

## City Council Minutes – July 11, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 11, 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, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -1.

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

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

Mayor Wagnon stated that Item 2C, a Final Plat for Indian Woods North Subdivision, would be removed from the Consent Agenda and discussed directly following as requested by Councilmember Duffy.

THE CONSENT AGENDA was presented as follows

A FINAL PLAT for Abbey's Grove Subdivision on property located at the northeast corner of SE Scorpio Avenue and SE 27<sup>th</sup> Street in the City of Topeka, Kansas, was presented.

A FINAL PLAT for Saint Sebastian Subdivision on property extending west of SW Burlingame Road, the centerline of which is approximately 1,450-feet south of I-470 in the City of Topeka, Kansas, was presented.

PETITION, PROJECT BUDGET AND RESOLUTION NO. 7073 introduced by Mayor Joan Wagnon authorizing Sanitary Sewer Improvement Project No. 40596-H, Phase 3, providing for sanitary sewer service in Oakwood Hills Subdivision as more specifically described herein, were presented.

PETITION, PROJECT BUDGET AND RESOLUTION NO. 7074 introduced by Mayor Joan Wagnon authorizing Street Improvement Project No. 60389-H, Phase 2, which provides for improvement of SE 44<sup>th</sup> Terrace, Oakwood Street, Oakview Lane, and Oakview Court as more specifically described herein, were presented.

Minutes of the Regular Meeting of June 27, 2000, were presented.

Councilmember Gardner moved to approve the consent agenda as amended. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

A FINAL PLAT for Indian Woods North Subdivision on property located on the south side of NE 31<sup>st</sup> Street and extending west of the proposed Oakland Expressway right-of-way in unincorporated Shawnee County, Kansas, was presented.

Councilmember Carkhuff entered the room.

Councilmember Duffy expressed concerns about there being no sanitary sewer service to this site.

John Dugan, Planning Director stated that extending sewer service to the site would cost approximately \$1.5 million.

Several Councilmembers commented that it would be better to require sewer service now than to wait until the Kansas Department of Health and Environment (KDHE) required it. They noted that the property would eventually be annexed into the City because of the signed consent of annexation agreement, which could potentially be a concern for the City in the future.

Councilmember Carkhuff requested additional information about the septic tanks, percolation of the area, soil sampling and estimates to provide sewer service.

Councilmember Pomeroy moved to refer the final plat back to the Planning Commission for further review. The motion seconded by Councilmember Gardner carried unanimously. (9-0-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17522 introduced by Mayor Wagnon pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, placed on first reading June 27, 2000, was again presented. (CPA00/2)

John Dugan described the vision and goals for the neighborhoods of Topeka. He stated that it was a product of nine months of work by an advisory committee appointed by Mayor Wagnon.

Michael Bell appeared and expressed his concerns about the plan. He raised several questions and offered some suggestions to include in the Plan.

Betty Phillips appeared and urged the Council to remove references in the plan about adopting revisions to the existing City Code regarding the Community Development Advisory Council (CDAC).

Councilmember McClinton moved to amend the language and remove the text from item #7 located on pages 27-28, and remove the two corresponding "Action Steps" located on page 43. The motion was seconded by Councilmember Pomeroy.

Councilmember Dunn made a substitute motion to remove only the 2<sup>nd</sup> "Action Step" from item #7 located on page 28 and remove the corresponding "Action Step" located on page 43. The motion seconded by Councilmember Gardner carried. Councilmembers Pomeroy, McClinton and Lee voted "no". (6-3-0)

Councilmember Carkhuff commented that he would like to see the CDAC bring people in from the private sector to work with the public agencies for partnership development.

Councilmember Alcalá made a motion to amend the plan by removing the words "an updated" in the 1<sup>st</sup> "Action Step" of item #7 located on page 28. The motion was seconded by Councilmember Dunn.

Councilmember Carkhuff asked that the motion also include the language "private sector" in the 1<sup>st</sup> "Action Step", following the words "parks and recreation".

Both Councilmember Alcalá and the second concurred.

