

City Council Minutes – June 5, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 5, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price–9. Mayor Felker presided -1.

AFTER THE MEETING was called to order, the Mayor asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

Mayor Felker stated that Items 3A, B & C, would be pulled from the consent agenda and considered separately.

MINUTES of the Regular Meeting of May 22, 2001, were presented.

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

A FINAL PLAT for Cherry Creek North Subdivision on property located on the west side of NW Dondee Lane and south of NW 43rd Street within unincorporated Shawnee County, Kansas, was presented.

Councilmember Duffy asked if there was consent to annexation and if there was a dedication of park land in the proposal.

Barry Beagle, Planning Department stated that they did have consent to annexation and dedication of park land was declined by the County Parks and Recreation Department at the time of the preliminary plat because they indicated they did not have the resources to maintain it.

Councilmember Stubbs asked if there was any consideration to giving the park space to the neighborhood or Homeowner's Association.

Barry Beagle explained that it becomes a financial issue for whatever entity accepts it so the neighborhood has to want to maintain it.

Councilmember Dunn moved to accept the public dedication. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

A FINAL PLAT for Jackson Heights Subdivision No. 6 on property located at 2900 Meriden Road in unincorporated Shawnee County, Kansas, was presented.

Barry Beagle, Planning Department explained that the plat has fewer lots, and some interior streets have been eliminated so the over-all impact of the subdivision has diminished. He stated that there is consent to annexation.

Councilmember Duffy expressed his concern with the site's septic system instead of a sanitary sewer system. He noted that there is a Federal Court Order to establish standards for total maximum daily loads of pollutants, and to clean-up the pollutants by 2010. He stated that Soldier Creek is classified as a high priority and this is one of the watersheds in which that action will have to be taken. He said that it does appear that in this area, the primary bacteria is coming from livestock waste, but he would like to know the impact of the septic system in this proposal.

Councilmember Duffy moved to defer action on the plat for one week so that they could pose this question to the Kansas Department of Health & Environment.

The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

A COMMUNICATION from Mayor Felker recommending the appointments of Harold Lane, Randy Luebbe, Yogesh Karia, Mary Beth Brennan, Randy Goldsmith, Bob Keckeisen, Carol McDowell, and Gary Fleenor to the Topeka Convention & Visitors Bureau, was presented.

Mayor Felker stated that this was previously withheld because the list sent by the Conventions and Visitors' Bureau (CVB) contained people who did not live within the city limits, according to policy. He noted that the organizations the individuals represent are in the information the council has received. He stated that all of the recommended appointments meet the established criteria.

Mayor Felker also noted that he would bring a document back in July with some changes on the make-up of the board for discussion.

Councilmember Alcala expressed his concerns about the diversity of the board and the diversity of the employees of the Convention and Visitors' Bureau. He stated that he would submit some names for consideration of the next board appointments.

Councilmember Dunn moved to approve the appointments as listed. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

ORDINANCE NO. 17685 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located at the northeast quadrant of US 24 Highway and US 75 Highway 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 April 24, 2001 was again presented. (A01/1)

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

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, Planning Department gave the history of the plat.

Councilmember Pomeroy gave the committee report. He stated that it was their understanding that the first phase of the project would take about one year to complete. He stated that all requirements and needs should be addressed and policy put in place prior to approval of additional phases of the project.

Councilmember Pomeroy moved to accept the committee report. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Stubbs expressed her concern that the development is premature. She stated that once development starts, there are some things that cannot be changed. She stated that while she was supportive of

development, she would not support approval of the plat because there was no traffic study so they would not have one for future comparison, and the issue of the green space was unresolved as well as other issues.

Councilmember Stanley stated that the sub-committee found that the developer played by the rules that are currently in place and that is why they recommended approval.

Mike Engler, Bartlett and West Engineers, appeared to answer questions.

Mike Donnelly, area resident appeared and expressed his concerns that the rules differ according to who you talked to about the proposal. He stated that city rules don't have to be followed because the development is in the county, and he believes this is poor planning. He stated that these types of developments cost everyone in many ways.

Councilmember Alcalá moved to accept the public dedication. The motion seconded by Councilmember Lane carried. Councilmembers Stubbs, Hill and Price voted "no". (6-3-0)

ORDINANCE NO. 17686 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, placed on first reading May 15, 2001, was again presented.

Councilmember Hill gave the committee report and moved that the report be accepted. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Larry Rhodes, Board Member of Kaw Valley Bicycle Club and Marge Bradshaw appeared in support of the project.

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 \$10,000 funding from the Transient Guest Tax fund for the Fiesta Mexicana, which will be held July 17 through July 21, 2001, was presented.

