

City Council Minutes – December 5, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 5, 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, Carkhuff, Duffy, Lee, and Gardner –7. Mayor Wagnon presided -1. Absent: Councilmembers Dunn and Hill -2.

AFTER THE MEETING was called to order, prayer was offered by Reverend Racelor, Gage Park Baptist Church.

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

Mayor Wagnon stated that Councilmember Dunn and Hill were absent because they were attending the National League of Cities Conference.

THE CONSENT AGENDA was presented as follows:

Mayor Wagnon stated that Item 2A, a Final Plat for Hickory Creek Subdivision No. 2, would be removed from the consent agenda and placed directly following Item 4B.

Minutes of the regular meeting of November 28, 2000, were presented.

Councilmember McClinton moved to approve the minutes. The motion seconded by Councilmember Gardner carried unanimously. (7-0-0)

A COMMUNICATION presenting proposals and suggesting the proposal submitted by the Kansas Trial Lawyers Association for disposal of surplus property located at 719 SW Van Buren, and requesting authorization to enter into a contract, was presented.

John Arnold, Chief Administrative Officer explained the make up of the committee and their recommendation.

Kevin Rooney, Real Estate Officer for the City commented further on the proposals received. He asked for approval of the committee's recommendations and authorization to enter into a contract with the Kansas Trial Lawyers Association, who was the highest bidder.

Teri Humphrey, representative of the Kansas Trial Lawyers Association stated that they are committed to develop their education and resource center at this location. She stated that it is a good opportunity for their organization to be located downtown and they are committed to restoration of the building.

Dale Glenn, Architect with GOPM stated that the goal is to return it as close as possible to the original building.

Councilmember Carkhuff stated that they should ensure the buyer knows the building is being sold as is.

Councilmember Lee stated that she supports the work that the firefighters have done for the Museum, but thinks this is a good proposal.

Jerry Shelor, representative of the Kansas Development Finance Authority stated that the firefighters are emotionally tied to this building and would like to use it as a Fire Museum. He requested two additional weeks to come back with a proposal.

Darrell Dibbern, volunteer for the Fire Museum appeared and commented that he would like to see this building used as a Fire Museum and education center. He stated that they did not have a business plan or financing at this time. He stated that they would apply for grant funds to help renovate and operate the building, and requested additional time to allow them to bring back a plan and information on financing.

Councilmember Alcala expressed his concern that the building might be worth more than the highest bid and moved to appoint someone from administration to negotiate a purchase price for 719 VanBuren with the Kansas Trial Lawyers Association.

The motion died for a lack of a second.

Linda Jeffrey, City Attorney explained the Request for Proposals (RFP) process.

Councilmember Pomeroy moved to defer the communication for two weeks. The motion was seconded by Councilmember McClinton.

Councilmember Gardner stated that he was opposed to the motion because it went through the bid process and the Kansas Trial Lawyers Association was recommended and they have their finances in place..

Councilmember Gardner made a substitute motion to accept the communication and committee recommendations, proceed to negotiate a contract with the Kansas Trial Lawyers Association and bring it back to Council for approval. The motion was seconded by Councilmember Alcalá.

Councilmember Carkhuff stated that he supported the substitute motion because he felt the Kansas Trial Lawyers Association was the best deal.

Councilmember Pomeroy commented that there might not be many opportunities for a Fire Museum in an old fire station.

The substitute motion carried. Councilmember Pomeroy voted "no". (6-1-0)

A RESOLUTION introduced by Councilmembers Clark Duffy and Fran Lee, amending Topeka City Council Rules and Procedures, approved January 20, 1998 and amended on February 23, 1999 and December 21, 1999, specifically amending Rule 4.3 concerning the Preservation of Order, was presented.

Mayor Wagnon stated that the resolution requires a first reading because it changes the rules of the Council. She stated that it would be on next week's agenda for Council consideration and action.

A FINAL PLAT for Hickory Creek Subdivision No. 2 on property located south of SW 45th Street, east of SW Auburn Road within unincorporated Shawnee County, Kansas, was presented.

Barry Beagle, Planning Department explained the plat.

Councilmember Duffy expressed his concern about the proposed septic system. He raised questions about who would be responsible if the system failed. He stated that he objects to a plat in an area where fecal coliform bacteria is already present.

Councilmember Lee stated that she was concerned because it flows into the Shunganunga Creek.

Councilmember Carkhuff stated that he was also concerned with Councilmember Duffy's points.

Councilmember Duffy moved to remand the plat back to the Planning Commission for further review of the questions raised. The motion seconded by Councilmember Lee carried unanimously. (7-0-0)

AN ORDINANCE introduced by Councilmembers Fran Lee and Vanessa Hill amending City of Topeka Code §§ 78-226, Definitions; 78-229, Areas where smoking is prohibited; 78-233, Permitted public smoking areas; and 78-238, Posting of signs and specifically repealing said original sections, was presented for first reading.

Councilmember Lee moved to approve the committee report. The motion was seconded by Councilmember Duffy.

Councilmember Lee asked that Councilmember Duffy's name be added to the ordinance as a sponsor.