The motion to amend the language in item #7, of the 1<sup>st</sup> "Action Step" by removing "an updated" and inserting "private sector" following the words "parks and recreation" carried. Councilmember Duffy voted "no". (8-1-0)

Councilmember Gardner moved to approve the Neighborhood Element Plan as amended. The motion seconded by Councilmember Dunn carried. Councilmember Duffy was out of the room. (8-1-0)

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

ZONING PETITION (Z00/01A) requesting to amend the Master PUD Plan of Kanza Business and Technology Park to provide for the development of a USD 501 sports complex as an alternate development concept for a 44-acre portion located at the northeast corner of SW 6<sup>th</sup> Street and SW Oakley Avenue in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17523 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 6<sup>th</sup> Street and SW Oakley Avenue in the City of Topeka, Kansas, placed on first reading June 27, 2000, was again presented. (Z00/01A)

Mayor Wagnon gave the opportunity for anyone present to speak.

Scott Gates, State of Kansas, Department of Administration appeared to answer questions. He explained that with this development, approximately two hundred acres would still remain for potential development.

Councilmember Pomeroy stated that he had no conflict of interest and he would vote on the petition. He noted that even though the development would not generate property tax, the events held there would generate other revenue.

Several Councilmembers commented that they support development of the Kanza Business Park and the possibility of bringing outside businesses to the City.

Mayor Wagnon asked Councilmembers to declare ex parte communications.

Councilmember Gardner stated that he has had communications with people involved with the request.

Councilmember Dunn moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9.

A FINAL PLAT for Mission Heights Subdivision on property located about the northwest corner of SW 29<sup>th</sup> Street and SW Urish Road in the City of Topeka, Kansas, was presented.

ZONING PETITION (Z00/03) by Parkdale LLC and St. Charles LLC requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "PUD" Planned Unit Development District on property located on the west side of SW Urish Road, approximately 239-feet north of SW 29<sup>th</sup> Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17524 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 29<sup>th</sup> Street in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District to "PUD" Planned Unit Development, placed on first reading June 27, 2000, was again presented. (Z00/03)

Barry Beagle explained the request.

Mayor Wagnon gave an opportunity for anyone present to speak.

Marge Bradshaw stated that County residents did not vote for this. She said it was urban sprawl and the street is inadequate for development.

Mayor Wagnon asked Councilmembers to declare ex parte communications.

Councilmember Gardner stated that he has had communications with one of the developers for the project.

Councilmember Gardner moved to approve the final plat, petition and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9.

ZONING PETITION (Z00/23) by The Topeka-Shawnee County Metropolitan Planning Commission requesting to amend the District Zoning Classification from "PUD" Planned Unit Development District ("C-4" Commercial use group) to "PUD" Planned Unit Development District ("M-2" Multi-Family Dwelling use group) on property located at the southeast corner of SE Madison Street and SE 21<sup>st</sup> Street in the City of Topeka, Kansas, was presented.

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 21<sup>st</sup> Street and SE Madison Street in

the City of Topeka, Kansas from "PUD" Planned Unit Development (Commercial) to "PUD" Planned Unit Development (Multi-Family), placed on first reading June 27, 2000, was again presented. (Z00/23)

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember McClinton stated that members of the Jefferson Square Neighborhood Improvement Association wanted to down zone this area.

Mayor Wagnon asked Councilmembers to declare exparte communications.

Councilmember McClinton and Dunn stated that they have had discussions with people involved with the request.

Councilmember McClinton moved to concur with the recommendations of the Zoning and Platting Committee to disapprove the request. The motion seconded by Councilmember Lee carried. Councilmember Gardner voted "no". (8-1-0)

ZONING PETITION (Z00/25) by The Topeka-Shawnee County Metropolitan Planning Commission requesting to amend the District Zoning Classification from "PUD" Planned Unit Development District ("C-4" Commercial use group) to "PUD" Planned Unit Development District ("C-4" Commercial use group limited to Section 48-13.02(a)(9) - Private membership association, club, lodge, or fraternal organization, and eligible as a class B private club subject to applicable licensing requirements) on property located at the southwest corner of SE Madison Street and SE 21<sup>st</sup> Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17525 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 21<sup>st</sup> 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), placed on first reading June 27, 2000, was again presented. (Z00/25)

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember McClinton explained the restrictions of the request.

Mayor Wagnon asked Councilmembers to declare exparte communications.

Councilmembers McClinton and Dunn stated that they had discussions with individuals in the respective districts about the request.

Councilmember McClinton moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9.

