

## City Council Minutes – November 7, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 7, 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 Hill –8. Mayor Wagnon presided -1. Absent: Councilmember Gardner -1.

AFTER THE MEETING was called to order, the Drama Troupe of Williams Science and Fine Arts Magnet, lead by Ramona Childs, read a poem titled "Voting Day".

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

THE CONSENT AGENDA was presented as follows:

Mayor Wagnon stated that Item F, a Communication recommending approval of a Workers' Compensation settlement agreement for Michael Troth, would be voted on separately as requested by Councilmember Duffy.

A FINAL PLAT for Wolfley Subdivision on property located at 2730 SE 32<sup>nd</sup> Street and two (2) lots located directly north on SE Lake Terrace in the City of Topeka, Kansas, was presented.

A FINAL PLAT for B.R.B. Subdivision on property between the old and new alignments of US Highway 75 and from US Highway 24 to NW 25<sup>th</sup> Street within unincorporated Shawnee County, Kansas, was presented.

LABOR CONTRACT NO. 30826 between the City of Topeka and the International Association of Firefighters (IAFF) for January 2000 - January 2003, was presented.

CONTRACT NO. 30827 between the City of Topeka and employees of the Water Pollution Control Division Local Union providing for modifications in membership and continuing existing terms and conditions of employment, was presented.

CONTRACT NO. 30828 between the City of Topeka and employees of the Street Maintenance Division Teamsters Union providing for modifications in membership and continuing existing terms and conditions of employment, was presented.

A COMMUNICATION recommending approval of the Workers' Compensation settlement agreement for Michael Troth in the amount of \$12,624.30, was presented.

Minutes of the regular meeting of October 24, 2000, were presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented from Food 4 Less, 5311 SW 22<sup>nd</sup> Place.

Councilmember Dunn moved to approve the consent agenda, except for Item F. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

The motion to approve Item F carried. Councilmember Duffy voted "no". (7-1-0)

PETITION, PROJECT BUDGET, AND RESOLUTION NO. 7097 introduced by Mayor Joan Wagnon authorizing Street Improvement Project No. 60563-H, Phase I located on SE 27<sup>th</sup> Street and Flora Court as more specifically described herein, in the amount of \$120,033, were presented.

Councilmember Hill moved to approve the petition and project budget and adopt the resolution. The motion seconded by Councilmember Lee carried. Councilmember Carkhuff was out of the room. (7-1-0)

RESOLUTION NO. 7098 introduced by Mayor Joan Wagnon authorizing initiation of condemnation proceedings to acquire easements by eminent domain for City of Topeka Trafficway Improvement Project No. 70179, Huntoon Street from 350 feet east of the centerline of Fairlawn Road to 134 feet east of the centerline of McAlister Avenue, was presented.

Jeff White, Director of Public Works explained the project.

Councilmember Duffy asked for documentation from the Kansas Department of Transportation regarding the requirements for initiation of condemnation proceedings.

Councilmember Hill moved to adopt the resolution. The motion seconded by Councilmember Lee carried. Councilmembers Pomeroy and Duffy voted "no". (5-2-0)

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 on the south side of NW Lyman Road, the centerline of which is 1,100-feet east of NW Tyler Street in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District, was presented for first reading. (Z72/14)

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 located about 1500 NW Gordon Street in the City of Topeka, Kansas, from "R-2" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, was presented for first reading. (Z72/30)

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 1530 Eugene Street in the City of Topeka, Kansas, from "M-2" Multiple Family Dwelling District to "I-1" Light Industrial District, was presented for first reading. (Z72/69)

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 SE Wittenburg Road and the Kansas Turnpike in the City of Topeka, Kansas, from "C-4" Commercial District and "I-1" Light Industrial District all to "I-2" Heavy Industrial District, was presented for first reading. (Z73/15)

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 located about the west side of SE Alkire Street, the centerline of which is approximately 400-feet north of SE 6<sup>th</sup> Avenue in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District, was presented for first reading. (Z76/1)

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 5430 SW Sena Drive and property located at the south end of SW Mifflin Court 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. (Z76/23)

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 southwest corner of SW 21<sup>st</sup> Street and 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. (Z89/44)

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmember Duane Pomeroy, exempting certain property, more specifically property owned by River Bottom Group, Inc. Topeka, from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3801 NW 14<sup>th</sup>, Topeka, Kansas, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon for the condemnation and appropriation of lands in the City of Topeka for City of Topeka Trafficway Improvement Project No. 70179, Huntoon Street from 350 feet east of the centerline of Fairlawn Road to 134 feet east of the centerline of McAlister Avenue, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to traffic and vehicles; Administration and Enforcement, amending City of Topeka Code §§ 142-1, Definitions; 142-36, Division of traffic engineering

