

City Council Minutes – December 12, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 12, 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, Hill, and Gardner –9. Mayor Wagnon presided -1.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Alcala.

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

A FINAL PLAT for Clarion Lakes Subdivision on property located about the east side of SW Wanamaker Road and 1800 feet south of SW 37th Street in Unincorporated Shawnee County, Kansas, was presented.

A FINAL PLAT for Meadowlark Square Subdivision No. 5 on property situated on NW Fielding Road and NW 46th Street in unincorporated Shawnee County, Kansas, was presented.

RESOLUTION NO. 7106 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Landon Trail Project from approximately 15th Street to 37th Street in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7107 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Shunga Trail Extension Project consisting of approximately 1 1/2 miles of trail extensions with connections to Landon Trail, 6th Street, and 10th Street in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7108 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation

Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Washburn-Lane Pedestrian Lighting Project - Phase 2 from 1st Street to 21st Street in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7109 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Eastside Pedestrian/ Bicycle Bridge Project from approximately 4th and Market Streets to Davies Street with connection to existing Shunga Trail System in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7110 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Ward-Meade Brick Street Restoration and Park Entryway Project in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7111 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Potwin Historic District - Street/Curb Restoration Project located on Greenwood and Woodlawn Avenues, Grove, 1st, 2nd, 3rd and Willow Streets in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7112 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the

Solider Creek Trail Project from approximately Garfield Park to U.S. Highway 24 in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7113 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Great Overland Station Trailhead Project which consists of storm water control measures, scenic interpretive site and connection of the Great Overland Station area to the Kaw Reserve Trail; approximate length of trail is 7 miles along U.S. Highway 75 in the City of Topeka and authorizing the Mayor to sign the application, was presented.

RESOLUTION NO. 7114 introduced by Mayor Joan Wagnon, declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement funds as provided for by the Federal Transportation Equity Act for the 21st Century for the Jackson Street Corridor Pedestrian and Streetscape Project from approximately 8th Street to the Kansas River and connection to the Oregon Trail along the riverfront in the City of Topeka and authorizing the Mayor to sign the application, was presented.

COMMUNICATION from Mayor Wagnon recommending the appointment of Ed Ramirez and the re-appointments of Bruce Mallory, Dale Briman, Mike Worswick and Mike Faler to serve 2-year terms on the Downtown Business Improvement District Advisory Board, was presented.

COMMUNICATION from Mayor Wagnon recommending the appointment of Charles Stryker to the Metropolitan Topeka Airport Authority, was presented. Mayor Wagnon stated that she is withdrawing the re-appointment of Stu Entz because he had declined acceptance of the appointment.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors were presented for the following:

Brass Rail Bar, 401 E. Emmett
CASA, 3320 S. Topeka
Gage Tavern, 2008 Gage Blvd.

Godfather's Pizza, 1835 N. Topeka Blvd.
Godfather's Pizza, 2911 SW 29th Street
Godfather's Pizza #17017, 1707 SE 29th Street
Grover's Smokehouse, 100 W. 29th Street
Heart of America Food Services, One Expocentre Dr.
Ichabod Laundra Bar, 1501 W. 21st Street
Lupita's Mexican Restaurant, 732 S. Kansas Ave.
Lynn's Place, 1212 Sardou
Miami Tavern & Grill, 3026 NE Seward
Our Lady of Guadalupe Church, 1008 NE Atchison
Pizza Parlor, 1919 NE Seward Ave.
Porubsky's, 508 Sardou
Sasnak North, 1834 N. Topeka
Seabrook Tavern, 2105 Mission
Sure Shot Billards, 826 N. Kansas Ave.
Taco Tico Inc., 2102 N. Topeka Blvd.
The Chatterbox Tavern, 2121 E. 6th Street
The Den Club, 1116 NW Lower Silver Lake Rd.
The Spot Tavern, 2202 Buchanan
Topeka Public Golf Course, 2533 SW Urish Rd.
Town & Country Bar, 3738 Topeka

Minutes of the regular meeting of December 5, 2000, were presented.

Councilmember Dunn moved to approve the consent agenda. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

RESOLUTION NO. 7115 introduced by Mayor Joan Wagnon in accordance with Section 48-25.01 of the Code of the City of Topeka, approving a City of Topeka Conditional Use Permit to establish a vehicle surface parking lot in association with a principal use on property currently zoned "R-1" Single-Family Dwelling District, and located at the northeast corner of SW 17th Street and SW Boswell Street in the City of Topeka, Kansas, was presented. (CU00/12)

Barry Beagle, Planning Department gave the staff report.

