was again presented.

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

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Bill McCarter gave the staff report and distributed a handout.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

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

ORDINANCE NO. 17472 introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of lateral sanitary sewer with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40872-H, as defined and described in Resolution No. 6874, adopted and approved April 28, 1998, placed on first reading February 22, 2000, was again presented.

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

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Iris Walker  
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