Councilmember Alcalá read part of a letter from Capitol Plaza City Inn stating that they have already received reservations for people who will attend this year's Fiesta Mexicana. He introduced several people who were present to speak about the economic impact of the event.

Rudy Guzman, Chair of the Fiesta Mexicana, Manuel Perez, Financial Director, Carlos Gomez, Chair of Entertainment, Mike Berry representing Coca-Cola Company, and Henry Sande, Overland Park State Farm Insurance Agent appeared in support of the request. They explained that the funds would be used for entertainment for the Fiesta, distributed a flyer showing some of the entertainment line-up for this year's event and noted the amount of revenue the event brings into Topeka each year as well as the sales tax they pay from this event each year.

Councilmember Alcalá moved to approve the request. The motion was seconded by Councilmember Dunn.

Randy Goldsmith, President of the Lodging Association appeared and expressed his concerns about the three requests on the agenda for funds from the Transient Guest Tax fund. He stated that Sunflower Soccer used approximately 14,000 rooms and received no money for their event because they were told that there was none available.

Councilmember Pomeroy explained the process used in the past to distribute the funds and stated that they hope to get a process in place with the up-coming budget discussions.

Councilmember Alcalá stated that he is working on a draft resolution for discussion so that the process will be as fair as possible.

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

A COMMUNICATION requesting Council approval of \$4,000 funding from the Transient Guest Tax fund for Stardusters Crime Prevention, for the 23rd annual Juneteenth Celebration, June 15 through June 17, 2001, was presented.

Councilmember Lane explained that this is an African-American cultural celebration and a State holiday in six states with legislation introduced in twenty-seven other states.

Jamica McClinton, Estan Bell, Charday Bell, and Thomas Ross III appeared in support of the request and explained the history of the Juneteenth celebration, planned festivities, participation, expected attendance and the economic impact of the celebration.

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

A COMMUNICATION requesting Council approval of \$10,000 funding from the Transient Guest Tax fund for Wings Over Topeka to aid in the planning and promotion of their Open House and Military Exposition on June 9, 2001, was presented.

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

Councilmember Duffy stated that he would like to know if they had made a request for funds from the State since this was a state agency.

Mayor Felker stated that he did not know and there is no one present representing the 190th Air Refueling Wing.

Councilmember Stubbs moved to amend the request to an amount up to \$10,000 with verification of expenses. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

Councilmember Stanley expressed his concerns that representatives of the organization were not present to answer questions.

The motion as amended carried. Councilmembers Stanley and Duffy voted “no”. (7-2-0)

A COMMUNICATION from Police Chief Klumpp regarding School Resource Officers in USD 501 schools, was presented.

Police Chief Klumpp explained that they wanted to expand coverage of their School Resource Officers to schools. He explained that these Resource Officers built positive relationships, creates connectivity for youth now that is beneficial when they become adults, and enhances recruiting possibilities for the Police Department. He explained that he wanted to apply for a grant that would pay the first three years salaries and benefits for the additional officers, but required a commitment to continue the program through the fourth year. He said he would like to expand the School Resource Officer's program by at least two officers, but four would allow them to have an officer in each school.

Several Councilmembers stated that since this benefits the schools, the School Board should be approached and asked to share in the cost of these officers after the third year.

Several other Councilmembers commented on the importance to the community of having the officers in the schools.

Councilmember Alcala moved to refer the request to the Public Health and Safety Committee pending a decision from the USD 501 School Board. The motion died for lack of a second.

Councilmember Pomeroy moved to authorize the Police Chief to apply for a grant for four positions. The motion seconded by Councilmember Hill failed. Councilmembers Alcala, Dunn, Stanley, Duffy and Stubbs voted "no". (4-5-0)

Councilmember Alcala moved to refer the request to the Public Health and Safety Committee. The motion was seconded by Councilmember Stubbs.

Councilmember Dunn made a substitute motion to authorize the Police Chief to apply for a grant for two School Resource Officers. The motion seconded by Councilmember Lane carried. Councilmembers Pomeroy, Duffy and Stubbs voted "no". (6-3-0)

A COMMUNICATION requesting approval of funding not-to-exceed \$14,000 from the park land acquisition and development fund for completion of a sidewalk through Brookfield Park, located at 2430 Kingsrow Road, was presented.

RESOLUTION NO. 7157 introduced by Mayor Felker authorizing a grant not-to-exceed \$14,000 from the park land acquisition and development fund for the purpose of completing a walking trail through Brookfield Park, was presented.

Bill Riphan, Park Planner gave the staff report.

Linda Jeffrey, City Attorney stated that the request required approval by a resolution, which she has distributed.

