

City Council Minutes – May 8, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 8, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, and Price–7. Mayor Felker presided -1. Absent: Councilmembers Pomeroy and Hill –2.

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

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

Mayor Felker stated that Councilmembers Pomeroy and Hill were absent because they were attending school functions.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Kelly Subdivision No. 3 on property located about the south side of SW 10th Street, approximately 200 feet west of SW Wanamaker Road, in the City of Topeka, Kansas, was presented.

A FINAL PLAT for Peterson Subdivision on property located at the southwest corner of NW 46th Street and NW Brickyard Road in Unincorporated Shawnee County, Kansas, was presented.

A COMMUNICATION requesting Council approval of an amendment to current contract #30826 between the City of Topeka and International Association of Firefighters Local #83 for the purpose of establishing the promotional process for Apparatus Operators, was presented.

RESOLUTION NO. 7150 introduced by Mayor Harry Felker of the City of Topeka, Kansas, providing for the City Council's consent of the issuance of Industrial Revenue Bonds by Shawnee County, Kansas, for the purpose of financing the acquisition of a site and the construction, equipping and furnishing of a facility thereon for BRB Contractors, Inc., located in said County, was presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for Stingers, 2335 NW Clay.

Minutes of the regular meeting of May 1, 2001, were presented.

Councilmember Dunn moved to approve the consent agenda. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

Councilmember Alcala moved to suspend the rules to add an item relating to the Topeka Boulevard Bridge to the agenda. The motion seconded by Councilmember Dunn carried. Councilmember Duffy voted “no”. (6-1-0)

Mayor Felker stated that the ordinance would be placed at the end of New Business, Item 7E.

Councilmember Alcala moved to reinstate the rules. The motion seconded by Councilmember Dunn carried unanimously. (7-0-0)

Mayor Felker stated that Item 5A, a Project Budget and Ordinance relating to the Deer Creek North Interceptor Rehabilitation Project No. 29057-04, would be considered with Item 7C, as requested by City staff.

ORDINANCE NO. 17676 introduced by Mayor Harry Felker for the condemnation and appropriation of lands in the City of Topeka for City of Topeka Improvement Project No. 86241, reestablishment of a public alleyway between 3rd and 4th Streets and Watson and Saline Streets, placed on first reading May 1, 2001, was again presented.

Linda Jeffrey, City Attorney gave the background and explained why the ordinance was before the Council.

Richard Hayes, Attorney representing David and Barbara Holzmeister gave the chronology of the property from 1948-2001. He asked why the City was proposing to condemn the property when access could be obtained by an ingress-egress easement. He asked that the condemnation be tabled until an easement agreement could be put into place.

Councilmember Stubbs asked what the cost of condemnation would be.

Linda Jeffrey explained the condemnation process and stated that they would need to obtain three appraisals of the property to determine the market value.

Councilmember Stubbs expressed her concern that they may be setting a precedent if they approve the condemnation ordinance to settle what appears to be a neighborhood dispute.

David Clemmons and Loren Snook, area residents commented that they are asking for an alleyway, not an access easement. They stated that they want their trash picked up in the alley.

Councilmember Stubbs moved to refer the ordinance to Committee for further review.

The motion died for lack of a second.

Councilmember Duffy asked that staff verify the privacy fence and landscaping stipulations of the conditional use permit.

Richard Hayes stated that neighbors to the north did not want a fence, and the City approved that amendment.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcala, Lane, Dunn, Stanley, Duffy, and Price—6. Noes: Councilmember Stubbs —1. Absent: Councilmembers Pomeroy and Hill —2.

RESOLUTION NO. 7151 introduced by Mayor Harry Felker 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 community center on property currently zoned “R-1” Single Family Dwelling District and located at 3301 SW Arnold Avenue in the City of Topeka, Kansas, was presented. (CU01/4)

Barry Beagle, Acting Planning Director gave the staff report.

Angela Sharp, Professional Engineering Consultants appeared to answer questions.

Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Price carried unanimously. (7-0-0)

RESOLUTION NO. 7152 introduced by Mayor Harry Felker in accordance with Section 48-23a.03 (2) (f) & (k) of the Code of the City of Topeka, approving a Conditional Use Permit to establish an automotive service station, type II (primary use) and motor vehicle sales (secondary use) on property currently zoned “X-1”

Mixed Use District and located at 414 NW Gordon Street in the City of Topeka, Kansas, was presented.

(CU01/8)

Barry Beagle gave the staff report.

Darrin Six, owner of Six Auto Sales appeared in support of the resolution.

