

City Council Minutes – June 27, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 27, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –9. Mayor Wagnon presided -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Mike Chamberlain, First United Methodist Church.

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

Mayor Wagnon stated that Item 2B, a Final Plat for Graybeal Subdivision would be removed from the consent agenda and placed directly following Item 4A as requested by Councilmember Duffy.

Councilmember Duffy moved to suspend the rules to add a Final Plat for Larson's Subdivision to the consent agenda. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

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

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Westport Center Subdivision No. 2 on property located about the southwest corner of SW 21st Street and SW Westport Drive in the City of Topeka, Kansas, was presented.

RESOLUTION NO. 7070 introduced by Mayor Joan Wagnon of the City of Topeka, Kansas providing for the City Council's consent to the issuance of Special Revenue Bonds by Shawnee County, Kansas, for the purpose of financing the acquisition of a site and the construction, equipping and furnishing of a building thereon for the Kansas State High School Activities Association, Inc., located in said County, was presented.

RESOLUTION NO. 7071 introduced by Mayor Joan Wagnon, appointing a Local Freedom of Information Officer for the City of Topeka and providing for the officer's duties, was presented.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors were presented for Berkshire Country Club, 3720 SW 45th Street and The Dock Convenience Store, 2838 SE 29th Street.

Minutes of the Regular Meeting of June 20, 2000, were presented.

A FINAL PLAT for Larsen Subdivision on property located at 4311 NE Indian Creek Road within unincorporated Shawnee County, Kansas, was presented.

Councilmember Lee moved to approve the consent agenda as amended. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

ZONING PETITION (Z00/24) by Mary K. Mulanax requesting to amend the District Zoning Classification from "R-2" Single Family Dwelling District to "R-4" Single Family Dwelling District on property located at the northeast corner of NW Morse Street and NW Polk Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17520 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 the northeast corner of NW Morse Street and NW Polk Street in the City of Topeka, Kansas from "R-2" Single Family Dwelling District to "R-4" Single Family Dwelling District, placed on first reading June 6, 2000, was again presented. (Z00/24)

Barry Beagle, Planning Department gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Mary Mulanox, the applicant appeared and explained her request. She stated that the mobile home would be put on a foundation and commented that it would blend in with the homes in the area.

Councilmember Gardner left the meeting.

Mayor Wagnon asked Councilmembers to declare exparte communications.

Councilmembers Lee, Alcalá and Pomeroy stated that they had communications and/or conversations regarding the request.

Councilmember Lee moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Hill carried. Councilmembers Alcalá and Duffy voted "no". (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Dunn, Carkhuff, Lee, and Hill –6. Noes: Councilmembers Alcalá and Duffy -2. Councilmember Gardner left the meeting -1.

A FINAL PLAT for Graybeal Subdivision No. 4 on property located about the east side of NW Greenhills Road at NW 52nd Street in unincorporated Shawnee County, Kansas, was presented.

Councilmember Duffy asked if the request was defined as "sprawl".

Barry Beagle explained that there are urban services to the proposed area.

Councilmember Duffy read the definition of "sprawl" and stated that he believed this request meets it.

Councilmember Carkhuff expressed concerns about urban growth outside the City limits. He stated that the City gets no benefit other than water and sewer charges. He commented that it should be presented to the County for approval because the request is outside City limits.

Councilmember Hill moved accept the public dedication. The motion seconded by Councilmember Lee carried. Councilmembers Pomeroy, McClinton and Duffy voted "no". (5-3-0)

Councilmember Dunn moved to extend the meeting through public comment. The motion seconded by Councilmember Hill carried. Councilmember Alcalá voted "no". Councilmember Carkhuff was out of the room. (6-2-0)

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

AN ORDINANCE introduced by Mayor Joan Wagnon amending the Master PUD Plan of Kanza Business & Technology Park by providing for a USD 501 Sports Complex on 44-acres located at the northeast corner of SW 6th Street and SW Oakley Avenue in the City of Topeka, Kansas, was presented for first reading. (Z00/01A)

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 on the west side of SW Urish Road, approximately 239-feet north of SW 29th Street in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District to "PUD" Planned Unit Development, was presented for first reading. (Z00/03)

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 the southeast corner of SE 21st Street and SE Madison Street in the City of Topeka, Kansas from "PUD" Planned Unit Development (Commercial) to "PUD" Planned Unit Development (Multi-Family), was presented for first reading. (Z00/23)

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 the southwest corner of SE 21st Street and SE Madison Street in the City of Topeka, Kansas from "PUD" Planned Unit Development District (C-4 Commercial use group) to "PUD" Planned Unit Development ("C-4" Commercial use group limited to non-profit fraternal organizations), was presented for first reading. (Z00/25)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a portion of a 20-foot wide alley right-of-way as dedicated with the plat of Walnut Grove Subdivision, and generally extending 176.51 feet south of SW 20th Street; AND, a public ingress-egress easement generally located congruent with

Lots 733 and 735 on SW Harrison Street as dedicated within said Walnut Grove Subdivision, was presented for first reading. (V00A/1)

Mayor Wagnon stated that John Arnold needed to leave the meeting but he asked her to give a status on construction of the skate board park. She stated that construction would begin on July 10, 2000 and would be completed within sixty-five days.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn distributed a copy of a memo and ordinance regarding the proposed city manager form of government. She asked the Mayor to schedule the ordinance for a future agenda.

