

City Council Minutes – May 22, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 22, 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:

Mayor Felker stated that Item 3A, a Final Plat would be pulled from the consent agenda and considered separately.

MINUTES of the Regular Meeting of May 15, 2001, were presented.

APPLICATIONS for Cereal Malt Beverage Licenses, bearing the approval of the Chief of Police and City Inspectors were presented from the following:

A & A Inc.	2525 SW 29 th Street
A & A #3	1020 N. Topeka Blvd.
A & A #4	1107 SW 6 th Street
Albertson's Food Center #22	5100 SW 29 th Street
Bauersfeld's	4015 SW 10 th Street
Bauersfeld's	2919 SW Wanamaker
Bauersfeld's	2020 NW Topeka Blvd.
Berkshire Country Club	3720 SW 45 th Street
California Amoco	2740 California
Casey's General Stores #2261	600 SE Rice Road
Casey's General Stores #2312	4441 SE California
Conoco #16004	1531 Wanamaker
Conoco #16005	3830 SW 29 th Street
The Depot Inc. Texaco #1	2901 SE Fremont Street
Dillon's #28	0300 W. 29 th Street
Dillon's #47	2815 W. 29 th Street
Dillon's #58	1400 Huntoon
Dillon's #64	5720 W. 21 st Street
Dillon's #67	2010 SE 29 th Street
Downtown Amoco	0600 SE Quincy
Eakes & Steinbock Thriftway	1401 Seward
Fairlawn South 66 #27760	2836 Fairlawn Rd.
Fairlawn North 55 #27755	0600 Fairlawn Rd.

Falley's #1	3000 N. Topeka Blvd.
Falley's #2	1945 SW Gage Blvd.
Falley's #4	3712 Burlingame Rd.
Falley's #6	3110 SE 6 th Street
Falley's #27	1920 SW 10 th Street
Food 4 Less #3	2021 SE 29 th Street
Food 4 Less #12	2210 N. Tyler
Food 4 Less #50	5311 SW 22 nd Place
Kelly Express	1001 SW Wanamaker
Kum & Go #322	3355 Gage Blvd.
Kwik Shop #705	1114 NW Topeka Blvd.
Kwik Shop #720	0102 SW 37 th Street
Kwik Shop #729	1700 Topeka Blvd.
Kwik Shop #732	5954 SW 29 th Street
Kwik Shop #737	0801 SW Topeka Blvd.
Kwik Shop #740	2277 SW 10 th Street
Kwik Shop #743	5633 SW 21 st Street
Kwik Shop #757	2619 SW 21 st Street
Kwik Shop #778	0738 SW Gage Blvd.
Kwik Shop #788	1414 SW 17 th Street
Kwik Shop #789	0746 NE Wabash
Larry's Shortstop	3834 S. Topeka
Mike's IGA	2620 NE Sardou
Oscos Drug	2835 Wanamaker
Quality Gas & Shop	1900 N. Topeka Blvd.
Quick Pic #1	1000 SW Wanamaker
Rex's Texaco	2855 SW Wanamaker
Russ IGA Market	0107 W. Highway 24
Sam's Club #8176	1401 SW Wanamaker
South Gage 66 #29136	3300 Gage
Tilton's Westside Inc.	1100 W. 6 th Street
Tilton's Oakland Market Inc.	1905 Seward
Topeka Truck Plaza	1235 SW Wanamaker Rd.
Total #4172	0512 SW Topeka Blvd.
Total #4174	1161 SW Gage Blvd.
Wal-Mart Super Center #1802	1501 SW Wanamaker
Charles R. Wood Oil Co. Inc.	0101 NE Highway 24
Charles R. Wood Oil Co. Inc.	1320 SW 6 th Street
Charles R. Wood Oil Co. Inc.	4601-A SW Topeka Blvd.

Councilmember Alcalá moved to approve the consent agenda with the exception of Item 3A. 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 17th Street within unincorporated Shawnee County, Kansas, was presented.

Barry Beagle gave the staff report and stated that this was remanded back to the Zoning and Platting Committee from last week's Council meeting. He explained that the Committee met on May 21, 2001 and decided to respond to the four issues and concerns raised by the Council instead of voting to reconsider the plat.

He explained that the Committee's response to phase one of the project not being required to have a secondary access was that there is a lack of standards to make a determination when a secondary access is required. They also noted that there are other subdivisions in the city and county with only a single point of access.

Another concern was that the sanitary sewer would reduce capacity to other areas. The Committee noted that the Public Works Department accepted the proposal for a force main sewer with a pumping station with the condition that the developer front ends the cost of the force main and maintains the pump station for a twenty-year life cycle.

