

City Council Minutes – January 23, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 23, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Dunn, Duffy, Lee, Hill, and Gardner –7. Deputy Mayor Carkhuff presided-1. Absent: Councilmember McClinton and Mayor Wagnon -2.

AFTER THE MEETING was called to order, prayer was offered by Reverend Eugene Shoemaker, Director and Chaplain of the Outreach Program.

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

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7124 introduced by Mayor Joan Wagnon, establishing a water main connection charge for main extension along NW 25th Street in Cloverleaf Addition, Topeka, Shawnee County, Kansas, was presented.

Minutes of the regular meeting of January 16, 2001, were presented.

Councilmember Lee noted a correction to the minutes. She pointed out that "Supreme Court Building" should be "Supreme Court Chambers" located on page 19.

Councilmember Dunn moved to approve the consent agenda with the correction to the minutes. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

DISCUSSION and adoption of Legislative Agenda, was presented.

Councilmember Lee moved to accept the committee report. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmember Dunn gave the committee report. She stated that the committee voted to strike all reference to the "Development Authority Act" and recommended that the priorities be listed in order by "Enhanced 911, Health care and other benefits, and Tax Increment Financing". The committee also

recommended that the Council adopt the general policy statement of the League of Kansas Municipalities and delete the remainder of the draft document.

Councilmember Gardner stated that he would not vote in support of the proposal because he was opposed to supporting "Enhanced 911", and the "Tax Increment Financing".

Councilmember Pomeroy moved to add the issue of Washburn University and have lobbyists' work on legislative issues that would eliminate barriers to City and County consolidation. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmembers Lee and Hill expressed appreciation that Pinegar and Smith offered to meet with the Policy Council Committee on a regular basis.

Councilmember Duffy commented that it would be beneficial for the City to develop their policy prior to the League so that the City could influence what goes into the general policy statement.

Councilmember Duffy moved to strike "Tax Increment Financing" and insert "Development Authority Act" as an initiative. The motion was seconded by Councilmember Carkhuff.

Councilmember Dunn expressed concerns with delegating eminent domain rights to a committee or a board instead of elected officials.

Councilmember Pomeroy commented that the "Development Authority Act" concept is worth exploring and would support it if it came back to Council for approval.

Councilmember Duffy stated that he would amend the motion to have the "Development Authority Act" to come back to Council on eminent domain issues.

The motion along with the amendment failed. Councilmembers Alcala, Dunn, Hill and Gardner voted "no". (4-4-0)

Councilmember Pomeroy moved to amend the policy statement on page 4 to insert, "Sentencing Guidelines and County wide Jurisdiction for certain Municipal Courts". The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmember Carkhuff suggested adding language regarding utility rates that could benefit the City.

Councilmember Duffy moved to amend the motion conceptually to allow the Chief Administrative Officer and Pinegar and Smith draft language regarding utility rates and have it reviewed by the Chair of the Policy Committee, who would determine if it needs to go to full Council. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmember Carkhuff commented that he did not want to delay the statement, and he would give direction for the lobbyists to work on utility rates if anything about them comes up.

Several Councilmembers requested that they receive continual updates regarding the issues.

Councilmember Gardner moved amend the statement by inserting the language, "the City of Topeka opposes any effort to tax Internet sales". The motion seconded by Councilmember Dunn failed. Councilmembers Alcalá, Pomeroy, Carkhuff, Duffy and Lee voted "no". (3-5-0)

Councilmember Duffy moved to amend the statement, on page 6, to insert the language "infrastructure with modification" and "drainage management". The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

Councilmember Dunn moved to approve the legislative policy statement as amended. The motion seconded by Councilmember Hill carried. Councilmember Gardner voted "no". (7-1-0)

Councilmember Dunn moved to dissolve into the Committee of the Whole to discuss Agenda Items 4A through 4J and then reconvene to the Council meeting. The motion seconded by Councilmember Hill carried. Councilmember Carkhuff voted "no". Councilmember Gardner was out of the room. (6-2-0)

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the nuisance code, providing for enhanced administrative penalties for repeat offenders, amending City of Topeka Code § 66-33.1 and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to service of nuisance violation notices amending City of Topeka Code § 66-32 and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to repeat violators of the nuisance code, amending City of Topeka Code § 66-33, Abatement by city and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to emergency abatements of nuisance conditions, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to nuisances, amending Topeka City Code § 66-27(2) and specifically repealing Topeka City Code § 66-27(2), placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, relating to abandoned property as defined in K.S.A. 12-1750; designating an enforcing officer pursuant thereto, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the Housing Code, amending City of Topeka Code § 82-158, Means of ingress and egress and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the Housing Code, specifically providing for an administrative penalty for uncorrected housing code violations, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, amending the City of Topeka Housing Code, specifically City of Topeka Code § 82-137, Temperature, heating and venting and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

AN ORDINANCE introduced by Mayor Joan Wagnon, amending the City of Topeka Housing Code, specifically City of Topeka Code § 82-91, Notice and order and specifically repealing said original section, placed on first reading January 9, 2001, was again presented.

