

City Council Minutes – September 12, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 12, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -1.

AFTER THE MEETING was called to order, Councilmember Duffy asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of September 5, 2000, were presented.

Councilmember Gardner moved to approve the consent agenda. The motion seconded by Councilmember Hill carried. Councilmember Dunn "abstained". (7-0-1)

ORDINANCE NO. 17541 introduced by Councilmember Duane Pomeroy relating to the posting of Neighborhood Watch signs, placed on first reading August 1, 2000, was again presented.

Councilmember Pomeroy explained the ordinance. He stated that Safe Streets would monitor the meetings held.

Councilmember Lee suggested holding an annual meeting for all neighborhoods.

Councilmember Gardner stated that he supported the proposed ordinance.

Councilmember Pomeroy moved to amend the ordinance on line 14 to show January 1, 2001 as the effective date. The motion was seconded by Councilmember Lee.

Councilmember Alcala stated that neighborhood watch signs are good for the neighborhoods because there are people in the block that keep watch. He stated that the people in his district do a good job.

Following discussion on when the ordinance should take effect, Councilmember Pomeroy withdrew his motion to amend the ordinance.

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

RESOLUTION NO. 7084 introduced by Mayor Joan Wagnon expressing the Intent of the City of Topeka, Kansas, to issue its Economic Development Revenue Bonds in the maximum principal amount of \$2,100,000 to both finance various improvements benefiting the Congregational Home, Inc., and promote, stimulate and develop the economic welfare of both the City and the State of Kansas, was presented.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

PETITION, PROJECT BUDGET, AND RESOLUTION NO. 7085 introduced by Mayor Joan Wagnon authorizing Lateral Sanitary Sewer Improvement Project No. 40887-H, which provides for improvement of sanitary sewer service for the Cloverleaf Subdivision as more specifically described herein, were presented.

PETITION, PROJECT BUDGET, AND RESOLUTION NO. 7086 introduced by Mayor Joan Wagnon authorizing Street Improvement Project No. 60560-H, which provides for improvement of NW 25th Street from the Highway 24, Frontage Road to Rochester Road as more specifically described herein, were presented.

Councilmember Pomeroy moved to approve both petitions, project budgets and adopt the resolutions. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

A COMMUNICATION requesting authorization to allocate \$284,000 in CDBG funds to agencies/organizations that responded to a May 12, 2000 request for proposals for Neighborhood Empowerment Grant funds, was presented.

John Johnston, Director of Housing and Neighborhood Development explained the pool of money that was allocated. He suggested that the Council reconsider the funds allocated to the Washburn Lane Parkway and reallocate them to housing rehabilitation.

Ellen Ross, Chair of the Community Development Advisory Council (CDAC) appeared to comment about the allocations of current funding and offered suggestions for future funding.

Representatives from NOTOMA and Friends of the Free State Capital appeared to comment about their request for funding being denied.

Debbie Volle, representative of the Chesney Park Neighborhood Improvement Association appeared to request approval from Council of the amount that was allocated to them for neighborhood clean up.

Councilmember Duffy asked Parks and Recreation staff if the park projects were a priority to them. He asked if there were other sources of funding available for these projects.

Rogers Brazier, Director of Parks and Recreation stated that they ranked eight projects from 1-7. He stated that they felt all of the projects had value to the community but explained that the amount allocated was not sufficient to complete all of the projects.

Councilmember Duffy asked if the Landmarks Commission has reviewed these proposals.

John Dugan, Director of the Planning Department stated that the Council would be receiving recommendations from them regarding the conservation of historic resources within the community.

Councilmember Duffy noted that the International Black Student Alliance (IBSA) has submitted a funding request and commented that it is a critical element of need. He stated that it would address the black population unemployment rate. He asked what other opportunities there are to fund these types of grants. He stated that he was disappointed that the City was not involved in this.

John Dugan stated that the Economic Development Plan would address some of the priority issues.

Councilmember Lee stated that she visited the Rice Community Center and expressed concerns about the funding sources for the center.

