

City Council Minutes – November 21, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 21, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Dunn, Carkhuff, Duffy, Lee, Hill, and Gardner –8. Mayor Wagnon presided -1. Absent: Councilmember McClinton -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Betty Glover, Stormont Vail Chaplain.

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

THE CONSENT AGENDA was presented as follows:

Mayor Wagnon stated that there was a request to divide the question.

A FINAL PLAT Grand Oaks Subdivision on property extending between SE 45th Street and the Kansas Turnpike, and from South Topeka Boulevard to SE Oakview Lane in the City of Topeka, Kansas, was presented.

Minutes of the regular meeting of November 14, 2000, were presented.

Councilmember Lee moved to approve the Final Plat. The motion seconded by Councilmember Hill carried. Councilmembers Carkhuff and Duffy voted "no". (6-2-0)

Councilmember Lee moved to approve the minutes. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

A CHARTER ORDINANCE introduced by Mayor Joan Wagnon relating to the code of procedure for municipal courts; providing for substitute and additional provisions; and expressly repealing Charter Ordinance No. 29, Charter Ordinance No. 36, Charter Ordinance No. 37, Charter Ordinance No. 42, and Charter Ordinance No. 48, placed on first reading November 14, 2000, was again presented.

Linda Jeffrey, City Attorney explained the ordinance.

Councilmember Gardner moved to defer the ordinance until the Council has received a committee report. The motion was seconded by Councilmember Lee.

Councilmember Dunn expressed her concerns about giving a Municipal Judge the power to issue search warrants.

Councilmember Lee expressed her concerns about the problems with animal control. She stated that they need to be reviewed in the ordinary ordinance.

Councilmember Pomeroy made a substitute motion to refer the Charter Ordinance to the Public Health and Safety Committee. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

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 extending between SE 28th Street and SE 29th Street on the east side of SE Golden in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, placed on first reading November 14, 2000 was again presented. (Z77/15)

Barry Beagle, Planning Department gave the staff report. He stated that all owners have been notified.

Following a discussion regarding notification of Resolutions of Intent, Councilmember Dunn moved to defer the ordinance until the first Tuesday in January of 2001. The motion seconded by Councilmember Pomeroy carried unanimously. (8-0-0)

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 extending west of SE Golden Avenue on the south side of SE 28th 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 November 14, 2000, was again presented. (Z77/17)

Councilmember Dunn moved to defer the ordinance until the first Tuesday in January of 2001. The motion seconded by Councilmember Pomeroy carried unanimously. (8-0-0)

ORDINANCE NO. 17600 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 north side of NE Grantville Road, the centerline of which is approximately 600-feet west of Kaw Valley School Road in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District, placed on first reading November 14, 2000, was again presented. (Z78/37)

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

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

ORDINANCE NO. 17601 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 SW Woodbridge Drive and I-70 in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District, placed on first reading November 14, 2000, was again presented. (Z78/46)

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

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

ORDINANCE NO. 17602 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 northwest corner of NW Independence Avenue and NW Topeka Boulevard from "R-1" Single Family Dwelling District and "C-4" Commercial District all to "C-4" Commercial District, placed on first reading November 14, 2000, was again presented. (Z79/32)

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

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

ORDINANCE NO. 17603 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 extending between NW Independence Street and NW Studer Street at their point of termination west of NW Topeka Boulevard in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District, placed on first reading November 14, 2000, was again presented. (Z79/39)

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

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

ORDINANCE NO. 17604 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 2109 NE Meriden Road in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District, placed on first reading November 14, 2000, was again presented. (Z80/23)

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

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

ORDINANCE NO. 17605 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 the 2200 block of SW Kingsrow Road in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-1" Multiple Family Dwelling District, placed on first reading November 14, 2000, was again presented. (Z89/45)

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

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

A RESOLUTION introduced by Mayor Joan Wagnon creating the Topeka Housing Authority, a municipal housing authority pursuant to the Kansas Municipal Housing Act, K.S.A. 17-2337 et seq. and rescinding Resolution Nos. 2431, 2564, 4696, 5598 and any other resolutions in conflict with this, was presented.

Linda Jeffrey, City Attorney explained that HUD advised the City that they are not in accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA). She stated that this resolution would create a Housing Authority governed by a board that would comply with the QHWRA.

Several people appeared in support of the resolution and commented that there should be more than one tenant appointed to the board because problems vary. Concerns were also expressed that dismissals of THA employees may affect Housing and Neighborhood Development and CDBG programs. Some concerns that employees and tenants were not being treated fairly were discussed.

Linda Jeffrey explained why the employees of the Topeka Housing Authority (THA) were notified that their jobs were being abolished.

Mayor Wagnon noted that the board would appoint a tenant to the board after the resolution is adopted.

