

City Council Minutes – August 15, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 15, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, McClinton, Dunn, Duffy, Hill, and Gardner –6. Mayor Wagnon presided -1. Absent: Councilmembers Carkhuff, Pomeroy, and Lee -3.

AFTER THE MEETING was called to order, prayer was offered by Father Robert Terrell, Grace Cathedral.

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

Mayor Wagnon stated that Item 2B, a Final Plat for Westridge Business Park Subdivision would be removed from the consent agenda and discussed directly following as requested by Councilmember Hill.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Woodhull Villas Subdivision by R.A. Fulmer, on property located at the northwest corner of SW 15th Street and SW Woodhull Street in the City of Topeka, Kansas, was presented.

A FINAL PLAT for Urban Hills Subdivision No. 15 by Nation's Homebuilders, Inc., on property located directly west of NW Brickyard Road and extending either side of NW 53rd Street Terrace in unincorporated Shawnee County, Kansas, was presented.

A FINAL PLAT for Blackburn Subdivision by The Menninger Foundation on property located on the west side of SW Gage Boulevard, the centerline of which is approximately 1,970 feet south of SW 37th Street in unincorporated Shawnee County, Kansas, was presented.

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

Councilmember Dunn moved to approve the consent agenda except for Item 2B. The motion seconded by Councilmember Gardner carried unanimously. (6-0-0)

A FINAL PLAT for Westridge Business Park Subdivision on property located at the northeast corner of SW 21st Street and SW Arvon Place in unincorporated Shawnee County, Kansas, was presented.

Councilmember Hill asked who would be responsible for maintenance of the portion of 21st Street that runs along the proposed development.

John Dugan, Director of Planning explained that the applicant has agreed to consent of annexation so the County would maintain the streets until the proposed area is annexed into the City. He stated that the City has the option to annex the street or not.

Councilmember Pomeroy entered the room.

Councilmember Hill moved to accept the public dedication. The motion seconded by Councilmember McClinton carried unanimously. (7-0-0)

Councilmember Dunn moved to add an Item D for a Committee of the Whole discussion of the 2001 Operating Budget. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

A COMMUNICATION recommending the addition of three projects to the 2000 Capital Improvement Budget, was presented.

Dave Graverson, Capital Projects Coordinator explained the three projects recommended to be added to the 2000 Capital Improvement Budget. He stated that these projects fit within the debt service model.

Councilmember Gardner stated that he was opposed to adding projects and would stand by Council's previous decision on the 2000 Capital Budget.

Councilmember Alcalá stated that he agrees with Councilmember Gardner's opposition to the replacement of the Fire vehicle but supports the other two projects.

Councilmember Dunn noted that the pedestrian flashers at 33rd and Adams were moved to 27th and Adams to accommodate kids going to the Boys and Girls Club because of a study that was done two years ago.

Jeff White, Director of Public Works stated that they would verify these locations meet warrant before the flashers are installed.

Councilmember Duffy asked Dave Graverson to explain what happens to the model if they don't spend up to the maximum amount in the model for a given year.

Dave Graverson stated that the spending authority could be moved into another year or would just be an unspent amount of money for that year.

Councilmember Duffy stated that he supported all three projects and would be comfortable deferring action for one week when they consider the 2001 Capital Budget.

Councilmember Pomeroy moved to defer the communication for one week. The motion was seconded by Councilmember McClinton.

Councilmember Gardner stated that he was opposed to the motion because they should not have to wait until all Councilmembers are present to vote.

Councilmember Gardner made a substitute motion to bring back a resolution that includes the proposed projects for the 2000 CIB, along with the 2001-2002 Capital Budget and 2003-2006 Capital Improvement Program. The motion seconded by Councilmember Dunn carried. Councilmember Pomeroy voted "no".
(6-1-0)

Discussion and possible action on any or all portions of the Capital Improvement Program, two-year Capital Budget, and 2001 Operating Budget, was presented.

Mayor Wagnon noted that discussion of the 2001 Operating Budget was moved to Item 4D.

Dave Graverson explained the process and how the Capital Improvement Program dollars relate to the Comprehensive Plan. He stated that this year they are recommending a two-year Capital Budget. He explained that this would help them to see more realistically the time frame that staff is working under with Capital Projects.

