

City Council Minutes – March 20, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 20, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Pomeroy, McClinton, Dunn, Duffy, Lee, and Hill –7. Deputy Mayor Carkhuff presided -1. Absent: Mayor Wagnon and Councilmember Gardner-2.

AFTER THE MEETING was called to order, prayer was offered by Reverend Gregory Smith, Antioch Missionary Baptist Church.

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

THE CONSENT AGENDA was presented as follows:

Deputy Mayor Carkhuff stated that there was a request to divide the question. He stated that Item 2C, a claim appeal for Charlene Gormley, and Item 2D, a claim appeal for Brian Revels, would be removed from the consent agenda and placed directly following Unfinished Business.

RESOLUTION NO. 7138 introduced by Mayor Joan Wagnon and Councilmember Sam Carkhuff canceling the April 3, 2001 Council meeting, was presented.

A COMMUNICATION from the Rossville City Council stating that their city is not in favor of consolidation between the Topeka Police Department and the Shawnee County Sheriff, was presented.

Minutes of the regular meeting of March 13, 2001, were presented.

Councilmember Lee moved to approve the consent agenda except for Items 2C and 2D, which will be considered separately. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17662 introduced by Mayor Joan Wagnon pertaining to an amendment to the text and maps of the Topeka-Shawnee County Comprehensive Metropolitan Plan, adopting an amended Regional Trails and Greenways Plan and repealing City of Topeka Ordinance No. 17654, placed on first reading March 13, 2001, was again presented.

(CPA00/6)

John Dugan, Director of Planning gave the staff report and explained why the Shawnee County Commission deleted a portion of the Landon Trail from the plan.

Several Councilmembers expressed their appreciation for the work John Dugan did as Director of the Planning Department, and wished him well in his new position.

Larry Rhodes appeared in support of the plan.

Councilmember Duffy commented that implementation of the plan would give the City an opportunity to become a part of the "Spirit Trail of the Nation".

Councilmember Pomeroy moved to approve the ordinance and send an expression to the County in hopes that they would reconsider their decision to delete that portion of the plan. The motion seconded by Councilmember Lee carried unanimously. (8-0-0)

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

CHARTER ORDINANCE NO. 85 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.

Councilmember Lee gave the committee report and moved for acceptance of the report and adoption of the ordinance. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

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

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the code of procedure for municipal courts amending City of Topeka Code §§ 50-36, 50-37, 50-38, 50-39, 50-40, 50-41, 50-42, 50-56, 50-57, 50-58, 50-59, 50-60, and 50-61 and specifically repealing said original section, was presented for second reading.

Councilmember Lee gave the committee report.

Linda Jeffrey, City Attorney explained the amendments to the ordinance.

The Deputy Mayor stated that the ordinance would be on the agenda for final reading next week.

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

A COMMUNICATION from the Public Health and Safety Committee recommending denial of claim appeal for Charlene Gormley, was presented.

Councilmember Lee gave the committee report.

Councilmember Lee moved to accept the committee's recommendation to deny the claim. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

A COMMUNICATION from the Public Health and Safety Committee recommending denial of claim appeal for Brian Revels, was presented.

Brian Revels appeared and showed pictures of the tree and fallen limb that damaged his car while parked at a City meter. He said the tree was in failure and the City removed the tree the next day. He asked for reimbursement of costs to repair his car.

Councilmember McClinton moved to deny the committee report and pay the claim in the amount of \$1,930.94. The motion was seconded by Councilmember Alcalá.

Several Councilmembers suggested submitting the request to the State for consideration because the State had the tree removed for a parking project.

Councilmember Duffy commented that he was opposed to payment of the claim because the Forestry Division has stated that the tree has been pruned on a regular basis and that there was no negligence by the City.

John Arnold, Chief Administrative Officer stated that the City has miles of streets with trees along both sides. He commented that this would set a precedent and policy that the City will pay for damage to cars from trees.

Councilmembers McClinton and Alcala commented that they should continue to review claim appeals on a case by case basis.