Councilmember Gardner asked for the figure of the total amount for the 26th year.

John Johnston stated that \$284,000 was the total amount. He stated that it was created for the Neighborhood Empowerment Grants.

Councilmember Gardner commented that they are creating a pool within a pool. He stated that he thought the projects would come back individually for approval. He suggested delaying a decision until they have some hard numbers. He asked who would be accountable for allocating the pool of money for these projects. He commented that Council has no involvement once they allocate the pool of money. He stated that he could not support the recommendations because there is no accountability.

John Johnston stated that they could arrive at specific numbers for each project.

Councilmember Gardner moved to refer the request to the Community Development Committee for review and bring it back in two weeks. The motion was seconded by Councilmember Dunn.

Councilmember McClinton commented that pools work because neighborhood people know more what is needed than elected officials.

Councilmember Carkhuff stated that he was willing to trust the CDAC to do what they need to with the pool of money.

The motion failed. Councilmembers Pomeroy, McClinton, Carkhuff, Lee and Duffy voted "no". (4-5-0)

Councilmember McClinton moved to approve the communication. The motion was seconded by Councilmember Lee.

Councilmember Alcala made a motion to amend the allocation by removing \$22,500 from the Turn Around Team and reallocating it to the Garfield pool slide. The motion was seconded by Councilmember Pomeroy.

Dave Jackson, President of NOTOMA stated that they would donate matching funds for the slide.

Councilmember Lee stated that she would not support the request unless they do all of the projects.

The motion to amend carried. Councilmembers Carkhuff, Duffy and Lee voted "no". (6-3-0)

Councilmember Gardner moved to amend the request by removing \$20,000 from the housing rehabilitation pool and allocating it to the Friends of the Free State Capitol. The motion was seconded by Councilmember Dunn.

Councilmember McClinton stated that he was opposed to the motion because he was not ready to reallocate everything.

The motion to amend carried. Councilmembers Pomeroy, McClinton, Carkhuff and Lee voted "no". (5-4-0)

Councilmember Gardner moved to amend the request by removing \$10,000 from housing rehabilitation and reallocating it to the Turn Around Team for engineering costs for the Washburn Lane Parkway Project. The motion was seconded by Councilmember Duffy.

Councilmember Dunn stated that she was opposed to the motion because of the amount of funding the project has already received.

The motion to amend failed. Councilmembers Pomeroy, Alcalá, McClinton, Dunn, Lee, and Hill voted "no". (3-6-0)

The motion to approve the communication as amended carried. Councilmembers Carkhuff, Duffy and Gardner voted "no". (6-3-0)

A FINAL PLAT for McFarland Farm Subdivision No. 2 on property located on the southwest side of SW Steeple Chase Lane at SW Camden Court in the City of Topeka, Kansas, was presented.

John Dugan stated that the applicant requested an amendment to the Plan so residents would have access off Huntoon Street.

Councilmember Gardner moved to accept the public dedication. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

RESOLUTION NO. 7087 introduced by Mayor Joan Wagnon in accordance with Section 48-25.01 of the Code of the City of Topeka, approving a City of Topeka Conditional Use Permit to establish a vehicle surface parking lot on property currently zoned "C-2" Commercial District and located on the east side of SE Hudson Boulevard, the centerline of which is approximately 75 feet north of SE 21st Street in the City of Topeka, Kansas, was presented. (CU00/10)

Councilmember McClinton moved to approve the resolution. The motion seconded by Councilmember Carkhuff carried unanimously. (9-0-0)

Councilmember Gardner moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcalá failed. Councilmembers McClinton, Carkhuff, Duffy, Lee and Hill voted "no". (4-5-0)

ZONING PETITION (Z00/14) by the City of Topeka requesting to amend the district zoning classification from "I-1" Light Industrial District, "C-4" Commercial District, and "M-2" Multiple Family Dwelling District all to "X-1" Mixed Use District on property located within the neighborhood areas known as Historic North Topeka, was presented.

Bill Fiander, Neighborhood Planner explained the four petitions for the Historic North Topeka Revitalization Plan element. He stated that Item C requires a three-fourths majority vote.

