

## City Council Minutes – May 15, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 15, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price–9. Mayor Felker presided -1.

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.

THE CONSENT AGENDA was presented as follows:

Iris Walker, City Clerk stated that there was a request to divide the question for Item 3A, a Final Plat for Hidden Valley Subdivision, and Item 3C, a Communication recommending approval of the Workers' Compensation settlement agreement for Larry Coats.

Mayor Felker stated that they would be considered separately.

A COMMUNICATION requesting Council approval of funding not-to-exceed \$32,000 for tennis court resurfacing work at the Kossover Tennis Center in Felker Park, 2540 SW Gage, was presented.

A CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for Service America Corporation, 7530 S Topeka Avenue.

Minutes of the regular meeting of May 8, 2001, were presented.

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

A FINAL PLAT for Hidden Valley Subdivision on property located on the west side of SW Urish Road and either side of SW 17<sup>th</sup> Street within unincorporated Shawnee County, Kansas, was presented.

Councilmember Stubbs expressed concerns about the sanitary sewer main for the project taking away from the capacity of other areas; a traffic impact analysis requested by staff was declined; and a request for a second access road into the development was denied. She noted that there is no green space provided, and the development does not meet the current comprehensive plan.

Councilmember Stubbs moved to refer the Final Plat back to the Zoning and Platting Committee for further review. The motion was seconded by Councilmember Price.

Mike Engler, Bartlett and West Engineers stated that a continuance would kill the project. He stated that he worked diligently on the project. He noted that they are in full compliance with current laws and standard practices.

Councilmember Duffy stated that he agreed with Councilmember Stubbs. He commented that the request was premature. He stated that greenspace should be used for a park. He also expressed concern that the consent to annex has not been put in place.

Mike Engler stated that the sewer is temporary and the pump stations would be retired when City sewer becomes available. He explained that consent to annexation was a part of the plat.

The motion to refer the Final Plat back to the Zoning and Platting Committee carried unanimously.  
(9-0-0)

A COMMUNICATION recommending approval of the Workers' Compensation settlement agreement for Larry Coats in the amount of \$16,707.90, was presented.

Councilmember Dunn moved to approve the communication. The motion seconded by Councilmember Lane carried. Councilmember Duffy voted "no". (8-1-0)

PROJECT BUDGET for study, mapping and repairs of the Topeka Boulevard Bridge Project No. 12053-00 over the Kansas River, in the amount of \$1,500,000, was presented.

Jeff White, Todd Girdler, Lee Holmes, Mark Biswell, Tom Flanagan and Bernie Cosby of the Public Works Department staff gave a presentation on the Topeka Boulevard Bridge. They explained the importance of the Topeka Boulevard corridor; the traffic model and findings; recommendations and costs; and the status of the repair project. (Detailed information is included in the Council packet.)

Jeff White, Director of Public Works gave a summary and concluding remarks. He explained that the temporary repairs were estimated to cost \$750,000 instead of the \$1.5 million that is in the ordinance. He stated

that the engineers were recommending spending approximately \$800,000 to improve three intersections in North Topeka to handle additional traffic while the Topeka Boulevard Bridge is taken out of service, and they would bring those documents back for Council consideration. He stated that staff recommends approval of a project budget for design of a new bridge because it is a critical link to businesses located in North Topeka.

Councilmember Dunn moved to amend the project budget from \$1,500,000 to \$750,000 and adopt the ordinance. The motion was seconded by Councilmember Hill.

Councilmember Stanley stated that he visited with the Kansas Delegation in Washington regarding State and local financial concerns. He stated that Congressmen Ryan and Tehart expressed support for an emergency funding request. He commented that they might have an opportunity to receive some federal assistance.

Councilmember Duffy asked about possible funding sources. He stated that the City is potentially looking at a 15% tax increase over the next 30 years and he is not prepared to make that decision.

Ted Mize appeared and suggested using every funding source possible in deliberations.

Cindy Skinner appeared and stated that they should explore all options. She suggested utilizing College Universities to help with the design.

Councilmember Dunn called the question.