Councilmember Gardner requested a breakdown of projects that would be paid for by the General Improvement Fund for 2001-2002.

Dave Graverson stated that \$405,000 would come from the General Improvement Fund for 2001 and \$1,150,000 for 2002.

Councilmember Gardner noted that they are looking at a one-mill increase in property tax to fund the Capital Budget in 2002. He stated that this is a concern that this Council should work on instead of leaving it for a future Council in 2002.

Councilmember McClinton stated that it would be more of a crisis to a future Council if this Council does not take care of the City's needs now.

Councilmember Carkhuff entered the room.

Councilmember Duffy asked the Public Works Director to identify those projects in the Capital Improvement Program that provide benefits to those outside the City of Topeka. He stated that they need to ask where sewer systems are being located, because that is where urban sprawl exists.

Jeff White explained that through their Growth Management group they have identified some areas that probably would be urbanized and possibly annexed within the next 25 years. He stated that providing these services increases their ratepayers, and every ratepayer decreases the costs for everyone else. He explained that they would be able to do that without creating urban sprawl by doing it within a plan.

Councilmember Duffy stated that they need to look at all locations outside the City limits that are undeveloped where sewer systems are being proposed so they could decide if they wanted to do those projects. He also asked if Public Works could assist Parks and Recreation with their park sewer line that was requested but unfunded.

Councilmember Carkhuff expressed a concern that those outside the City would build their own sewer system and shut the City out. He stated that he would rather have the City do the project.

Councilmember Duffy asked what the priorities were for street replacement.

Jeff White explained how projects are recommended.

A CHARTER ORDINANCE introduced by Councilmember Betty Dunn relating to a change in the form of government for the City of Topeka, Kansas, repealing Charter Ordinance Numbers 65, 66, 72, 73, and 75, and any other Ordinance in conflict herewith, placed on first reading July 18, 2000, was again presented.

Councilmember Dunn stated that she sponsored the ordinance to keep a campaign promise. She stated that the public should have the opportunity to vote on changing the form of government and it should not just be a decision of the Council or the Committee that studied the Form of Government.

Councilmember McClinton stated that the question should be "should the current form of government be changed", not should it change to a certain type of government.

Dr. John Nalbandian, University of Kansas Professor appeared and stated that a council/manager form of government is popular throughout the country for cities the size of Topeka. He stated that a City Manager serves at the pleasure of the Governing Body. He suggested adding a provision that would make the Mayor a voting member, or the Mayor could not vote but would have the ability to veto.

Christy Caldwell, representing the Greater Topeka Chamber of Commerce read and distributed comments in opposition to a change in the form of government.

Robert Schurburn, Arthur Boyers, Betty Phillips, David Price and Joseph Ledbetter appeared in support of the resolution. They stated that they would like the opportunity to vote on what form of government the City should have.

Councilmember Pomeroy stated that there are still a lot of questions that need to be answered on the proposal. He stated that it was not clear if the Mayor would be a voting member and also expressed concerns that business could be conducted without a quorum.

Councilmember Pomeroy made a substitute motion to amend the ordinance by substituting his ordinance with Councilmember Dunn's ordinance, but maintain the five districts being proposed. The motion was seconded by Councilmember Carkhuff.

Councilmember Alcalá stated that he was opposed to the motion.

Councilmember Carkhuff stated that the City and County's fortunes are tied together. He stated that they are road blocking themselves when they do not work with the County and do not consider consolidation. He stated that he favors taking a look at City and County consolidation.

Councilmember Hill stated that there are many variations in a form of government possible, so they cannot please everyone. She stated that it was important for them to work together for the community.

Councilmember Duffy read a report prepared by Washburn University that compared Topeka with other cities. He stated that those cities had various forms of government but were successful because of teamwork, communication and cooperation.

The substitute motion failed. Councilmember Alcala, McClinton, Dunn, Carkhuff, Duffy, Hill and Gardner voted "no". (1-7-0)

Councilmember Pomeroy moved to amend the ordinance to substitute his map of the district boundaries in place of the proposed boundaries. The motion was seconded by Councilmember Dunn.

Councilmember Dunn moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcala carried. Councilmember Carkhuff voted "no". (7-1-0)

Councilmember Gardner stated that he was opposed to the amendment.