The motion carried. Councilmember Gardner voted "no". Councilmember Carkhuff was out of the room. (5-2-0)

AN ORDINANCE introduced by Mayor Joan Wagnon, authorizing Improvement Project No. 14097, which provides for the installation of pedestrian actuated flashers, audible signal equipment, school speed zone flashers, and dipple bricks at various locations throughout the City 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 and respreading 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 (North Kansas Avenue) as defined and described in Resolution No. 6747, adopted and approved May 13, 1997 and Resolution No. 6906, adopted and approved July 28, 1998 and repealing City of Topeka Ordinance No. 17551, 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 between SW Chelsea Drive and SW Belle Avenue, the centerline of which is approximately 520 feet south of SW 21st Street in the City of Topeka, Kansas, from "E" Multiple-

Family Dwelling District, and "E" Multiple-Family Dwelling District with a Resolution of Intent to "C-4" Commercial District to "C-2" Commercial District, was presented for first reading. (Z00/49)

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 west side of SE Adams Street, the centerline of which is approximately 320-feet south of SE 29th Street in the City of Topeka, Kansas, from "PUD" Planned Unit Development (multi-family and commercial usage) to "PUD" Planned Unit Development (single-family usage), was presented for first reading. (Z00/50)

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 southwest corner of SE 6th Street and SE Branner Street in the City of Topeka, Kansas, from "M-1" Two-Family Dwelling District and the "I-1" Light Industrial District, to "C-4" Commercial District, was presented for first reading. (Z00/51)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, located approximately 1,900-feet west of SE Croco Road on the south side of the Kansas Turnpike, 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. (A00/11)

AN ORDINANCE introduced by Mayor Joan Wagnon annexing land to the City of Topeka, Kansas, in accordance with K.S.A. (1999 Supp.) 12-520, on property extending west of SE Croco Road and generally south of SE 23^rd Terrace, 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. (A00/12)

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 the southwest corner of SE Powell Street and SE 28th Street in the City of Topeka, from "R-1" Single Family Dwelling District with a Resolution of Intent for "E" Multiple Family Dwelling District and "E" Multiple Family Dwelling District all to "C-4" Commercial District, was presented for first reading. (Z84/24)

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 the southwest corner of SW Van Buren Street and SW 16th Street in the City of Topeka, from "M-1" Two Family Dwelling District to "C-4" Commercial District, was presented for first reading. (Z85/60)

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 2215 NW Vail 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. (Z86/38)

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 located at the southeast corner of SW McClure Road and SW 29th Street in the City of Topeka, from "C-2" Commercial District to "C-4" Commercial District, was presented for first reading. (Z87/30)

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 at 600 NW Broad Street from "R-1" Single Family Dwelling

District to "I-1" Light Industrial District in the City of Topeka, Kansas, was presented for first reading.

(Z90/10)

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 with approximately 885-feet of frontage on the west side of SW Fairlawn Road and centered about SW Summerfield Drive from "R-1" Single Family Dwelling District with Resolution of Intent for "PUD" Planned Unit Dwelling District and "C-4" Commercial District all to "C-4" Commercial District in the City of Topeka, Kansas, was presented for first reading. (Z91/21)

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 west side of SW Fairlawn Road, the centerline of which is approximately 750-feet north of SW Summerfield Drive from "R-1" Single Family Dwelling District to "C-2" Commercial District in the City of Topeka, Kansas, was presented for first reading. (Z91/22)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold distributed information regarding the Santa Fe Santa Claus Christmas Train. He read a memo regarding residency requirements and Meg Perry's address. He also read an article about the ratings of government.

REPORTS OF COMMITTEES AND OFFICERS, was presented.

Councilmember Carkhuff stated that the streetlights are out in the parking lot between the City and County buildings. He also stated that there are a lot of streetlights out throughout the City and suggested sending out a night crew to ensure streetlights are fixed.

Jeff White, Director of Public Works stated that they were working on the problem.

Councilmembers Pomeroy and McClinton left the meeting.

Councilmember Alcalá asked for a status of when the interlocal agreement for the sales tax extension would be presented to Council.

Mayor Wagnon stated that it would appear on next week's Council agenda.

Councilmember Lee announced that the Public Health and Safety Committee would meet Monday, December 11, 2000 at 5:00 p.m.

Councilmember Carkhuff moved to recess into executive session to discuss real estate acquisition for infill housing for 15 minutes in order to avoid damaging the City's position. The motion seconded by Councilmember Lee failed. Councilmember Gardner voted "no". (4-1-0)

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 5, 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, Carkhuff, Duffy, Lee, and Gardner -7. Mayor Wagnon presided -1. Absent: Councilmembers Dunn and Hill -2.

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, December 5, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to consider issuance of \$3,380,000 Multifamily Housing Revenue Bonds, Series 2000 by the City of Topeka for the purpose of refunding the City's Multifamily Housing Revenue Refunding Bonds, Series 1991A.

John Arnold, Chief Administrative Officer gave the staff report.

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

Councilmember Lee moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Carkhuff carried unanimously. (7-0-0)

ORDINANCE NO. 17607 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, placed on first reading November 21, 2000, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, McClinton, Carkhuff, Duffy, Lee, and Gardner -7. Councilmembers Dunn and Hill were absent -2.

Iris Walker
City Clerk