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

Councilmember Gardner moved to approve the resolution. The motion seconded by Councilmember Lee carried. Councilmember Duffy voted "no". (8-1-0)

ZONING PETITION (Z00/49) by Randolph G. Austin requesting to amend the District Zoning Classification 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 on property located between SW Chelsea Drive and SW Belle Avenue, was presented.

Barry Beagle gave the staff report.

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

Mayor Wagnon asked Councilmembers to declare ex parte communications. There were none.

Councilmember Hill moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Dunn carried. Councilmember Lee voted "no". (8-1-0)

ORDINANCE NO. 17609 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, placed on first reading December 5, 2000, was again presented. (Z00/49)

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

ZONING PETITION (Z00/50) by American Postal Properties requesting to amend the District Zoning Classification from "PUD" Planned Unit Development District (multi-family and commercial usage) to "PUD" Planned Unit Development District (single-family usage) on property located on the west side of SE 29th Street and SE Adams Street, was presented.

Barry Beagle gave the staff report.

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

Mayor Wagnon asked Councilmembers to declare ex parte communications. There were none.

Councilmember Dunn moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

ORDINANCE NO. 17610 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), placed on first reading December 5, 2000, was again presented. (Z00/50)

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

ZONING PETITION (Z00/51) by Michael G. Shedrick requesting to amend the District Zoning Classification from "M-1" Two-Family Dwelling District and "I-1" Light Industrial District to "C-4" Commercial District on property located on the southwest corner of SE 6th Street and SE Branner Street, was presented.

Barry Beagle gave the staff report.

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

Mayor Wagnon asked Councilmembers to declare ex parte communications. There were none.

Councilmember Alcalá moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

ORDINANCE NO. 17611 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, placed on first reading December 5, 2000, was again presented.
(Z00/51)

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. 17612 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, placed on first reading December 5, 2000, was again presented. (A00/11)

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. 17613 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 23rd 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, placed on first reading December 5, 2000, was again presented. (A00/12)

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. 17614 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, placed on first reading December 5, 2000, was again presented. (Z84/24)

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

ORDINANCE NO. 17615 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, placed on first reading December 5, 2000, was again presented. (Z85/60)

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. 17616 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, placed on first reading December 5, 2000, was again presented. (Z86/38)

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. 17617 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, placed on first reading December 5, 2000, was again presented. (Z87/30)

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

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, placed on first reading December 5, 2000, was again presented. (Z90/10)

Mayor Wagnon stated that the applicant requested that this request be withdrawn.

The ordinance was not adopted on roll call vote as follows: Ayes: Councilmember Dunn -1. Noes: Councilmembers Pomeroy, Alcalá, McClinton, Carkhuff, Duffy, Lee, Hill, and Gardner –8.

ORDINANCE NO. 17618 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, placed on first reading December 10, 2000, was again presented. (Z91/21)

Jim Kelley, representing the property owners appeared and explained the history of the property. He stated that the project has been developing over a period of years.

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. 17619 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, placed on first reading December 5, 2000, was again presented. (Z91/22)

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

Mayor Wagnon stated that Item #5A, an Inter-local agreement between the Board of Shawnee County Commissioners and the City is withdrawn from the agenda because Shawnee County has not acted on it.

RESOLUTION NO. 7116 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.

Councilmember Duffy explained the intent of the resolution.

Councilmember Dunn questioned the constitutional right of free speech.

Councilmember Duffy stated that it was not an unabridged speech, and they are subject to rules. He commented that this is more of a contract among the Council for a level of decorum just as they expect from the public.

Councilmember McClinton asked if Councilmember Duffy would consider removing "emotional stress" from the resolution. He also requested the removal of it from the rules from the public.

Councilmember Gardner pointed out what he thought was vague in the amendments to the rules. He asked what would determine that a member's speech is disruptive of the proceedings or that the legislative process is substantially interrupted.

Butch Felker, Jack Alexander, Dick Kettam, Michael Bell, David Price and Joseph Ledbetter appeared and expressed their opposition to the resolution. Comments were made that the proposed amendments are redundant if Robert's Rules of Order are followed, and speech should not be restricted. It was also noted that it is a serious action to consider expelling a Councilmember from a meeting because that member represents 1/9 of the City.

Councilmember McClinton moved to amend the resolution by removing "speeches intended to inflict severe emotional distress,". The motion was seconded by Councilmember Duffy.