Councilmember Hill moved to approve the resolution. The motion seconded by Councilmember Duffy carried. Councilmember Dunn was out of the room. (8-1-0)

PETITION, PROJECT BUDGET AND RESOLUTION NO. 7158 introduced by Mayor Felker authorizing Street Improvement Project No. 60543, Phase II located at SW 40th Street and Gage as more specifically described herein, in the amount of \$12,741.00, was presented.

Councilmember Duffy moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

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 at 1100 SW Gage Boulevard in the City of Topeka, Kansas, from “R-1” Single Family Dwelling District to “O&I-1” Office and Institutional District, was presented for first reading. (Z01/8)

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 at the northwest corner of SE 45th Street and SE Adams Street in the City of Topeka, from “R-1” Single Family Dwelling District to “M-1a” Limited Multiple Family Dwelling District, was presented for first reading. (Z01/9)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 6-foot wide public utility easement located at the southwest corner of Lot 3, Block “A”, Leander Subdivision, City of Topeka, Shawnee County, Kansas, on property located at 1911 NW Lower Silver Lake Road in the City of Topeka, Kansas, was presented for first reading. (V01E/4)

AN ORDINANCE introduced by Mayor Felker, relating to special event permits, amending Topeka City Code § 130-1, Special Event Permits and specifically repealing said original section, was presented for first reading.

The Deputy Mayor referred the ordinance to the Policy Committee.

AN ORDINANCE introduced by Councilmember Harold Lane relating to the insurance requirement for tree, shrub and vine services regarding the dollar amounts of liability insurance coverage required and liability deductible allowed for damage to property, amending City of Topeka Code § 150-140, Insurance requirement, and specifically repealing said original section, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker regulating traffic within the corporate limits of the City of Topeka, Kansas, incorporating by reference the “Standard Traffic Ordinance for Kansas Cities” edition of 2000, with certain omissions, changes and additions; amending and repealing said original section 142-151 of the Code of the City of Topeka, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker amending Section 142-152 of the Code of the City of Topeka to amend and delete certain provisions of the Standard Traffic Ordinance for Kansas Cities, 2000 edition; and specifically repealing said original Section 142-152, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold, CAO reported that fuel is costing 26¢ more per gallon than what was budgeted and they are keeping a close watch on that. He also distributed a memo from the Planners relating to the Topeka Blvd. Bridge, a memo containing information on the City’s bond ratings and information on the National Fire

Protection Standard. He asked the Police Chief to briefly cover some information that he distributed on preliminary crime statistics for the City.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Mayor Felker commented on the newspaper article regarding settlement on the utility rates. He stated that he would provide written comments to the newspaper to accurately reflect the status of the rate case.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá commented on a red elm tree that is 75 years old in the 500 block of Tefft that was destroyed. He stated that Western Resources trimmed a V out of the center of the tree and the high wind split the tree destroying it. He said there were also some trees on Norwood that had been trimmed that way. He asked that someone check into the procedure for tree trimming. He also invited everyone to attend this week's "Thursday Night Live" event and listen to Scott Heidner's band, Rural Route 4 play country music.

Councilmember Lane commented that he has received calls on the trees on Norwood as well. He also asked for an update on misdemeanors and the lease of space for Municipal Court.

Councilmember Stanley gave an update on the request for federal funding for repair of the Topeka Boulevard Bridge and suggested that they look at doing a bridge study and planning.

Councilmember Duffy distributed three ordinances for placement on a future agenda.

Councilmember Alcalá moved to extend the meeting to finish public comments. The motion seconded by Councilmember Lane carried. Councilmember Duffy voted "no". Councilmember Stanley left the meeting.

(7-2-0)

Matt Shaughnessy, Pallas Holts, Charles Criqui and Gary Plemons appeared for public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:15 p.m.

Iris Walker, City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 5, 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, June 5, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment on proposed amendments to the Neighborhood Revitalization Plan.

Bill Fiander, Neighborhood Planner gave the staff report and explained that the proposed amendments included the Watertower Place redevelopment area; the northwest corner of SW Washburn and SW 17th Street; and the Curtis Jr. High School block bounded by NW Grant, NW Jackson, NW St. John and NW Central. He stated that the former Topeka State Hospital grounds (SW Oakley and SW 6th Street) are proposed to be deleted from the plan.

Councilmember Alcalá stated that he has been approached to suggest an additional amendment to the plan.

The City Attorney explained that once notice is given and a plan is on file in the City Clerk's office, amendments cannot be made without another public notice and amendment to the plan.

Von Flora appeared and requested five parcels between Sherman and Wear be added to the plan.

Councilmember Alcalá stated that he would request documents and bring that amendment back at another time so as not to hold up the proposed amendments.

Kevin Bartman, Hawkins Optical appeared in support of the amendment to include the Watertower redevelopment area back into the Neighborhood Revitalization Plan. He explained their proposal to expand their business.

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

Iris Walker, City Clerk