Dave Graverson, Capital Improvement Coordinator explained that the 2000 General Improvement Fund has an operating budget of \$361,000, and of that amount, a total of \$124,745 has not been allocated. He stated that the projects listed on this section of the agenda are recommended to use that unallocated amount. He noted that these projects are within the established debt service model.

Several Councilmembers expressed appreciation for the information provided on the projects including the source of funds.

PROJECT BUDGET Project No. 30127, Phase 7, for the implementation of the Shunga Trail Master Plan, was presented.

ORDINANCE NO. 17526 introduced by Mayor Joan Wagnon, authorizing Improvement Project No. 30127, Phase 7, which provides for the construction of a pedestrian/bicycle trail as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading June 6, 2000, was again presented.

Jeff Hunt, Engineering Department explained the project and why an additional \$39,000 was needed.

Larry Rhodes appeared and stated that he supported the whole trail plan.

Councilmember Duffy commented that this project is a quality of life issue. He stated that this trail is of little value unless the entire project is completed.

Councilmember McClinton moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9.

PROJECT BUDGET AND RESOLUTION introduced by Mayor Joan Wagnon, describing Improvement Project No. 170309, which provides for the City Fire Stations' connection to the City's computer network and authorizing the same, were presented.

Karen Holstein, Chief Financial Officer explained the request.

Several Councilmembers suggested using the money to fund other higher priority projects.

Jerry Kingsley, Fire Chief explained that the current system is not Y2K compliant and State records may not be available to them in a format they can use much longer.

Karen Holstein explained that approval of the proposal would provide the first link toward moving to a fiber optic network.

Councilmember Alcalá moved to table the project budget and resolution. The motion seconded by Councilmember Lee carried. Councilmember Lee voted "no". Councilmembers McClinton and Duffy were out of the room. (6-3-0)

RESOLUTION NO. 7075 introduced by Mayor Joan Wagnon authorizing the expenditure of Zoo Improvement Reserve Funds for the purpose of constructing a new jungle cat exhibit, animal holding facility, Asian exhibit, and Geotech work, pursuant to City of Topeka Code § 2-328, was presented.

David Mast, Director of the Zoo explained the projects.

Councilmember Gardner requested an update on the Master Plan for the Zoo.



Councilmember Gardner moved to table the resolution. The motion seconded by Councilmember Dunn failed. Councilmembers McClinton, Carkhuff, Duffy, Lee and Hill voted "no". (5-4-0)

Councilmember Duffy moved to adopt the resolution. The motion seconded by Councilmember Lee carried. Councilmember Gardner voted "no". (8-1-0)

PROJECT BUDGET AND RESOLUTION NO. 7076 introduced by Mayor Joan Wagnon, describing and authorizing an improvement to the Kossover Tennis Center, were presented.

Alan Hayes, Parks and Recreation explained the project.

Councilmember Lee moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Carkhuff carried. Councilmember Dunn was out of the room. (8-1-0)

PROJECT BUDGET AND RESOLUTION NO. 7077 introduced by Mayor Joan Wagnon, describing the Central Park Pump Station Replacement Project No. 29059-7, which provides for a new pump station and force main and authorizing the same, were presented.

Mark Green, Water Pollution Control explained the project.

Councilmember Lee moved to approve the project budget and adopt the resolution. The motion was seconded by Councilmember McClinton.

Councilmember Dunn moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcala carried. Councilmembers McClinton and Carkhuff voted "no". (7-2-0)

Ellen Ross stated that this project is a good example of how neighborhoods and City staff can work together. She stated that the pump station is in the middle of a neighborhood and staff worked with them and agreed on a facade that would blend in with the neighborhood.

Councilmember Alcala expressed his concern that adding the facade would set a precedent, which would add cost to these types of projects.

Councilmember Alcalá made a substitute motion to approve the project budget less \$50,000 for the facade on the pump station and adopt the resolution. The motion seconded by Councilmember Dunn failed. Councilmembers McClinton, Carkhuff, Duffy, Lee and Hill voted "no". (4-5-0)

The motion to approve the project budget and adopt the resolution carried. Councilmembers Alcalá and Dunn voted "no". (7-2-0)

PROJECT BUDGET AND RESOLUTION NO. 7078 introduced by Mayor Joan Wagon, describing and authorizing the design, acquisition and construction of a wetland treatment system in the Wanamaker Drainage Basin, were presented.

