

City Council Minutes – March 21, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 21, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, McClinton, Dunn, Duffy, Lee, and Gardner –6. Mayor Wagnon presided-1. Absent: Councilmembers Pomeroy, Carkhuff and Hill -3.

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 Councilmembers Pomeroy and Hill were absent because they were out of town on spring break and Councilmember Carkhuff would be late.

Mayor Wagnon stated that Items 2A, a resolution between the City of Topeka and Phillip Billard Airport for the Topeka Police helicopter, and 2C, a Final Plat for Linwood Subdivision, would be removed from the consent agenda and placed directly following Item 5A as requested by Councilmembers Gardner and Duffy.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Bauersfeld's Market Place Subdivision No. 1 by JDN Realty Corporation on property located about the east side of NW Topeka Boulevard between NW Independence Avenue and NW Lyman Road in the City of Topeka, Kansas, was presented.

Minutes of the Regular Meeting of March 14, 2000, were presented.

Councilmember Dunn asked if the minutes could be deferred until they have had a chance to review them.

Councilmember Dunn moved to approve the consent agenda as amended. The motion seconded by Councilmember Alcalá carried unanimously. (6-0-0)

ORDINANCE NO. 17480 introduced by Mayor Joan Wagnon amending City of Topeka Code § 54-43 pertaining to defacement of property by graffiti and specifically repealing said original section, placed on first reading January 25, 2000, was again presented.

ORDINANCE NO. 17481 introduced by Mayor Joan Wagnon amending Topeka City Code §§ 66-27, 66-31, 66-31.1, and 66-31.2, pertaining to nuisances, including defacement of property by graffiti in the illustrative enumeration, excepting graffiti nuisances from the imposition of the thirty-five dollar (\$35.00) administrative fee, and specifically repealing said original sections, placed on first reading January 25, 2000, was again presented.

Councilmember Gardner gave the Committee report. He stated that the Committee recommended "do pass" by a three-zero vote. He commended Mayor Wagnon for introducing both of them.

Councilmember Gardner moved to approve the Committee report and adopt both of the ordinances. The motion was seconded by Councilmember Alcala.

Councilmember Duffy asked who is responsible for graffiti once it is on private property.

Linda Jeffrey, City Attorney stated that it would be the property owner's responsibility.

Councilmember Duffy stated that the perpetrator of the crime should be responsible for cleanup.

Councilmember Duffy moved to amend the language in line 20 of the first ordinance to replace "may" with "shall" and in line 22 add, "to pay any cost incurred by the owner or the City". The motion seconded by Councilmember Gardner carried unanimously. Councilmember Carkhuff entered the chambers. (7-0-0)

Both ordinances as amended were adopted on roll call vote as follows: Alcala, McClinton, Dunn, Carkhuff, Duffy, Lee, and Gardner –7. Absent: Councilmembers Pomeroy and Hill -2.

RESOLUTION NO. 7053 introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire easements by eminent domain for City of Topeka Storm Sewer Project No. 50095, Phase 2, from the intersection of SE Illinois Avenue and SE 32nd Street, was presented.

Jeff White, Public Works Director gave the staff report and explained why the condemnation process is necessary to move forward with the project.

Councilmember McClinton moved to adopt the resolution. The motion seconded by Councilmember Lee carried unanimously. (7-0-0)

FINAL PLAT for Linwood Subdivision on property located at the northeast corner of NW 46th Street and NW Green Hills Road in unincorporated Shawnee County, Kansas, was presented.

John Dugan, Planning Director gave the staff report.

Councilmember Duffy stated that it is not compatible for agriculture usage. He expressed concern regarding the inability to follow the comprehensive plan.

John Dugan responded to concerns raised.

Councilmember Dunn moved to accept public dedication. The motion seconded by Councilmember Gardner carried. Councilmember Duffy voted "no". (6-1-0)

RESOLUTION NO. 7054 between the City of Topeka and the Phillip Billard Airport for the Topeka Police helicopter, was presented.

Councilmember Dunn asked how many counties are covered by the helicopter and if they have been asked to help pay for the cost of the lease.

Col. Ed Klumpp, Police Department stated that they were working on that per direction of the Council.

Councilmember Gardner requested a report regarding what the rent has been in the past.

Kevin Rooney, Housing and Neighborhood Development explained why the lease was not presented to the Council last year. He stated that the lease was executed for a two-year period in March of 1998 prior to adoption of an ordinance requiring leases over \$10,000 to come before the Council. He noted that the size of the hangar suits the City's needs and financially is a good deal.

Councilmember Gardner stated that he would not support approval until after the 2001 budget has been reviewed.

John Arnold, Chief Administrative Officer stated that the market value for lease of the hangar is \$30,000 annually.

Councilmember Dunn asked if this would fit criteria to receive funds through a federal grant.