Councilmember Stanley moved to approve the resolution. The motion seconded by Councilmember Stubbs carried unanimously. (7-0-0)

LABOR CONTRACT NO. 31133 between the City of Topeka and the Water Pollution Control Local Union for 2001, which reflects adjustments to the wage article and termination article only, was presented.

Rod Armstrong, Labor Relations Director for the City explained the contract. He stated that this was a one-year labor contract with a 3.4% wage increase, and those employees at step 5 as of December 31, 2000 will receive a 1% cash bonus.

Mark Green, Superintendent of Water Pollution Control appeared to answer questions.

Marvin Haid, representative of the bargaining unit for Water Pollution Control appeared to answer questions.

Councilmember Dunn moved to approve the labor contract. The motion seconded by Councilmember Alcala carried unanimously. (7-0-0)

REVISED PROJECT BUDGET for Street Improvement Project No. 60563-01-H for the paving of Phase 1 of Abbey's Grove Subdivision located on SE 27th Street just east of Scorpio Avenue in the amount of \$143,787.26, was presented.

Angela Sharp, Professional Engineering Consultant, representative of the applicant appeared to answer questions.

Councilmember Duffy moved to approve the revised project budget. The motion seconded by Councilmember Dunn carried unanimously. (7-0-0)

RESOLUTION NO. 7153 introduced by Mayor Harry Felker authorizing filing of necessary documents with the Kansas Department of Health and Environment (KDHE), for loans under the Kansas Water Pollution Control Revolving Fund Assistance Project, was presented.

Mark Green, Superintendent of Water Pollution Control gave the staff report on the resolution and project budget and ordinance for Project No. 29057, Deer Creek North Interceptor Rehabilitation Project.

Councilmember Duffy commented that the City ratepayers would pay for the vast majority of this project even though the project benefits residents of the county needing to remove their lagoons. He asked how this could be prevented in the future.

Mark Green explained that they could require something similar to the Halfday Creek project, which allowed anyone with a government system to be grandfathered in. He stated that septic tanks would not be.

Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

PROJECT BUDGET for the replacement of an existing sanitary sewer interceptor, Project No. 29057, Phase 4, in the amount of \$6,005,727, was presented.

ORDINANCE NO. 17675 introduced by Mayor Harry Felker, authorizing Deer Creek North Interceptor Rehabilitation Project No. 29057-04, which provides for the installation of a new sanitary sewer line from Deer Creek Pump Station to south of the Kansas Turnpike as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading May 1, 2001, was again presented.

Councilmember Dunn moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, and Price –7. Absent: Councilmembers Pomeroy and Hill –2.

A JOINT CITY OF TOPEKA AND SHAWNEE COUNTY RESOLUTION NO. 7154 introduced by Mayor Harry Felker and Shawnee County Commission Chair Vic Miller, relating to joint meetings of the City

Council of the City of Topeka, Kansas and the Board of Commissioners of Shawnee County, Kansas, was presented.

Councilmember Alcala moved to approve the resolution. The motion was seconded by Councilmember Stubbs.

Councilmember Stanley moved to amend the language on line 22 to add “meet as deemed necessary by both the Mayor and County Commission Chair”. The motion was seconded by Councilmember Dunn.

Councilmembers Alcala and Lane stated that they were opposed to the motion because they should meet on a regular basis to keep the lines of communication open.

The motion to amend failed. Councilmembers Alcala, Lane, Stubbs, and Price voted “no”. (3-4-0)

The motion to approve the resolution carried unanimously. (7-0-0)

AN ORDINANCE introduced by Mayor Felker, authorizing Bridge Improvement Project No. 12053-00, which provides for a study, mapping of deteriorated deck areas and preparation of a plan for construction of needed repairs such that the Topeka Blvd. Bridge over the Kansas River can be opened to posted three (3) ton traffic on four (4) lanes for a period of two (2) to four (4) years all pursuant to Topeka City Codes A12-1, was presented for first reading.

Jeff White, Director of Public Works explained the project. He summarized possible options for temporary repair and permanent replacement of the bridge and explained the cost estimates and financial factors involved that would provide funding.

Several Councilmembers asked for information about the economic impact of closing the bridge; the level of service and traffic flows impacted if the bridge is closed; which projects for 2001 and 2002 would not be done because of this project; a report on how much sales tax revenue is given to Washburn University annually as compared to how much property tax revenue could be generated annually; how long it would take and cost to move the watermain, gas lines and fiber optic cables to the Kansas Avenue Bridge; estimated cost of

demolition; what would be the impact if the bridge were closed now to replace it; and what would be the impact to the community if the ordinance is not approved.