Linda Jeffrey, City Attorney stated that there was no need for Councilmembers to declare exparte communications because the City of Topeka was the applicant.

Mayor Wagnon gave an opportunity for anyone present to speak.

Dick Tarwater, property owner appeared and stated that he was not comfortable with a task force making decisions about his property.

Dave Jackson stated that this was the final link in the chain of planning.

Councilmember Lee moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Pomeroy carried. Councilmember Gardner voted "no". Councilmember Dunn "abstained". (7-1-1)

ORDINANCE NO. 17542 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, placed on first reading July 11, 2000, was again presented. (Z00/14)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, McClinton, Carkhuff, Duffy, Lee, and Hill –7. Noes: Councilmember Gardner -1. Abstained: Councilmember Dunn -1.

ZONING PETITION (Z00/15) by the City of Topeka requesting to amend the district zoning classification from "I-2" Heavy Industrial District and "I-1" Light Industrial District all to "X-2" Mixed Use District on property located within the neighborhood areas known as Historic North Topeka, was presented.

Bill Fiander gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak.

John Mall, area resident stated that he would like to see it downzoned and distributed a petition in support of the proposal.

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

ORDINANCE NO. 17543 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, placed on first reading July 11, 2000, was again presented. (Z00/15)

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

ZONING PETITION (Z00/16) by the City of Topeka requesting to amend the district zoning classification from "I-1" Light Industrial District, "C-4" Commercial District, "C-2" Commercial District and

"M-2" Multiple Family Dwelling District all to "X-3" Mixed Use District on property located within the neighborhood areas known as Historic North Topeka, was presented.

ORDINANCE NO. 17544 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, placed on first reading, July 11, 2000, was again presented. (Z00/16)

ZONING PETITION (Z00/17) by the City of Topeka requesting to amend the district zoning classification from "I-2" Heavy Industrial District, "I-1" Light Industrial District, "C-4" Commercial District, "M-2" Multiple Family Dwelling District, "M-1" Two Family Dwelling District, and "R-1" Single Family Dwelling District all to "OS" Open Space District on property located within the neighborhood areas known as Historic North Topeka, was presented.

ORDINANCE NO. 17545 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, placed on first reading July 11, 2000, was again presented. (Z00/17)

Bill Fiander gave the staff report.

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

Councilmember Pomeroy moved to approve both of the petitions and adopt the ordinances. The motion seconded by Councilmember Gardner carried unanimously. (9-0-0)

Both of the ordinances were adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill and Gardner –9.

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supplement) 12-520, located on the west side of SE Croco Road the centerline of which is approximately 1,200 feet south of SE 6th Street, 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. (A00/07)

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 the southeast corner of SW 21st Street and SW Washburn Avenue in the City of Topeka, Kansas from "C-4" Commercial District to "PUD" Planned Unit Development District (Commercial Usage), was presented for first reading. (Z00/38)

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 situated between SE Minnesota Avenue and the Kansas Turnpike and south of the easterly extension of SE 34th Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District, was presented for first reading. (Z00/39)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to snow loads, amending City of Topeka Code § 26-148 section 1608 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, authorizing Traffic Signal Installation Project No. 14094, which provides for the installation of a new mast arm signal system, located at approximately SW 21st Street and SW Westport Drive 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, authorizing Improvement Project No. 13008(2), which provides for the remodeling and repair of City of Topeka fire stations as more specifically described herein, all pursuant to K.S.A. 12-1736 et seq, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer gave a summary of a consolidated annual financial report that was distributed last week. He noted that it was a clean audit. He stated that he included information about financial trends. He stated that there was also another interim financial report distributed last week for July of 2000. He noted that they were approximately \$166,000 over the budgeted amount for fuel so far this year.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee announced that the Public Health and Safety Committee would meet Tuesday, September 19, 2000 at 5:00 p.m. for a work session on the proposed no smoking ordinance.

