

City Council Minutes – June 12, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 12, 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, and Hill–8. Mayor Felker presided -1. Absent: Councilmember Price–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 3B, a Communication regarding a Workers' Compensation settlement for Anthony Servantez, Sr., would be pulled from the consent agenda and discussed separately as requested by Councilmember Dunn.

A FINAL PLAT for Marlings Business Park Subdivision 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, was presented.

MINUTES of the Regular Meeting of June 5, 2001, were presented.

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

Devlin's One Stop	5943 SW 29 th Street
Herman's Beef & Sausage House	823 W Gordon
Petro & Pantry #5	1611 SE 29 th Street
Prize Package	1420 E 6 th Street
U Market Inc.	935 SE 21 st Street

Councilmember Dunn moved to approve the consent agenda with the exception of Item 3B. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

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

Barry Beagle, Acting Director of Planning distributed a response to Councilmember Duffy's question, which was received from the Kansas Department of Health and Environment (KDHE).

Councilmember Duffy moved to accept the public dedication. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

ORDINANCE NO. 17688 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 40th 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, placed on first reading May 15, 2001, was again presented. (A01/4)

Barry Beagle gave the staff report.

Councilmember Dunn moved to adopt the ordinance. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

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

ZONING PETITION (Z01/8) by Topeka Youth Project, Inc. requesting to amend the District Zoning Classification from "R-1" Single-Family Dwelling District to "O&I-1" Office and Institutional District on property located at 1100 SW Gage Boulevard in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

Mayor Felker gave an opportunity for anyone present to speak.

Terry Wood, neighborhood resident appeared and stated that he lives across the street from the Topeka Youth Project. He commented that it is a residential area. He stated that the neighbors are trying to preserve the eastern side of Gage and they do not want it to be modified.

Councilmember Dunn moved to accept the recommendations of the Zoning and Platting Committee to deny the request. The motion was seconded by Councilmember Lane.

Councilmember Dunn withdrew her motion. The second concurred.

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, placed on first reading June 5, 2001, was again presented. (Z01/8)

The ordinance was not adopted on roll call vote as follows: Noes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, and Hill–8. Absent: Councilmember Price-1.

ZONING PETITION (Z01/9) by Ron D. Shuman requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District to “M-1a” Limited Multiple family Dwelling District on property located at the northwest corner of SE 45th Street and SE Adams Street in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

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

Mayor Felker asked Councilmembers to declare exparte communications. There were none.

ORDINANCE NO. 17689 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, placed on first reading June 5, 2001, was again presented. (Z01/9)

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

ORDINANCE NO. 17690 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, placed on first reading June 5, 2001, was again presented.

Councilmember Lane explained why the ordinance was being presented.

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

ORDINANCE NO. 17691 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, placed on first reading June 5, 2001, was again presented.

Randy Adair, Deputy Chief of Police gave the staff report.

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

A COMMUNICATION recommending approval of a Workers compensation settlement for Anthony Servantez, Sr., in the amount of \$11,593.44, was presented.

Councilmember Dunn expressed concerns about the number of claims that have been submitted. She suggested moving the employee to another position that is less physical.

Councilmember Alcalá noted that he is already on light duty. He stated that the injuries are from other duties.

Councilmember Dunn moved to accept the Workers’s Compensation settlement. The motion seconded by Councilmember Alcalá carried. Councilmembers Stanley and Duffy voted “no”. (6-2-0)

ORDINANCE NO. 17692 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, placed on first reading June 5, 2001, was again presented.

Randy Adair, Deputy Chief of Police gave the staff report.

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

A COMMUNICATION submitting an appeal of denial of application for merchant guard license for Lafayette R. Saulters, was presented.

Councilmember Alcalá moved to refer the communication to the Public Health and Safety Committee for review. The motion was seconded by Councilmember Stubbs.

Councilmember Alcalá withdrew his motion. The second concurred.

Councilmember Alcalá moved to refer the communication to the Committee of the Whole for review. The motion seconded by Councilmember Lane carried. Councilmember Duffy voted “no”. (7-1-0)

AN ORDINANCE introduced by Mayor Felker adopting an amendment to the neighborhood revitalization plan as provided for in K.S.A. (2000 Supp.) 12-17, 114 et seq., Neighborhood Revitalization Act, was presented for first reading.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Councilmember Clark Duffy pertaining to the Topeka-Shawnee County Metropolitan Planning Commission amending City of Topeka Code §110-27, 110-28, 110-33, 110-39, 110-42, 110-43, 110-44, 110-45, 110-72, 110-73, and repealing Topeka City Code §110-74 and 110-75 and repealing said original sections, was presented for first reading.

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

AN ORDINANCE introduced by Councilmember Clark Duffy, amending §134-143 of the Code of the City of Topeka relating to dedication, reservation and acquisition of public sites and open spaces, and specifically repealing said original section, was presented for first reading.

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

AN ORDINANCE introduced by Public Health and Safety Committee Members Vanessa Hill, Lisa Stubbs and Clark Duffy, making findings pertaining to sewage collection facilities and services outside of the City limits, and establishing a policy of requiring annexation as a condition for connection to City of Topeka sewage collection system, amending City of Topeka Code §146-257, Agreement for annexation for future connections and specifically repealing said original section, 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 Felker, 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 lateral sanitary sewer with piping, manholes, engineering and all other contingencies needed to complete the Lateral Sanitary Sewer Improvement Project No. 40595, Phase II, as defined and described in Resolution No. 7105, adopted and approved November 28, 2000, was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Dunn asked for a report on the \$85,000 that was allocated to the Child and Adolescent Center last year.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane expressed concerns about priorities on moving people out of the Watertower District instead of repairing homes.

Councilmember Alcalá requested putting a halt to the process until an update could be received. He stated that the Council made an amendment on August 1, 2000 to use the funds differently. He also suggested sending a letter to the residents who live in the Watertower District that explains any changes.

Councilmember Pomeroy stated that the town meeting scheduled for June 23, 2001 regarding the Crime Summit has been cancelled. He stated that he was working on moving the meeting to the end of July so that they proper notification could be given.

Councilmember Alcalá stated that he has received phone calls regarding no air conditioning in the health clinic at the Oakland Community Center. He also asked that they review the Convention and Visitor's Bureau Board Members to ensure that they are all members of the Topeka Lodging Association.

Rogers Brazier, Director of Parks and Recreation stated that a technician would look at the HVAC unit at the Center.

Councilmember Duffy noted that the City of Topeka approved funds to help sponsor the "Wings Over Topeka" event that was held Saturday, June 9, 2001. He commented that the City's approval for funds should be contractable. He asked how the City would be recognized for their sponsorship.

Councilmember Stanley reported that he spoke with the USS Topeka Commanding Officer John Litherland who expressed a desire to visit Topeka around the 4th of July.

Gary Plemons, Charles Criqui, Palace Holtz, Michael McNown, and Candy Pfifier appeared for public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:03 p.m.

Iris Walker, City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 12, 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, and Hill–8. Mayor Felker presided -1. Absent: Councilmember Price-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 12, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with Vacation Request V01E/4 by Lee Schmidt, owner, to vacate a 6-foot wide utility easement located along the south property line of Lot 3, Leander Subdivision and a portion of a 6-foot wide utility easement extending north 66-feet from the southwest corner of Lot 3, Leander Subdivision.

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 Lane carried unanimously. (8-0-0)

ORDINANCE NO. 17687 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, placed on first reading June 5, 2001, was again presented. (V01E/4)

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

Iris Walker
City Clerk