The motion to approve the project budget as amended and adopt the ordinance carried. Councilmember Lane voted “no”. (8-1-0)

ORDINANCE NO. 17678 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, placed on first reading May 8, 2001, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –8. Noes: Councilmember Lane –1.

ORDINANCE NO. 17679 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 placed on first reading May 8, 2001, was again presented.

Councilmember Duffy asked why unused money would not go back into the Capital Improvement Program (CIP).

John Arnold, Chief Administrative Officer explained the need for the new boilers at the fire stations.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

ORDINANCE NO. 17680 introduced by Mayor Felker relating to fixed asset definition, amending Topeka City Code § 2-446, Definitions, and specifically repealing said original section, placed on first reading May 8, 2001, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

AN ORDINANCE introduced by Councilmember Betty Dunn relating to the audit of City of Topeka accounts after a new mayor takes office, placed on first reading May 8, 2001, was again presented.

Councilmember Dunn asked that the ordinance be withdrawn and not considered.

ORDINANCE NO. 17681 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, placed on first reading May 8, 2001, was again presented.

Larry Wilson, Curtis Pitts, and Jack Alexander appeared in support of the ordinance. Reverend Ken Hill appeared and expressed his concerns about the way City employee discrimination complaints are handled.

William Richards, President and CEO of the National Association for the Advancement of Colored People (NAACP) appeared and stated that they do not endorse the amendment to the ordinance. He stated that the ordinance and amendment are inadequate. He stated that their goal is to reduce the amount of complaints and strengthen the Human Relations Commission

Anthony FeDale appeared and suggested referring the ordinance to Committee for review and discussion. He also suggested removing the 180-day clause because it does not benefit anyone.

Councilmember Stubbs stated that the ordinance is lacking language that would empower the commission to go out and work in the community and training that would equip them. She suggested adding language that would require the Executive Director and Legal to provide training to commissioners

Linda Jeffrey, City Attorney stated that they provide training to all newly appointed commissioners.

Elias Garcia, Director of the Human Relations Commission stated that the commission currently receives one-on-one training when deciding fact and probable cause on cases.

Councilmember Lane noted that the commissioners are volunteers, which makes it difficult to establish how much time they should contribute.

Councilmember Pomeroy moved to amend the language on line 45 to change “February 1” to “March 1”, and on line 62 change “January 1” to “February 1”. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Lane moved to extend the meeting until the agenda is complete. The motion seconded by Councilmember Dunn carried. Councilmember Duffy voted “no”. (8-1-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

ORDINANCE NO. 17682 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located generally at the northwest corner of SW 21<sup>st</sup> Street and SW Arvon Place and the City boundary, and said land being annexed for all City purposes, is

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 May 8, 2001, was again presented. (A01/3)

Councilmember Dunn gave the Committee report.

Barry Beagle, Acting Planning Director gave the staff report.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

ZONING PETITION requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District and “I-1” Light Industrial District all to “PUD” Planned Unit Development District on property located on the north side of NW Independence Avenue, west of NW Topeka Boulevard in the City of Topeka, Kansas, was presented.

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

Mayor Felker 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 Lane carried unanimously. (9-0-0).

ORDINANCE NO. 17683 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), placed on first reading May 8, 2001, was again presented. (Z01/5)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

LABOR CONTRACT NO. 31143 between the City of Topeka and Water/AFSCME (American Federation of State, County, Municipal Employee Council 72), which provides for wage adjustments and other terms and conditions of employment for 2001, 2002, and 2003, was presented.

Rod Armstrong, Labor Relations Director for the City explained the wage adjustments of the contract.

Councilmember Dunn moved to approve the contract. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0).

A RESOLUTION introduced by Councilmember Clark Duffy for the Greater Topeka Chamber of Commerce and GO Topeka to begin implementation of the City of Topeka's economic development goals in partnership with the City of Topeka, was presented.

Deputy Mayor Dunn referred the resolution to the Economic Development Committee for review.

A RESOLUTION introduced by Councilmember Clark Duffy for the City of Topeka to begin implementation of its economic development goals, was presented.

Deputy Mayor Dunn referred the resolution to the Economic Development Committee for review.

