

City Council Minutes – October 17, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 17, 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, prayer was offered by Reverend Betty Glover, Chaplain at Stormont Vail Hospital.

Mayor Wagnon stated that the Boy Scout Troops, lead by Judge Charles Andrews of the Shawnee County District Court, have been invited to help with the Presentation of Colors and Pledge of Allegiance.

Mayor Wagnon stated the minutes of October 10, 2000 would be removed from the agenda until they have had a chance to review them.

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 October 3, 2000, were presented.

Councilmember Pomeroy noted a correction to the minutes of October 3, 2000. He pointed out that the rezoning request for Stormont Vail Hospital at the northeast corner of 10th and Lane Street should be Council District Number "1" not "9".

Councilmember Gardner moved to approve the minutes of October 3, 2000 with the correction. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

ORDINANCE NO. 17569 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 NW Central Avenue approximately 325-feet south of NW Broad Street in the City of Topeka, from "R-1" Single Family Dwelling District to "C-4" Commercial District, placed on first reading October 10, 2000, was again presented. (Z73/27)

John Dugan, Director of the Planning Department gave the staff report. He stated that proper notification was given.

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

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

ORDINANCE NO. 17570 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 SE Jefferson Street approximately 300-feet south of SE 28th Street in the City of Topeka, from "M-1" Two Family Dwelling District to "C-4" Commercial District, placed on first reading October 10, 2000, was again presented. (Z73/30)

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

ORDINANCE NO. 17571 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 NE U.S. Highway 24 and NE Grantville Road approximately 510-feet west of NE Goldwater Road in the City of Topeka, from "R-1" Single Family Dwelling District to "I-2" Heavy Industrial District, placed on first reading October 10, 2000, was again presented. (Z80/12)

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

ORDINANCE NO. 17572 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 east side of SE California Avenue approximately 980-

feet south of SE 25th Street in the City of Topeka, from "C-2" Commercial District to "C-4" Commercial District, placed on first reading October 10, 2000, was again presented. (Z80/19)

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

ORDINANCE NO. 17573 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 north side of SE 43rd Terrace situated between SE Minnesota Avenue and SE Michigan Avenue; on the east side of SE Michigan Avenue situated between SE 43rd Terrace and SE 45th Street; and, on the west side of SE Michigan Avenue situated between SE 44th Street and SE 45th Street in the City of Topeka, from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District, placed on first reading October 10, 2000, was again presented. (Z80/27)

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

ORDINANCE NO. 17574 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 northwest corner of SE 38th Street and SE Colfax Place in the City of Topeka, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, placed on first reading October 10, 2000, was again presented. (Z80/36)

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

ORDINANCE NO. 17575 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 north side of SW 6th Avenue and approximately 240-feet east of SW MacVicar Avenue in the City of Topeka, from "PUD" Planned Unit Development District ("M-

2" use group category) to "C-4" Commercial District, placed on first reading October 10, 2000, was again presented. (Z83/1)

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

ORDINANCE NO. 17576 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 SW 29th Street and SW Villa West Drive in the City of Topeka from "R-1" Single Family Dwelling District to "O&I-1" Office and Institutional District, placed on first reading October 10, 2000, was again presented. (Z85/56)

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

ORDINANCE NO. 17577 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 Orchard Street approximately 130-feet north of SW 6th Avenue in the City of Topeka, from "R-2" Single Family Dwelling District to "C-4" Commercial District, placed on first reading October 10, 2000, was again presented. (Z86/8)

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

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the management to City rights-of-way, was presented for first reading.

Councilmember McClinton gave the committee report and moved for approval of the report. The motion seconded by Councilmember Duffy carried. Councilmember Dunn voted "no". (8-1-0)

Mike McGee, Public Works explained the ordinance.

Darrell Stewart, representative of Kansas Power and Light appeared and answered questions.

Councilmember Pomeroy requested information on how the ordinance would affect in-fill housing.

Councilmembers Dunn and Lee suggested establishing guidelines on when it would be deemed too expensive to require utility lines to be installed underground.

Mike McGee noted that on line 569 "shall" should be changed to "should".

PROJECT BUDGET for Project No. 13126-00, construction of a 272 stall parking facility at the northwest corner of 9th Street and South Kansas Avenue, in the amount of \$5,325,199, was presented.