Beth Schafer, Assistant City Attorney explained the proposed amendments to Items 4A, 4D, 4G, and 4J.

Councilmember Alcalá moved to amend the language in Item 4A, lines 22 and 27 by deleting "or a different". The motion seconded by Councilmember Dunn carried. Councilmember Dunn voted "no". (7-1-0)

Questions were raised about clarification on owner, occupant or agent, who is ultimately held accountable for a condition of the property, and the due process if the owner is not notified of the violation but is expected to pay the administrative penalty. It was suggested that "occupant or agent" be removed.

Councilmember Duffy moved to amend Item 4A, lines 21 and 26 to strike "occupant and agent". The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

Following a lengthy discussion, Councilmember Gardner moved to close the Committee of the Whole and reconvene at a later time. The motion was seconded by Councilmember Alcalá.

Councilmember Alcalá made a substitute motion to amend Item 4A to include a Section 4, which would read, "not allow any junked inoperable vehicles within 50 feet of a school or day care". The motion seconded by Councilmember Pomeroy carried. Councilmembers Carkhuff and Gardner voted "no". (6-2-0)

Councilmember Pomeroy stated that he was opposed to adjourning out of the Committee of the Whole but made a substitute motion to adjourn the Committee of the Whole meeting until the public hearing on February 13, 2001. The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Following the Committee of the Whole session, the Council reconvened the Council meeting.

RESOLUTION NO. 7125 introduced by Councilmember Jim Gardner, stating support for consolidation of law enforcement in Shawnee County, was presented.

Councilmember Gardner explained why the resolution was being presented and stated that it does not commit the City but expresses willingness to take a look at consolidation of law enforcement. He stated that he would be willing to chair a committee to work on the consolidation.

Councilmember Alcala stated that he would like to volunteer for the committee.

Councilmember Pomeroy moved to amend the resolution on line 14 by inserting the language "on or before January 1, 2003". The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Vic Miller, Chairman of the Shawnee County Commission appeared and stated that a commitment to consolidate is needed from the City. He recommended that an elected Sheriff be the single head of law enforcement for Shawnee County including the City of Topeka.

Councilmember Pomeroy moved to amend the resolution on lines 8 and 12 to remove the word, "willingness" and insert the word "intent" and on line 9 remove the word "examining". The motion seconded by Councilmember Gardner carried unanimously. (8-0-0)

Councilmember Gardner moved to approve the resolution as amended. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

A COMMUNICATION from GO Topeka submitting a request to waive permit fees to provide incentives to a local company that is considering locating its headquarters in Topeka, was presented.

Kathy Mollenberndt, GO Topeka appeared and explained that a local company has plans to locate their headquarters in Topeka and add an additional 30 people. She stated that they are asking for a waiver of permit fees and consideration of other incentives.

Councilmember Gardner stated that he opposes approval of waiving fees for a company that has not been identified. He commented that it would set a precedent.

Councilmember Duffy commented that he supports incentives for new and existing business. He stated that he understood GO Topeka would use the sales tax extension for these types of incentives. He stated that he would support the waiver until GO Topeka has a process in place.

Councilmember Pomeroy moved to approve the waiver. The motion seconded by Councilmember Lee carried. Councilmember Hill, Alcalá, and Gardner voted "no". (5-3-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Joan Wagnon pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, was presented for first reading. (CPA00/5)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that a letter was sent to the candidates running for City office inviting them to attend a briefing on finances of the City, Saturday, January 27, 2001 at 10:00 a.m. at the Law Enforcement Center training room.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that the Economic Development Committee would meet Wednesday, January 31, 2001 at 5:15 p.m. in the City Council Chambers to discuss the Neighborhood Revitalization Act (NRA).

Councilmember Lee announced that the Public Health and Safety Committee would meet Monday, January 29, 2001 at 4:00 p.m. to discuss two claim appeals and the municipal court ordinance.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn requested a report on the elephants at the Topeka Zoo. She stated that the City of Topeka is hosting a seminar on "Every Neighborhood Counts" March 25, 2001 at the Ramada Inn. She asked how much it would cost and if it would be financed by Community Development Block Grant funds.

Councilmember Gardner left the meeting.

John Arnold stated that he would provide her with a report.

Councilmember Dunn moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Alcalá carried. Councilmember Duffy voted "no". (6-1-0)

Joe Ledbetter, Palace Holt, Gary Clemmons and Jenny Pritchard appeared to speak during public comment.

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

Iris Walker
City Clerk