RESOLUTION NO. 7155 introduced by Mayor Felker, establishing a date for a public hearing concerning the adoption of an amended plan pursuant to the Neighborhood Revitalization Act, K.S.A. (2000 Supp.) 12-17, 114 et seq., was presented.

Councilmember Pomeroy stated that there was previous discussion of adding the Curtis School site for multifamily housing, deleting the designation of multifamily housing at the hospital grounds where the sports complex will be, and adding the corner of 17<sup>th</sup> and Washburn. He asked that those amendments be included in the plan.

Councilmember Pomeroy moved to set the date for the public hearing for June 5, 2001 and approve the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Felker, authorizing Bridge Improvement Project No. 12053-03, Part A, which provides for design only for the removal of the existing Topeka Blvd. Bridge and design of a new bridge all pursuant to Topeka City Codes A12-1, was presented for first reading.

Councilmember Stanley moved to table the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Felker, authorizing Improvement Project No. 30127, Phase 7, which provides for the construction of a pedestrian/bicycle trail as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Public Health and Safety Committee for review.

AN ORDINANCE introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, extending east of SW Wanamaker Road, the centerline of which is approximately 950-feet south of SW 41<sup>st</sup> Street, and said land being annexed for all City purposes, is 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. (A01/2)

AN ORDINANCE introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located generally at the northwest corner of SW Gage Boulevard and SW 40<sup>th</sup> Street and the City boundary, and said land being annexed for all City purposes, is 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. (A01/4)

AN ORDINANCE introduced by Councilmember Clark Duffy relating to the creation of the Advantage Topeka Program, was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Economic Development Committee for review.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to the establishment of a cultural arts and entertainment district in the City of Topeka, Kansas, was presented for first reading.



Deputy Mayor Dunn referred the ordinance to the Economic Development Committee for review.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to the creation of the City of Topeka's Economic Growth Incentive Program, was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Economic Development Committee for review.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, Chief Administrative Officer stated that Ted Lewis, City Compliance Inspector, contacted William Clark to offer a personal apology for citing him in error for an environmental code issue. He reported on the remaining funds earmarked for WaterTower. He reported on the Team Topeka Youth Employment Program and stated that is moving along on schedule. He also stated that approximately six employees have been disciplined for using discriminatory language.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Mayor Felker stated that the Convention and Visitor's Bureau (CVB) has started interviewing for an Executive Director. He stated that they are also trying to make recommendations for board members but five of the candidates do not live within City limits therefore they are continuing their search. He stated that there is an ordinance that prohibits City employees from being a member of City boards and commissions, and they want to make sure they are compliant with the ordinance.

Councilmember Lane stated that he met with a developer who is working on commercial development near 21<sup>st</sup> and Rice Road and asked if there are economic development funds available.

John Arnold stated that he also spoke to the developer and advised him that he might be eligible for Neighborhood Revitalization funds.

Councilmember Lane asked for a status on his request for a listing of City employees who have parking permits.

Councilmember Alcala stated that he met with Ted Lewis and he wanted to apologize for his mistake with citing William Clark for an environmental issue.

Councilmembers Stubbs and Dunn stated that they received a call from a constituent who was concerned with the City possibly using concrete in the existing Topeka Boulevard Bridge for replacement material.

Jeff White, Director of Public Works stated that they are looking at different types of concrete that are designed to improve the life of the bridge.

Councilmember Dunn distributed budget score sheets and asked the Council to review them and submit their budget priorities to the Council office so they could be compiled for budget discussion.

NO FURTHER BUSINESS appearing, the meeting was adjourned by unanimous consent at 11:35 p.m.

---

Iris Walker  
City Clerk

## Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 15, 2001. The Councilmembers of the City of Topeka met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9. Mayor Felker 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, May 15, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street in conjunction with vacation request V01E/3 by Mr. & Mrs. Terry Runyon, owners, to vacate a 10-foot wide public utility easement extending across property located at 3211 SE Westedge Road, in the City of Topeka, Kansas.

Barry Beagle, Acting Planning Director gave the staff report.

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

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

ORDINANCE NO. 17677 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, placed on first reading May 8, 2001, was again presented. (V01E/3)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price –9.

---

Iris Walker  
City Clerk