Councilmember McClinton gave the committee report and moved for approval of the report. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Jeff White, Director of Public Works explained the project. He stated that MBI & Associates would own and operate the office space on the top level and retail space on the bottom level of the garage. He stated that the City would own and operate the garage. He explained the level of risk that is still involved with the project. He stated that the garage would be funded by General Obligation Bonds backed by the Parking Fund.

Councilmember Gardner expressed concerns about the needs of a garage and occupancy.

Councilmember Duffy noted that there are mechanisms that the City could use if the parking fund is not able to pay for the debt service on the garage so there would not be an expense to the taxpayers.

Constance Sawyer appeared and expressed concerns about the building design. She commented that it seems dangerous to sandwich parking. She suggested restoring the building instead of demolition.

Jack Crocker, MBI & Associates appeared and answered questions.

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

Councilmember Gardner stated that he opposed the motion.

The motion to approve the project budget carried. Councilmembers Alcala, Dunn and Gardner voted "no". (6-3-0)

AN ORDINANCE introduced by Mayor Joan Wagnon, authorizing the 9th Street and Kansas Parking Garage project, which provides for the construction of a 272 stall parking facility 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 12027-02, which provides for design of a replacement pedestrian bridge over the Shunga Creek 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, 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. 40834-H, Phase II, as defined and described in Resolution No. 7010, adopted and approved September 28, 1999, was presented for first reading.

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. 40862, Phase II, as defined and described in Resolution No. 7026, adopted and approved December 7, 1999, was presented for first reading.

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. 60549-H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60549-H as defined and described in Resolution No. 6975, adopted and approved April 20, 1999, was presented for first reading.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to the creation of the Entrepreneurial Venture and Small Business Loan Program, 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 located about 525 Kellam Street in the City of Topeka, from "R-1" Single Family Dwelling District all to "M-2" Multiple Family Dwelling District, was presented for first reading. (Z70/53)

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 about the east side of SW Clay Street and approximately 170 feet north of SW 6th Street in the City of Topeka, from "M-2" Multiple Family Dwelling District to "C-2" Commercial District, was presented for first reading. (Z84/36)

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 about the northeast corner of SW 44th Street and SW Gage Boulevard in the City of Topeka, from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District, was presented for first reading. (Z87/42)

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 about 700 SE Jefferson Street in the City of Topeka, from "C-2" Commercial District and "M-2" Multiple Family Dwelling District all to "C-5" Commercial District, was presented for first reading. (Z88/23)

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 about the south side of SW 21st Street and 600 feet west of SW

Kingsrow Road in the City of Topeka, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, was presented for first reading. (Z89/43)

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 about the west side of the 2200 block of SW Kingsrow in the City of Topeka, from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District, was presented for first reading. (Z89/45)

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

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that the City received a plaque from the Government Finance Officer's Association for the Distinguished Budget Presentation Award.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner asked if the number of items on the agenda could be lessened in the future so that it is not so large. He also requested information about the recent finance report that was distributed regarding the miscellaneous, non-departmental fund.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 17, 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, October 17, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street for citizen comment on the FY2001 Consolidated Plan.

Bill Fiander, Neighborhood Planning Manager explained the process and projected resources. He stated that this is a five-year plan and the budget cycle starts January 1, 2001, which would be in synch with the City's budget. He stated that the plan implements the neighborhood element and highlighted the priorities. He also explained the funding by activity.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember Carkhuff entered the room.

Councilmember Gardner questioned the \$425,000 targeted to support economic development projects. He asked what is planned for these funds.

Bill Fiander and John Arnold, Chief Administrative Officer stated that there are no plans currently.

Mayor Wagnon stated that the Community Development Advisory Council (CDAC) would present their recommendations for the 2000 reprogrammed funds on November 14, 2000.

Councilmember Gardner asked about the neighborhood retail initiatives.

John Johnston, Director of Housing and Neighborhood Development stated that they are trying to identify local ventures for commercial business in residential areas.

Councilmember Carkhuff asked for total project costs of the Shorey Estates project.

Several Councilmembers suggested using a large portion of the funds to do a critical mass project in an intensive care area similar to the Shorey Estates Project.

Several people appeared and commented about the plan. Their comments included: support funding earmarked for housing in intensive-care and at-risk areas of the City; support micro development projects; Deercreek needs a recreation center with playground equipment and security should be included; concerned with the quality of houses built for in-fill housing; and there is a public service cap of 15% that should not be exceeded.

Councilmember McClinton moved to continue the public hearing until November 7, 2000 or as soon thereafter as possible. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

Iris Walker
City Clerk