Mayor Wagnon stated that she would place the ordinance on a future agenda.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 27, 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, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9. Mayor Wagnon presided –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 June 27, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to continue consideration of the adoption of the Redevelopment Plan for WaterTower 2000.

Mayor Wagnon stated that anyone present who spoke at the public hearing last week would not be able to speak again per Council Rules.

Councilmember Gardner challenged the rule of the chair.

Mayor Wagnon asked for a vote on whether to sustain the ruling of the chair.

The ruling of the chair was upheld. Councilmembers Hill and Gardner voted "no". (7-2-0)

Mayor Wagnon gave an opportunity for anyone present to speak.

Several people appeared in support of the redevelopment plan and commented that the project would provide things for young adults to do so they wouldn't go to surrounding cities, it would provide an opportunity to make a positive impact for Topeka, and the project would spur other development. A letter from the Central Topeka Turn Around Team in support of the project was distributed.

Several people appeared in opposition to the project. Those opposing commented that other sources of funding should be found rather than using \$500,000 of CDBG funds per year, the redevelopment would create too much competition with existing businesses, and the City should not use eminent domain to obtain property for private business.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

ORDINANCE NO. 17519 introduced by Mayor Joan Wagnon, adopting the WaterTower 2000 Redevelopment Plan for the Watertower Place Redevelopment District, including authorizing the issuance and selling of full faith and credit tax increment bonds and temporary notes, all as provided for in K.S.A. 12-1770 et seq, placed on first reading June 20, 2000, was again presented.

Linda Jeffrey, City Attorney distributed some technical amendments to the ordinance and suggested that the Council incorporated them.

Councilmember Gardner moved to adopt the technical amendments. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

Questions were raised about the net worth of companies owned by the developers, parking revenues, cost of landscaping, the proposed street scape, the amount of taxes currently generated from the district, hotel agreements, Tax Increment Financing, and if projected revenues would be enough to pay off the bonds.

Bill Costello, Sapphire Development and Larry Steele, President of the Hoops USA responded to questions about net worth.

John Arnold, CAO and Beth Schafer, Assistant City Attorney responded to other questions regarding the redevelopment plan. They noted that \$270,000 is currently being generated by taxes but that amount would increase to approximately \$1.5 million because of development. They explained that no taxes would be collected until the property is conveyed to the developer. They also explained how the bonds would be paid off. They commented that they have worked with staff, consultants, the county appraiser and potential developers to make financing for the project as sound as possible.

Mayor Wagnon read a communication from Mr. Rotert, HUD Representative in response to questions raised about the use of CDBG funds.

Several Councilmembers spoke in support of the project. They commented that the project and the use of CDBG funds would benefit the entire community. They also commented that it would create economic growth, create new jobs, provide a link to the East Side of the city and presents a great opportunity for the city.

Councilmember Gardner stated that he would vote against the project because the project would not solve the city's crime problem.

Councilmember Alcala stated that he did not believe the plan was ready for a vote. He stated that there were no guarantees in the plan and it does not meet requirements.

Councilmember Dunn stated that there were local developers willing to develop the area without tax money and she would like to see the city back off and give them an opportunity. She stated that she was not willing to remove people from their homes without guaranteed development. She suggested putting housing downtown and removing the Tax Increment Financing District.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, McClinton, Carkhuff, Duffy, Lee, and Hill –6. Noes: Councilmembers Alcala, Dunn and Gardner -3.

PROJECT BUDGET & RESOLUTION NO. 7072 introduced by Mayor Joan Wagnon, providing for the necessary infrastructure improvements to the Watertower Redevelopment Project Area and authorizing the same, were presented.

Councilmembers Carkhuff moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember McClinton carried. Councilmembers Alcala, Dunn and Gardner voted "no". (6-3-0)

A COMMUNICATION reaffirming the Mayor's authorization to sign Disposition and Development agreements with Wallace Theater Corporation II, (Contract No. 30600) and Sapphire Properties, Inc., (Contract No. 30599), was presented.

Linda Jeffrey explained that the revised documents contain modifications necessary to conform to the amendments accepted by the Council and to clarify terms and conditions that the council agreed to. She stated that the two agreements are consistent with the action taken by the council on May 20, 2000.

Councilmember McClinton moved to approve the communication. The motion seconded by Councilmember Lee carried. Councilmembers Alcala, Dunn and Gardner voted "no". (6-3-0)

CONTRACT NO. 30598 between the City of Topeka and Community Sports and Events, Inc., a spin off The Hoop USA Inc., for purchase of land to build and operate a multi-purpose sport and event center, was presented.

John Arnold and Beth Schafer explained the conditions of the agreement.

Councilmember McClinton moved to approve the contract. The motion seconded by Councilmember Pomeroy carried. Councilmembers Alcala, Dunn and Gardner voted "no". (6-3-0)

Iris Walker
City Clerk