Councilmember Stanley commented that the City made funding decisions based on the statement that the bridge would only need minor repairs for ten years. He stated that he was looking for accountability.

Jeff White stated that they need to take some action for safety purposes.

Councilmember Price suggested asking the Kansas Department of Transportation (KDOT) to push back some of their projects so there is a way to get to north Topeka.

AN ORDINANCE introduced by Mayor Felker authorizing an amendment to Improvement Project No. 13008(2), which provides for the remodeling and repair of City of Topeka fire stations as more specifically described herein, all pursuant to K.S.A. 12-1736 et seq., and specifically amending City of Topeka Ordinance No. 17548 and repealing said original ordinance, was presented for first reading.

AN ORDINANCE introduced by Mayor Felker relating to fixed asset definition, amending Topeka City Code § 2-446, Definitions, and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 10-foot wide utility easement as dedicated by Lakeview Subdivision Plat, City of Topeka, Shawnee County, Kansas, extending across property located at 3211 SE Westedge Road, was presented for first reading. (V01E/3)

AN ORDINANCE introduced by Mayor Harry Felker 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 north side of NW Independence Avenue, the centerline of which is approximately 720-feet west of NW Topeka Boulevard in the City of Topeka, Kansas, from “R-1” Single Family Dwelling District and “I-1” Light Industrial District all to “PUD” Planned Unit Development District (“I-1” use group category), was presented for first reading. (Z01/5)

AN ORDINANCE introduced by Councilmember Betty Dunn relating to the audit of City of Topeka accounts after a new mayor takes office, was presented for first reading.

AN ORDINANCE introduced by Councilmember Betty Dunn relating to the Topeka Human Relations Commission amending City of Topeka Code §§ 86-2, 86-28, 2-146, and 2-185 and repealing said original sections, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer asked Council when they wanted to schedule the next Saturday work session.

Mayor Felker stated that since it was a consensus of the Council they would meet Saturday, May 19, 2001 from 9:00 to Noon at the Law Enforcement Center to discuss budget priorities.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced that the Economic Development Committee would meet at 7:10 a.m. on the second and fourth Fridays of the month in the City Council office. He stated that a tentative agenda has been distributed to Councilmembers.

Councilmember Dunn announced that the Policy Committee would meet Wednesday, May 9, 2001 at Noon in the City Council office to discuss annexation of the Westridge Business Park Subdivision.

Mayor Felker stated that the report regarding the Convention and Visitor's Bureau (CVB) would be withdrawn because Councilmember Hill was absent and she had expressed interest in a report.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcala stated that he distributed a draft of a letter to Council that supports the Kansas State Community Outreach Partnership Center. He stated that they are working on developing the East Topeka Revitalization Plan and found that there are funds available through Housing and Urban Development (HUD). He asked for Council endorsement of the letter to Kansas State in hopes that it would have a positive impact on the decision from HUD to issue funding.

Councilmember Duffy distributed some ordinances and resolutions to be placed on a future agenda.

William Clark, Dr. Masters, David Price and Howard Brandenburg appeared and spoke during public comment.

NO FURTHER BUSINESS appearing, the meeting was adjourned by unanimous consent at 10:35 p.m.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 8, 2001. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, and Price –7. Mayor Felker presided -1. Absent: Councilmembers Pomeroy 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, May 8, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V01A/2 by James Weckwerth et al. Owners, to vacate a 10-foot wide alley located between NE Madison and NE Jefferson Streets west of the existing north-south alley, and north of NE Fairchild Street.

Barry Beagle, Acting Planning Director gave the staff report.

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

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

ORDINANCE NO. 17673 introduced by Mayor Harry Felker relating to the vacation of a 10-foot wide alley located between NE Madison and NE Jefferson Streets west of the existing north-south alley, and north of NE Fairchild Street, City of Topeka, Shawnee County, Kansas, placed on first reading May 1, 2001, was again presented. (V01A/2)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, and Price –7. Absent: Councilmembers Pomeroy and Hill –2.

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Barry Beagle, Acting Planning Director gave the staff report.

Mayor Felker gave an opportunity for anyone present to speak.

Mike Berry, Professional Engineering Consultants appeared to answer questions.

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

ORDINANCE NO. 17674 introduced by Mayor Harry Felker relating to the vacation of a 10-foot wide alley located between NE Madison and NE Jefferson Streets west of the existing north-south alley, and north of NE Fairchild Street, City of Topeka, Shawnee County, Kansas, placed on first reading May 1, 2001, was again presented. (V01A/2)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, and Price –7. Absent: Councilmembers Pomeroy and Hill –2.

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