

City Council Minutes – September 19, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 19, 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, Carkhuff, Duffy, Lee, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember Hill -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.

Mayor Wagnon stated that Councilmember Hill was absent due to a death in the family.

Mayor Wagnon stated that Item 5A, a Resolution providing for the calling of a bond election for the WaterTower 2000 Redevelopment Plan, would be removed from the agenda.

Deputy Mayor Carkhuff moved to suspend the rules to add an ordinance that repeals City of Topeka Ordinance Numbers 16199 and 16453, which established the Watertower Redevelopment District, to the agenda for first reading. The motion seconded by Councilmember Pomeroy carried unanimously. (8-0-0)

Deputy Mayor Carkhuff moved to reinstate the rules. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 17546 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, placed on first reading September 12, 2000, was again presented.

ORDINANCE NO. 17547 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, placed on first reading September 12, 2000, was again presented.

A COMMUNICATION recommending approval of a Workers' Compensation settlement agreement for Leon Millentree in the amount of \$11,000, was presented.

Minutes of the Regular Meeting of September 12, 2000, were presented.

Councilmember Lee moved to approve the consent agenda. The motion seconded by Councilmember McClinton carried. Councilmember Duffy voted "no". (7-1-0)

PROJECT BUDGET for renovation and repair work of City Fire Stations, in the amount of \$225,000, was presented.

Deputy Chief Weaver explained the projects.

Councilmember Lee moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember McClinton carried unanimously. (8-0-0)

ORDINANCE NO. 17548 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., placed on first reading September 12, 2000, was again presented.

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

PROJECT BUDGET for a Traffic Signalization, Project No. 14094, at SW 21st Street and SW Westport Drive, in the amount of \$144,514, was presented.

Jeff White, Director of Public Works explained the project.

Councilmember Lee expressed both her and Councilmember Hill's support of the project and moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

ORDINANCE NO. 17549 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, placed on first reading September 12, 2000, was again presented.

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

ORDINANCE NO. 17550 introduced by Mayor Joan Wagnon relating to snow loads, amending City of Topeka Code § 26-148 section 1608 and specifically repealing said original section, placed on first reading September 20, 2000, was again presented.

Miriam Berke, Director of Development Services explained the ordinance.

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

ORDINANCE NO. 17551 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, placed on first reading September 12, 2000, was again presented.

John Arnold, Chief Administrative Officer stated that the City Engineer looked at complaints heard at the public hearing and responded to all of the questions raised. He stated that he also looked at the properties and concurs with the Engineer's response. He noted that the responses from the City Engineer were distributed.

Councilmember Alcalá moved to amend the ordinance by removing the assessments on the parcel at 511 NE Independence and all similar parcels that are land locked and redistribute the cost to the remaining parcels to the improvement district. The motion was seconded by Councilmember Dunn.

Bill McCarter, Engineering Department explained that there were two properties involved and if they are taken out each residential property would pay an additional 13 cents, and it would be slightly more for the commercial properties within the district.

The motion to amend carried unanimously. (8-0-0)

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

ORDINANCE NO. 17552 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, placed on first reading September 12, 2000, was again presented. (A00/07)

John Dugan, Director of Planning gave the staff report.

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

ZONING PETITION (Z00/38) by Gray Horse Farms, Inc. requesting to amend the District Zoning Classification from "C-4" Commercial District to "PUD" Planned Unit Development District ("C-4" Commercial use group category) on property located at the southeast corner of SW 21st Street and SW Washburn Avenue in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17553 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), placed on first reading September 12, 2000, was again presented. (Z00/38)

A FINAL PLAT for Washburn View Subdivision No. 3 on property located at the southeast corner of SW 21st Street and SW Washburn Avenue in the City of Topeka, Kansas, was presented.

John Dugan gave the staff report.

Mayor Wagnon gave the opportunity for anyone present to speak.

Councilmember Alcala asked if the development district would distract from the neighborhood.

John Dugan stated that he believed it would enhance the neighborhood.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember McClinton moved to approve the petition, adopt the ordinance and accept the public dedication. The motion seconded by Councilmember Duffy carried. (7-1-0)

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

ZONING PETITION (Z00/39) by Ron D. Shuman requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District 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, was presented.

John Dugan gave the staff report.

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

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Dunn moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

ORDINANCE NO. 17554 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, placed on first reading September 12, 2000, was again presented. (Z00/39)

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

RESOLUTION NO. 7088 introduced by Mayor Joan Wagnon and Councilmember Duane Pomeroy declaring September 20, 2000, as Undoing Racism Day, was presented.

Councilmember Pomeroy explained the resolution and moved for approval. The motion seconded by Councilmember McClinton carried unanimously. (8-0-0)

RESOLUTION NO. 7089 introduced by Councilmember Clark Duffy directing GO Topeka to develop an incentive package in partnership with the State of Kansas and others for the purposes of retaining the Menninger Foundation in Topeka, Kansas, was presented.

Councilmember Duffy explained the resolution.

Several Councilmembers expressed their concerns about GO Topeka not linking this request with the sales tax question. They commented that the economic incentive package should include the professional expertise of GO Topeka and emphasized that this request should come from current resources.

Councilmember Duffy moved to approve the resolution. The motion seconded by Councilmember McClinton carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmembers Sam Carkhuff and Duane Pomeroy repealing City of Topeka Ordinance Nos. 16199 and 16453, establishing the Watertower Place Redevelopment District, was presented for first reading.

Several Councilmembers commented that this item should be considered in a timely manner.

Deputy Mayor Carkhuff referred the ordinance to the Economic Development Committee for review.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to public contracts, amending City of Topeka Code §§ 86-131, 86-133, 86-134, 86-136, and 86-137 and specifically repealing said original sections, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to the Human Relations Commission, defining fair housing practices, and establishing criteria for reporting, investigating and disposing of housing complaints, amending City of Topeka Code §§ 86-2, 86-51, 86-53, 86-66, 86-67, 86-68, and 86-76 and specifically repealing said original sections, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold stated that he received a communication from the Department of Agriculture and the Topeka Zoological Park matter is closed. He thanked staff and Council for the improvements that were made to the Zoo.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lee stated that the Public Health and Safety Committee met and discussed the no smoking ordinance. She stated that they would meet again to discuss further when Councilmember Hill could be present.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Mayor Wagnon stated that she received a phone call from John Frieden who is in Washington, D.C. representing the City of Topeka on the electrical rates. She stated that the case goes to trial on October 11,

2000. She stated that she has been providing updates to 11 surrounding cities and has asked them for financial assistance in paying legal expenses involved.

Councilmember Alcala asked how much earnest money was deposited by Sapphire Properties. He noted that the contract states that the City would keep \$10,000 if the development does not take place. He requested an account of expenditures for WaterTower.

Mayor Wagnon stated that Beth Schafer, Assistant City Attorney, would respond to his question regarding the contract with Sapphire Properties.

John Arnold stated he would provide a report of expenditures for WaterTower.

Councilmember Dunn asked if any of the Community Development Block Grant (CDBG) funds were used and asked if the money would be free to go back to the neighborhoods.

Councilmember Gardner asked for the process of bidding handguns for the Police Department.

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

Iris Walker
City Clerk