Councilmember Pomeroy made a motion to move Public Comment ahead of Presentations by Members of the Council. The motion was seconded by Councilmember Dunn.

Councilmember Gardner stated that he was opposed to the motion.

Councilmember Hill made a substitute motion to extend the meeting until the end of Public Comment. The motion seconded by Councilmember Gardner carried. Councilmembers McClinton, Carkhuff, Duffy and Lee voted "no". (5-4-0)

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner asked for a status regarding the agreements that have been completed for WaterTower 2000.

Mayor Wagnon asked the Council to respond to the request they were given from Jim Langford for their appointees for the Youth and Social Services Committee. She also asked Council to provide her with feedback regarding her request for recommendations to some code changes.

Several Councilmembers expressed concern about the possibility of the Menninger Foundation leaving Topeka and encouraged administration to do all they could to work with the State to help keep their headquarters here.

Councilmember Alcalá asked if the enhancement funds had been frozen by HUD.

Mayor Wagnon stated that they were not. She explained that the guidelines for the enhancement funds were being modified and the Director of Housing and Neighborhood Services put a hold on them until the guidelines were complete.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 12, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, McClinton, Dunn, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Carkhuff -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 Tuesday, September 12, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th 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, Lateral Sanitary Sewer Project No. 40417-H, Phase II.

Linda Jeffrey, City Attorney explained the purpose of the hearing for the validity and fairness of the special assessments. She explained "special improvement district" and stated that the hearing was for comments on mathematical kinds of errors.

Bill McCarter, Engineering Department gave the staff report. He explained the breakdown of costs for the project.

Councilmember Carkhuff entered the room.

Councilmember Dunn asked if the assessments were figured into the monthly house payments for homes in the Shorey Estates Subdivision.

Kevin Rooney, Housing and Neighborhood Development stated that they were and explained how they are calculated into the monthly payment.

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 Lee carried unanimously. (9-0-0)

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

lateral sanitary sewer with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40417-H, Phase II, as defined and described in Resolution No. 6993, was presented for first reading.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 12, 2000. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, McClinton, Dunn, Carkhuff, Duffy, Lee, Hill, 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 Tuesday, September 12, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th 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, Street Improvement Project No. 60550-H.

Bill McCarter gave the staff report. He explained the breakdown of costs for the project.

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 Lee carried unanimously. (9-0-0)

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. 60550-H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60550-H as defined and described in Resolution No. 6992, was presented for first reading.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 12, 2000. The Councilmembers of the City of Topeka met in special 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.

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 Tuesday, September 12, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th 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, Trafficway Improvement Project No. 70138.

Bill McCarter gave the staff report. He explained the breakdown of costs for the project.

Mayor Wagnon gave an opportunity for anyone present to speak.

Several people appeared to comment about the project. They stated that they were pleased with the project but expressed concerns that there are water meters sticking out of the ground in the 1600 block, which makes it difficult to mow. They stated that there were holes and cracks left in a portion of the sidewalk and also expressed concern about the water drainage in yards.

Several local business owners appeared and noted that the assessment cost is based on trip generation and asked if the statistics could be compared to their average daily sales. They commented that sales have dropped from what they were prior to construction of the project and asked if the assessments could be reduced by those amounts.

Bill McCarter explained that service stations and restaurants were assessed according to the trip generation policy guidelines. He also explained that the property that is land locked has a separate property code, which is why it was assessed.

Councilmember Alcalá stated that he believes the property on Independence should just be one assessment.

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

Linda Jeffrey explained the Council's options. She stated that the Council could give direction to staff to vary facts and calculate whether the lot is buildable. She also explained why they use national averages.

Councilmember Dunn moved to direct staff to objectively look at each complaint and bring back a recommendation. The motion seconded by Councilmember Alcalá carried. Councilmember Carkhuff voted "no". (8-1-0)

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 Trafficway Improvement Project No. 70138 with pavement, curb and gutter and all other contingencies needed to complete Trafficway Improvement Project No. 70138 as defined and described in Resolution No. 6747, was presented for first reading.

Iris Walker
City Clerk