Tuck Duncan, Chair of the THA Board stated that they need to make THA a separate entity by January 1, 2001 or they would lose their funding for next year.

Councilmember Pomeroy stated that he was pleased with the appointments the Mayor mentioned and moved to amend the resolution to require the Council to ratify Mayoral appointments to the board. The motion was seconded by Councilmember Carkhuff.

Linda Jeffrey stated that in her opinion the Council does not have the ability to modify the State Statute that gives the Mayor the authority to make the board appointments.

Councilmember Duffy stated that he supports the amendment because it is good public policy.

The motion to amend carried. Councilmember Dunn voted "no". (7-1-0)

Councilmember Lee stated that she supports the resolution.

Councilmember Alcalá suggested that the Council meet in a quasi-judicial committee of the whole, with a tenant as a member, to hear THA matters instead of creating the quasi-public entity.

Linda Jeffrey explained that this would not comply with the regulations.

Councilmember Dunn suggested exploring possible alternatives and asked about employee transitions.

James Jackson appeared and responded to Councilmember Dunn's questions.

Councilmember Duffy asked for the City Attorney's advice on failure to pass the resolution.

Linda Jeffrey stated that HUD would not provide funding because they are not fulfilling the terms of the contract.

Mayor Wagnon withdrew the resolution and stated that it would be put back on next week's Council agenda along with the board appointments.

Councilmember Dunn asked for additional information from HUD for clarification and stated that she would like to ask HUD additional questions.

Councilmember Lee suggested contacting the Kansas Association of Public Employees (KAPE) to clear up any misunderstandings.

Councilmember Alcalá asked for clarification about the quasi-judicial committee of the whole.

A COMMUNICATION from the Planning Department submitting a request by Kent LasKares and Bernita Berntsen for a waiver to the provisions of the Shawnee County Wastewater Management Plan, was presented.

Barry Beagle gave the staff report. He noted a correction to the information distributed to Council. He stated that the address should be 29th Street and Wittenberg instead of 21st Street.

Councilmember Dunn stated that the cost to connect to City sewer service was economically unfeasible and moved to accept the communication and recommendations of the Planning Department. The motion was seconded by Councilmember Gardner.

Councilmember Duffy stated that it was the City's policy to eliminate septic systems. He commented that the sanitary sewer system is what determines and manages the growth of the City. He stated that the recommendations are inconsistent with the policy and the comprehensive plan.

Barry Beagle noted that the land use was consistent with the comprehensive plan. He stated that the sewer is the only entity lacking, the water and street are in place.

Councilmember Pomeroy commented that the one home would preserve the green space on the property.

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

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 two independent parcels located north of SE 29th Street and east of SE Aquarius Drive in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, was presented for first reading. (Z71/29)

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 approximately 700-feet north of SE 29th Street and 900-feet east of SE Aquarius Drive in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "C-1" Commercial District, was presented for first reading. (Z71/30)

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 approximately 1,500-feet north and 900-feet east of SE 29th Street

and SE Aquarius Drive, respectfully in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, was presented for first reading. (Z74/13)

AN ORDINANCE introduced by Mayor Joan Wagnon authorizing the City of Topeka, Kansas, to issue Multifamily Housing Refunding Revenue Bonds, Series 2000 (Fleming Court Apartments Project), in the principal amount of \$3,880,000, for the purpose of providing funds to pay the cost of refunding the City's Multifamily Housing Revenue Refunding Bonds, Series 1991A (Fleming Court Apartments Project); authorizing the City to enter into a trust indenture with Security Bank of Kansas City as trustee; authorizing the City to enter into a lease agreement with Hickok Master Limited Partnership; and authorizing and approving the execution of certain documents and the taking of other actions in connection with the issuance of said bonds, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer asked for dates for a work session.

Councilmembers agreed to meet Tuesday, December 12, 2000 from 5:30 p.m. - 7:00 p.m.

REPORTS OF COMMITTEES AND OFFICERS, was presented.

Councilmember Carkhuff announced that the Policy Committee would meet Monday, November 27, 2000 at 4:00 p.m. in the City Council office to discuss the ordinance regarding public contracts.

Councilmember Lee announced that the Public Health and Safety Committee would meet Monday, November 27, 2000 following the Policy Committee meeting to discuss the smoking ordinance.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, was presented.

Councilmember Alcalá asked if staff could check the access and lighting to Little Russia (Sardou Bridge ramp).

Councilmember Gardner asked if the signage at the intersection of Topeka Boulevard and Huntoon Street could be looked at because there seems to be some problems with safety.

Councilmember Pomeroy commented that he was reviewing was the list of initiatives regarding the Cities of Character resolution.

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

Iris Walker
City Clerk