A third concern was that the amount of open-space had not been provided in proportion to the size of the development. The Committee thought it was unfair to require a greater portion of open-space until a mechanism is put in place for the city or the county to accept the dedication of open-spaces for maintenance responsibilities.

The fourth concern expressed by the Council was the adequacy of Urish Road and the local street network in supporting the proposed development. The Committee responded that the developer would be required to submit a traffic study with the development of phase 2 and they felt that Urish Road could support phase 1 of the project.

Darrell Dibbern, Fire Marshall appeared and explained their concern about no secondary access into the development. He explained that the Uniform Fire Code requires two accesses into a subdivision when there are three or more dwellings in the development. He explained that their ability to provide services could be obstructed without two points of access.

Vernon Jarboe, representing the applicant appeared to answer questions. He urged the Council to review the subdivision rules, and noted that the proposed development meets current subdivision rules. He suggested that the Council address the rules so that developers know the rules ahead of time.

Michael Donnelly appeared in opposition to the plat. He stated that he took a document to the Council office containing about 20 signatures of those who also thought approval of the plat is premature. He expressed his concerns that Urish Road was not wide enough to handle another 540 people. He stated that he understood that this is only the first phase of the project, but once the first phase is done, the issues that impact him and his neighbors are over.

Deputy Mayor Dunn referred the plat to the Community Development Committee for further study.

ORDINANCE NO. 17684 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 41st 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, placed on first reading May 15, 2001, was again presented. (A01/2)

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

A COMMUNICATION requesting Council approval of funding in the amount of \$10,000 to assist with the Spirit of Kansas festival July 4, 2001 at Lake Shawnee, was presented.

Vic Miller, Chair of Shawnee County Commission appeared in support of the request and distributed an estimate of costs for the Spirit of Kansas event.

Councilmember Stanley moved to approve the request. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

A JOINT CITY OF TOPEKA AND SHAWNEE COUNTY RESOLUTION NO. 7156 introduced by Mayor Felker and Shawnee County Commission Chair Vic Miller, relating to the Shawnee County HealthAccess project, was presented.

Vic Miller, Shawnee County Commission Chair appeared in support of the program and introduced Gary Carruthers, Shawnee County Medical Society Director. Mr. Carruthers noted other local agencies that were supportive of the program.

Dr. Mark Synovec presented information on the HealthAccess project and explained how it worked. He stated that the \$250,000 or \$125,000 each from the City and the County that they were requesting would be used for their drug assistance program for people on low income who might not otherwise be able to afford their medication.

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

Councilmember Lane spoke in support of the program and stated that he felt it was overdue.

Councilmember Duffy stated that it was a great concept and suggested that they approach the Trade Associations for their support.

The motion to approve the resolution carried unanimously. (9-0-0)

A COMMUNICATION requesting Council consideration of a request for demolition of the property at 1510 Quincy that is 500 feet within a historic property, was presented.

Deputy Mayor Dunn referred the request to the Public Improvements Committee.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold asked the Water Department Superintendent to give a report on the water advisory.

Don Rankin, Water Superintendent distributed a time-line of what occurred when lightning caused a power failure at the water treatment plant Sunday evening, May 20, 2001. He stated that a media conference was held earlier this afternoon clearing the boil advisory and confirming that no contamination was found.

John Arnold reported that the Asia Wild exhibit begins at 10:00 a.m., Saturday, May 26, 2001.

Councilmember Hill announced that the Public Health & Safety Committee would meet Wednesday, May 30, 2001 at 4:00 p.m. on codes of Historic buildings downtown.

Councilmember Pomeroy announced that the Community Development Committee would meet Tuesday, May 29, 2001 at 5:00 p.m., in the Council office on the Final Plat for Hidden Valley Subdivision.

Councilmember Lane distributed an ordinance and requested that it be placed on the agenda for first reading on June 5, 2001. He also distributed information on a request for funding from Stardusters for the Juneteenth celebration for the June 5th agenda.

Councilmember Price distributed some information on new approaches to drug houses and asked that it be placed on the agenda for June 12, 2001 for discussion.

Councilmember Alcalá stated that he is putting together some information and a request for \$5,000 for the Fiesta Entertainment Committee for the Fiesta celebration, and would like to have it placed on the June 5th agenda for consideration.

Councilmembers Alcalá and Pomeroy commented on the well-researched *Garfield Gazette* publication that documented the Topeka flood of 1951 and urged the other members of the Council to read it.

Mayor Felker announced the appointment of Ed Klumpp as Police Chief. He stated that he held a press conference earlier and made the formal announcement.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Charles Criqui, Ivan Weichert, Vic Miller and Marge Bradshaw appeared and spoke during public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:05 p.m.

Iris Walker, City Clerk