Col. Klumpp stated that he did not know of any grant that would pay for the lease but he would check on it.

Councilmember Lee moved to adopt the resolution. The motion seconded by Councilmember Carkhuff carried. Councilmember Gardner voted "no". (6-1-0)

AN ORDINANCE 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. 60543-H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60543-H as defined and described in Resolution No. 6932, adopted and approved October 6, 1998, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the 2400 block of S.W. Stutley Road, and said land being annexed for all City purposes, is hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, was presented for first reading. (A00/1)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the 2300 and 2400 blocks of S.W. Romar Road, S.W. Rother Road, and S.W. Indian Hills Road, and said land being annexed for all City purposes, is hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, was presented for first reading. (A00/2)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the vicinity of S.W. Stutley Road and the City boundary, and said land being annexed for all City purposes, is hereby assigned to a specific City Council

District in accordance with Section A2-18 of the Code of the City of Topeka, was presented for first reading.
(A00/3)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located in the vicinity of S.W. 41st Street and the City boundary, said land being annexed for all City purposes and hereby assigned to a specific City Council District in accordance with Section A2-18 of the Code of the City of Topeka, was presented for first reading. (A00/4)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, CAO stated that he distributed an article in the Council's boxes regarding taxing Internet sales for their review.

Councilmember Dunn stated that there is a two-year moratorium on taxing Internet sales.

Councilmember Gardner stated that the Committee issued a report today that extended the moratorium.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember McClinton announced that the Public Improvements Committee would meet Wednesday, March 22, 2000 at 5:15p.m. at 515 Kansas Avenue to discuss parking issues.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá asked who determines the curb repair list.

Mayor Wagnon stated that it was on a first come, first serve basis until the money runs out.

Jeff White stated that a certain amount is budgeted annually.

Councilmember Alcalá suggested looking at that process because it doesn't allow for repairs to curbs that really need to be improved.

Councilmember Lee asked what mechanisms are in place for flashing lights downtown so the hearing impaired know when they are at an intersection.

Jeff White explained the devices that are in place and the times they are actuated.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 21, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Alcalá, McClinton, Dunn, Duffy, Lee, and Gardner –6. Mayor Wagnon presided-1. Absent: Councilmembers Pomeroy, Carkhuff and Hill -3.

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 21, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment on the FY2000 Consolidated Plan.

Bill Fiander gave the presentation on the Consolidated Plan and budget. He stated that the projected resources total \$3.7 million. He also stated that Council approval is tentatively scheduled for April 11, 2000 and the plan must be submitted to HUD prior to April 14, 2000.

Mayor Wagnon gave an opportunity for anyone present to speak.

Several people appeared and commented on the proposed funding recommendations. Comments made included: the Tool Lending Library should be fully funded; the loan to landlords program should include some stipulations and guidelines to make it work; there should be funding added for summer job programs; a request was made for a float loan program for the development of affordable housing projects; and continue funding for the home buyer programs, which is administered through Housing and Credit Counseling, because of its successful.

The Planning Department and Housing and Neighborhood Development Department staff was complimented on the plan and the process used to create it.

Councilmember Alcalá stated that he supported the Tool Lending Library because of the scope of people who were able to use it.

Councilmember McClinton stated that he supports the loan to landlords program. He stated that all the residents benefit because the money is used to make neighborhoods safer.

Mayor Wagnon explained the purpose of the float loan program.

Councilmembers Alcalá and Dunn requested guidelines for the \$100,000 earmarked for the loan to landlords program.

Councilmember Carkhuff entered the chambers.

Mayor Wagnon explained that written requests for funding recommendations must be submitted to Housing and Neighborhood Development (HND) prior to March 24, 2000.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Gardner carried unanimously. (7-0-0)

Mayor Wagnon stated that they would like to change the program year so that it coordinates better with the City's budget.

Councilmember Dunn asked for an explanation of the plan.

John Johnston, Director of Housing and Neighborhood Development explained the elements of the document and the differences from last year's plan. He emphasized Section VI, the action plan. He explained that this reflects the impacts.

Councilmember Alcalá asked how much was earmarked for the graffiti program. He stated that he would like to see this program privatized.

John Johnston stated that approximately \$6,000 is earmarked for the graffiti cleanup program per year, with \$2,000 of that for paint and about \$400 for supplies.

Councilmember Alcalá asked the difference between program delivery charges and administrative charges.

John Johnston stated that functions within the department are administrative and other functions are specific to the program. He noted that these functions are guided by restrictions from HUD.

Councilmember Alcalá requested a copy of the restrictions. He also stated that he supported summer job programs.

Councilmember Dunn asked how much of John Johnston's salary comes from administrative fees, Topeka Housing Authority's (THA) budget and Code Compliance.

Mayor Wagnon explained how the director's salary was paid.

Iris Walker
City Clerk