Councilmember Dunn called the question.

The motion as amended failed. Councilmembers Pomeroy, Carkhuff, Lee, and Hill voted "no". (4-4-0)

A RESOLUTION introduced by Mayor Joan Wagon authorizing initiation of condemnation proceedings to acquire easements by eminent domain for City of Topeka Project No. 60569, re-establishment of the alleyway between 3rd and 4th Streets and Watson and Saline Streets, was presented.

Linda Jeffrey stated that the cost to initiate condemnation is estimated at \$10,000.

David Clemmons, area property owner appeared and stated that seven of eight property owners have agreed to deed the land back to the City at no cost. He urged the City to move forward with the condemnation.

Richard Gray, area property owner, and Sterling Wagner, Attorney representing the Snook's appeared in support of the resolution.

Councilmember Dunn moved to defer the resolution for one week to obtain signatures from property owners and a project budget. The motion seconded by Councilmember Carkhuff carried. Councilmembers Pomeroy, Lee, and Hill voted "no". (5-3-0)

A RESOLUTION introduced by Councilmember Fran Lee relating to end of school zone signs, was presented.

Councilmember Lee explained why the resolution was being introduced.

Councilmember McClinton stated that there is no need to place 250 signs throughout the City. He suggested only placing signs in areas where they are needed.

Councilmember Lee stated that Public Works would be discretionary.

Jeff White, Director of Public Works stated that the signs would need to be placed consistently throughout the community.

Councilmember Alcalá stated that he was opposed to the resolution because he would rather see traffic slowed for safety purposes.

Councilmember Carkhuff suggested replacing unreadable signs that are already up first.

Councilmember Lee moved to approve the resolution. The motion seconded by Councilmember Duffy failed. Councilmembers Pomeroy, Alcalá, McClinton, Carkhuff, Dunn, and Hill voted "no". (2-6-0)

AN ORDINANCE introduced by Mayor Joan Wagnon and Councilmembers Samuel Carkhuff and James McClinton, amending City of Topeka Ordinance No. 17557 which exempts certain property, more specifically property owned by Co-Nect-It Frame Corporation 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 1100 SE Rice Road and specifically repealing said original ordinance, was presented for first reading.

AN ORDINANCE introduced by Councilmembers Sam Carkhuff and Clark Duffy relating to Article II, Municipal Court, amending City of Topeka Code § 50-26, Courts and fees and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60542-H, Phase II with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60542-H, Phase II as defined and described in Resolution No. 7018, adopted and approved October 19, 1999, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60552-H with pavement, curb and gutter and all other contingencies needed to

complete Street Improvement Project No. 60552-H, as defined and described in Resolution No. 7011, adopted and approved September 28, 1999, was presented for first reading.

AN ORDINANCE introduced by Mayor Joan Wagnon, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60554 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60554, as defined and described in Resolution No. 7051, adopted and approved March 14, 2000, was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing Downtown Topeka Inc., The Greater Topeka Chamber of Commerce and The Topeka Convention and Visitors Bureau to hold "Thursday Live - Meet Me Downtown" events at certain times in 2001, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that a report on the \$85,000 question would be forthcoming to Mrs. Dunn. He reported that pothole crews have been organized to repair damage to streets caused by winter weather. He also reported that the Water Department received an award and recognition for Excellence in Competitiveness Achievement.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lee thanked the Kansas Restaurant Association and American Cancer, Heart and Lung Association for making signs to place in restaurants regarding smoking.

Councilmember Alcala noted flood damage that was caused to a constituent's yard as a result of recent rains. He suggested that staff look at presenting projects to improve storm water runoff throughout the City.

Councilmember Carkhuff stated that the Volunteer Center has asked if the City and County would be interested in funding this year's awards recognition banquet. He stated that they are asking for \$7,700 in funding.

Jesus Campos, David Price, and Michael McNown appeared and spoke during public comment.

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

Iris Walker
City Clerk