and municipal parking; 142-37, Duties of traffic engineer; 142-39, Records of violations; 142-40, Driver's files to be maintained; 142-63, Disposition of fines and forfeitures; and 142-121, Authority to install traffic control devices and specifically repealing said original sections, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to parking tickets, providing civil hearing procedures for parking tickets, amending City of Topeka Code § 142-301, Fine Schedule, and specifically repealing said original section, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to traffic and vehicles amending City of Topeka Code §§ 142-376, Establishment; 142-377, Installation of parking meters, 142-378, Parking meter spaces; 142-379, Deposit of coins and time limits; disabled veterans exempt; 142-380, Unlawful to deposit slugs; 142-381, Parking meter rates; 142-382, Rates and fees; 142-383, Permit for hood or cover; 142-402, Traffic engineering survey; 142-403, Designation of spaces by traffic engineer; 142-426, Defined; 142-427, Parking restriction; 142-451, Supervision; 142-452, Rates and hours of operation generally; 142-476, Established; 142-477, Application; and 142-478, Marking and specifically repealing said sections, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to traffic and vehicles amending City of Topeka Code §§ 142-537, Traffic emergency proclamation; 142-538, Notice of traffic emergency proclamation, and 142-539, Establishment, and specifically repealing said sections, was presented for first reading.

Deputy Mayor Carkhuff referred the ordinance to the Public Improvements Committee.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 15 foot waterline easement as dedicated within the Westport Center Subdivision No. 2 in the City of Topeka, Kansas, and

generally located about the northeast corner of SW 21<sup>st</sup> Street and SW Westport Drive in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V00E/2)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of an 80 foot wide public right-of-way as dedicated within the Original Town Plat of the City of Topeka, Kansas, and specifically being the 9<sup>th</sup> Street right-of-way located between SW Topeka Boulevard and SW Harrison Street in the City of Topeka, Shawnee County, Kansas, was presented for first reading. (V00S/4)

Deputy Mayor Carkhuff referred the ordinance to the Public Improvements Committee.

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 southwest corner of SE 6<sup>th</sup> Street and SE Croco Road in the City of Topeka, Kansas, from the "RR-1" Residential Reserve District, "R-1" Single-Family Dwelling District, "C-4" Commercial District, "M-2" Multiple-Family Dwelling District and "E" Multiple-Family Dwelling District to "PUD" Planned Unit Development District, was presented for first reading. (Z00/41)

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 1025 SW Western Avenue in the City of Topeka, Kansas from "R-2" Single-Family Dwelling District to "M-1" Two Family Dwelling District, was presented for first reading. (Z00/48)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer gave the Interim Financial Report as of September of 2000.

Councilmember Dunn asked for a work session to discuss the report and issues surrounding health insurance.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy acknowledged the presence of Dr. Isabel Masters.

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, November 7, 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, and Hill –8. Mayor Wagnon presided -1. Absent: Councilmember Gardner -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, November 7, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street on the issuance of tax exempt health care revenue bonds to provide financing for the building renovation of Brewster Place.

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

Councilmember McClinton moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Carkhuff carried unanimously. (8-0-0)

ORDINANCE NO. 17590 introduced by Mayor Joan Wagnon authorizing the City of Topeka, Kansas, to issue its Health Care Facilities Revenue Bonds, Series 2000, (Brewster Place Project) in the aggregate principal amount of \$2,100,000 for the purpose of financing the costs of improvements to certain residential health care facilities located on the Brewster Place Campus in the City; authorizing the execution of a first supplemental indenture by and between the City and Commerce Bank & Trust, Topeka, Kansas, as trustee; authorizing the execution of a first supplemental lease by and between the City and The Congregational Home, a Kansas not-for-profit corporation; and authorizing and approving certain additional documents and actions in connection with the issuance of said bonds, placed on first reading October 24, 2000, was again presented.

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

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## **Special Session**

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### **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, November 7, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street for citizen comment on the FY2001 Consolidated Plan

Mayor Wagnon noted that this is only a continuation of the public hearing, and there would be no action taken tonight.

Mayor Wagnon gave an opportunity for anyone present to speak.

Ellen Ross, Chair of the Community Development Advisory Council (CDAC) distributed a summary of the 2001 Consolidated Plan recommendations from the CDAC. She explained the recommendations and asked that they be adopted by the City Council.

Councilmember Dunn asked if HUD was still holding up the funds.

John Johnston, Director of Housing and Neighborhood Development stated that they are looking at ways to try and resolve the issues established by HUD.

Lazone Grays, President of the International Black Student Alliance (IBSA) stated that a proposal was submitted for a one time grant in the amount of \$75,000. He stated that it was not recommended because of the lack of funds. He asked that it be reconsidered since the WaterTower project will not be funded from Community Development Block Grant (CDBG) funds.

Karen Hiller, Executive Director of Housing and Credit Counseling, Inc. appeared and distributed a request for tenant/landlord funding. She suggested that this funding be a line item in the annual budget.

Bill Fiander, Neighborhood Planner noted some adjustments to the Consolidated Plan that were made as a result of the public comment.

Councilmember McClinton moved to close the public hearing. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

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Iris Walker  
City Clerk