Councilmember Gardner made a substitute motion conceptually, that in addition to Councilmember McClinton's motion, add "provided a vote of 2/3 majority of the Council sustains the chair" at the end of the sentence on line 22. The motion was seconded by Councilmember Dunn.

Councilmember Pomeroy suggested a friendly amendment to require 2/3-majority vote by the Councilmembers present rather than requiring 2/3-majority vote by all Councilmembers.

Councilmember Gardner accepted the amendment to his substitute motion.

The substitute motion carried. Councilmember McClinton and Carkhuff voted "no". (7-2-0)

Councilmember Gardner moved to adopt the resolution as amended. The motion seconded by Councilmember Alcalá carried. Councilmember Carkhuff voted "no". (8-1-0)

ORDINANCE NO. 17620 introduced by Mayor Joan Wagon 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, placed on first reading November 7, 2000, was again presented.

Councilmember McClinton gave the committee report and moved for acceptance. The motion seconded by Councilmember Duffy carried. Councilmember Dunn was out of the room. (8-1-0)

Jeff White, Director of Public Works gave the staff report.

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

PROJECT BUDGET for the installation of pedestrian activated flashers, audible signal equipment, guide blocks (dimple bricks), pedestrian cross walks and all other contingencies needed for a complete project at various locations throughout the City, in the amount of \$153,000, was presented.

Jeff White gave the staff report.

Councilmember Gardner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

ORDINANCE NO. 17621 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 dimple 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, placed on first reading December 5, 2000, was again presented.

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

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the Capital City Downtown Business Improvement District, establishing the method of raising revenue, amending City of Topeka Code § 42-38 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Councilmember Jim Gardner 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.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to project service fees for City projects, amending City of Topeka Code § 2-287 and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon amending City of Topeka Code § 18-88 relating to a prohibition of dogs running at large and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon authorizing the City of Topeka, Kansas, to issue its Taxable Industrial Revenue Bonds, Series A2000, (Payless ShoeSource, Inc., Project) in the maximum principal amount of \$10,563,000 for the purpose of purchasing, acquiring, constructing, reconstructing, improving, remodeling, equipping and installing certain facilities; authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., in the City of Kansas City, Missouri, as trustee; authorizing the City to lease said project to Payless ShoeSource, Inc.; and authorizing execution of a lease by and between said City and Payless ShoeSource, Inc., was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon authorizing the City of Topeka, Kansas, to issue its Taxable Industrial Revenue Bonds, Series B2000, (Payless ShoeSource Distribution, Inc., Project) in the maximum principal amount of \$10,393,000 for the purpose of purchasing, acquiring, constructing, reconstructing, improving, remodeling, equipping and installing certain facilities; authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., in the City of Kansas City, Missouri, as trustee; authorizing the City to lease said project to Payless ShoeSource Distribution, Inc.; and authorizing execution of a lease by and between said City and Payless ShoeSource Distribution, Inc., was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that the ordinance dissolving the WaterTower Project is effective as of Friday, December 15, 2000.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember McClinton announced that the SERTOMA Club was hosting a teen dance at Days Inn Friday evening, November 15, 2000.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Gardner requested that a resolution relating to an amendment of the Neighborhood Revitalization Act (NRA) public hearing be placed on a future agenda.

Councilmember Duffy asked for an update on zoning in the WaterTower district.

Councilmember Alcalá distributed a memo to Councilmembers regarding a budget adjustment for 2001. He asked that it be placed on a future agenda. He stated that the proposed adjustment takes funds from GO Topeka and allocates them to the Downtown Plan.

Councilmember Pomeroy commented that the Council and media should learn from the experience that happened two weeks ago. He stated that the newspaper went overboard in their reporting.

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

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 12, 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, Hill, and Gardner –9. Mayor Wagnon presided -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, December 12, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the City Clerk, Trafficway Improvement Project No. 70138.

Mayor Wagnon gave an opportunity for anyone present to speak.

Donna Callabrize appeared to speak on behalf of her father. She stated that his business sales have decreased by 42% since the improvement because of loss of business during construction and requested a reduction in his assessment amount.

Bill McCarter, Engineering Division explained that the service station met all the qualifications assigned to it under the trip generation. He stated that they could not single out this station and charge a different rate than other stations within the improvement district.

Councilmember Carkhuff moved to close the public hearing. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

ORDINANCE NO. 17608 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, placed on first reading December 5, 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. Noes: Councilmember Gardner -1.

Iris Walker
City Clerk