Mark Green explained the project.

Councilmember Duffy moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Hill carried. Councilmember Dunn voted "no". (8-1-0)

AN ORDINANCE introduced by Mayor Joan Wagon approving cost estimates of the proposed improvements to the municipally owned storm water sewer utility system of the City of Topeka, Shawnee County, Kansas, by constructing a new storm sewer system along Jackson Street from Crane Street to 6<sup>th</sup> Street and doing all other things necessary and incidental thereto, and authorizing the publication of the notice of intention of the Council of the City of Topeka, Kansas to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagon, Councilmembers Sam Carkhuff, Betty Dunn, Vanessa Hill and James McClinton, authorizing McDonald Field Ball Diamond Lighting Project No. 30213, which provides for the design and construction of new ball field lighting at McDonald Field Ball Diamond, specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing City of Topeka Ordinance No. 17445, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagon, authorizing Improvement Project No. 170310, which provides for the upgrading of the operational system of the City Hall elevator as more specifically

described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Mayor Wagnon stated that Item 5J, a Resolution that adopts the amended 2000 Capital Budget would be removed from the agenda for one week.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to the issuance of licenses by the City, amending City of Topeka Code § 30-30 and specifically repealing said original section, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Health and Safety Committee for further review.

AN ORDINANCE introduced by Mayor Joan Wagnon, amending City of Topeka Code § 154-121, Rates of fare, and specifically repealing said original section, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Health and Safety Committee for further review.

AN ORDINANCE introduced by Mayor Joan Wagnon, repealing City of Topeka Code § 2-450, Vehicles, was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing Fiesta Mexicana to sell and dispense cereal malt beverages during the Fiesta, at specified locations and times, 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 within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-1" Light Industrial District, "C-4" Commercial District, and "M-2" Multiple Family District all to "X-1" Mixed Use District, was presented for first reading.

(Z00/14)

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 within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-2" Heavy Industrial District and "I-1" Light Industrial District all to "X-2" Mixed Use District, was presented for first reading. (Z00/15)

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 within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-1" Light Industrial District, "C-4" Commercial District, "C-2" Commercial District, and "M-2" Multiple Family District all to "X-3" Single Family District, was presented for first reading. (Z00/16)

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 within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-2" Heavy Industrial District, "I-1" Light Industrial District, "C-4" Commercial District, "M-2" Multiple Family District, "M-1" Two Family District, and "R-1" Single Family District all to "OS" Open Space District, was presented for first reading. (Z00/17)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced that the Public Health and Safety Committee would meet Monday, July 17, 2000 at Noon.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcala stated that he has received several calls from people questioning where the money that was donated last year to the helicopter fund has gone.

Mayor Wagnon suggested that they contact Beth Mechler, who was one of the project organizers.

Councilmember Pomeroy expressed concerns about the taxicab fare ordinance being held up for two weeks. He also requested that two ordinances regarding neighborhood watch signs and a condemnation for the drainage district in North Topeka appear on a future agenda.

Councilmember Dunn asked the City Attorney to check to see if they could get an extension from the County for the 2001 Annual Budget if it is not ready by August 25, 2000. She requested a status of the Information Technology Fund. She stated that several people have called to express their disappointment that Ted Lewis has been removed from the Hi-Crest area.

Councilmember Lee commented that she has heard wonderful things about the recent grand opening of the Blaisdell Pool.

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, July 11, 2000. The Councilmembers of the City of Topeka, Kansas met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, 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 July 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street in conjunction with vacation request V00A/1 by Sunflower Rents, Inc., owners, to vacate a portion of a 20-foot wide alley right-of-way as dedicated with Walnut Grove Subdivision, and generally extending 176.51 feet south of SW 20<sup>th</sup> Street; and an ingress-egress easement generally located congruent with lots 733 and 735 as dedicated within said Walnut Grove Subdivision in the City of Topeka, Kansas.

Barry Beagle, Planning Department explained the request.

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

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

ORDINANCE NO. 17521 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 20<sup>th</sup> 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, placed on first reading June 27, 2000, was again presented. (V00A/1)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner –9.

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Iris Walker  
City Clerk