The motion to amend failed. Councilmembers McClinton, Carkhuff, Hill and Gardner voted "no". (4-4-0)

Councilmember Dunn moved to amend the ordinance to add the same language that is in the current charter ordinance to include "veto power of the Mayor". The motion seconded by Councilmember Pomeroy carried. Councilmembers McClinton and Carkhuff voted "no". (6-2-0)

Councilmember Gardner moved to amend the ordinance by changing the age requirement on line 160 from age 21 to age 18. The motion seconded by Councilmember Pomeroy carried. Councilmembers McClinton and Carkhuff voted "no". (6-2-0)

Councilmember Gardner moved to amend the ordinance by striking the language in lines 164 and 165. The motion seconded by Councilmember Dunn failed. Councilmembers Pomeroy, McClinton, Carkhuff and Duffy voted "no". (4-4-0)

Councilmember Pomeroy moved to amend the language conceptually on page 9 to delete any reference that the Mayor is a voting member of the Council and insert language in the current Charter that would allow the Mayor to vote in the event of Council vacancy. The motion seconded by Councilmember Dunn carried. Councilmembers McClinton, Carkhuff and Hill voted "no". (5-3-0)

Councilmember Pomeroy moved to amend the ordinance by striking the language on page 11 that allows three members to conduct business. The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy commented that the intent of the amendment is to ensure there would always be four members present.

The motion to amend failed. Councilmembers McClinton, Carkhuff, Hill and Gardner voted "no". (4-4-0)

Councilmember Dunn moved to amend the ordinance by adding the language "the ordinance would not go into effect until it goes on the ballot in November". The motion seconded by Councilmember Alcala carried. Councilmembers McClinton, Carkhuff and Duffy voted "no". (5-3-0)

Councilmember Pomeroy moved to defer final action on the ordinance for one week. The motion seconded by Councilmember Gardner failed. Councilmember Alcala, McClinton, Dunn, Carkhuff, Duffy, Hill and Gardner voted "no". (1-7-0)

The ordinance as amended was not adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Hill and Gardner -5. Noes: Councilmembers McClinton, Carkhuff and Duffy -3. Absent: Councilmember Lee -1.

Mayor Wagnon asked for a consensus of the Council to defer Item D, Committee of the Whole discussion of the 2001 Operating Budget, to next week's agenda because of the late hour.

Councilmembers agreed to defer discussion of the 2001 Operating Budget until the following week and requested that staff be available for questions.

AN ORDINANCE introduced by Mayor Joan Wagnon, attesting to the increase in taxes levied for budget year 2001 necessary to finance public services for the City of Topeka, was presented for first reading.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá distributed an ordinance regarding establishing a fund for the clean up of graffiti and requested that it be placed on a future agenda. He also stated that he received a letter from the owner of Haberkorn Air Conditioning stating that he received a bill in the amount of \$64.68 for weed clean up on property that does not belong to him. He asked if staff could correct this in the system. He stated that he would be presenting an ordinance to Council that would support funding to send the families of officers that have lost their lives in the line of duty and our Honor Guard to the memorial that is held in Washington D.C. He stated that the cost would be relatively low.

Councilmember Dunn stated that she received a call from someone concerned that weeds have overcome the drain in front of the Eisenhower School. She asked that it be cleaned up before school starts. She asked for the name of the person who donated the FLIR to the City for the helicopter. She also expressed concerns about a memo that was recently distributed by a City Department Head regarding conduct during recent discussions with City Council.

Councilmember McClinton left the meeting.

Councilmember Duffy distributed an ordinance regarding graffiti clean up and asked that it be placed on a future agenda.

Councilmember Carkhuff left the meeting.

Councilmembers Gardner and Alcalá also commented about the memo that was recently distributed by a City Department Head. It was their opinion that there was no abuse of employees by the Council and they are within their right to question and let staff know about concerns in their department.

Councilmember Alcalá moved to recess into Executive Session to discuss a personnel issue for a period not to exceed ten minutes. The motion seconded by Councilmember Hill carried. Councilmember Duffy voted "no". (5-1-0)

Following the executive session, no action was taken.

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

Iris Walker
City Clerk