

## City Council Minutes – August 21, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 21, 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 Father Weston Smith of St. David's Episcopal Church.

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

THE CONSENT AGENDA was presented as follows:

Minutes of the Regular Meeting of August 14, 2001 were presented.

Councilmember Dunn moved to approve the consent agenda without the Final Plat. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

A FINAL PLAT for Sherwood Park Subdivision No. 5 for property extending west of SW Indian Hills Road at approximately SW 27<sup>th</sup> Street within unincorporated Shawnee County, Kansas, was presented.

Councilmember Duffy gave the committee report from the Economic Development Committee.

Councilmember Duffy moved to accept the committee report. The motion seconded by Councilmember Hill carried. Councilmember Price voted “no.” (8-1-0)

Bill Fiander, Acting Planning Director, reported on interim actions that will result in new land use plans and regulations to address concerns raised by the Economic Development Committee. He also distributed a memorandum regarding future land use and development.

Discussion followed concerning the interim actions suggested and future subdivision regulations.

Councilmember Dunn moved to accept the public dedication. The motion seconded by Councilmember Hill carried. Councilmembers Stanley, Duffy, and Price voted “no.” (6-3-0)

A COMMUNICATION regarding Neighborhood Empowerment Grant Programs and Emergency Shelter Grant Program for FY2001 and FY2002 was presented.

A COMMUNICATION regarding re-programmed CDBG funding for additional 2001/2002 Empowerment Grants was presented.

John Arnold, Chief Administrative Officer gave the staff report. He reviewed the Neighborhood Empowerment Grant Committee – Process Review Committee minutes provided in the agenda packet. He also reported from HUD that all issues previously found out of compliance have been corrected. The City of Topeka now stands in full compliance with the CDBG process.

Discussion followed concerning the allocation for Ward-Meade NIA and the Sumner School.

Bill Fiander reported that the allocation is acceptable as long as the facility is used as a public facility.

Councilmember Dunn moved to accept the recommendations of the committee and approve the communication. Councilmember Hill seconded the motion.

Ellen Ross, Chair of the CDAC appeared and commented on the allocation process and suggested putting the reprogrammed funds into the 2002 Consolidated Plan.

Discussion followed concerning the selection process for reprogrammed funds allocations, conflict of interest concerns and HUD regulations.

Councilmember Dunn called the question.

Mayor Felker divided the question.

The motion to approve the Neighborhood Empowerment Grant Programs and Emergency Shelter Grant Program for FY2001 and FY2002 carried. Councilmembers Dunn and Stanley voted “no.” (7-2-0)

Councilmember Dunn stated that she voted “no” because she questioned the allocation process.

The motion to approve the re-programmed CDBG funds for additional 2001/2002 Empowerment Grants carried. Councilmember Stubbs voted “no.” (8-1-0)

APPROPRIATION ORDINANCE NO. 17711 introduced by Mayor Felker approving and adopting the operating budget for the City of Topeka, for the year 2002, and appropriating the amounts for the purpose as set forth therein was presented for first and final reading.

Jim Langford, Budget Director gave the staff report. He stated that as a starting point they will be working from the published budget plus \$1.7 million that was moved up from unappropriated balance to allow for flexibility. He explained the Mayor’s zero mill levy increase budget proposal.

Councilmember Duffy distributed and explained the following proposed amendments to the operating budget:

Mayor’s Recommendation FY2002	+2.167
1. Transfer \$2,000,000 from Water Fund to General Fund	-2.393
2. 1998 1/4¢ sales tax	
a. transfer \$3,400,000 to “appropriated reserve” (for bridge, if necessary). \$800,000 for GO Topeka, provided the release of funds shall be contingent upon an agreement between the City and GO Topeka	0.000
3. Add \$1,000,000 to Risk Management reserve.	+1.196
Add \$300,000 to GHI reserve.	+0.359
4. Decrease property tax by \$250,000 and increase Municipal Court revenues by like amount.	-0.299
5. Decrease property tax by \$50,000 and increase animal fee charge for services by like amount.	-0.060
6. Increase “shrinkage” from 1.1% to 2.7% based on historic average. Reduces expenditures by \$750,000.	-0.897
7. Agree to the following new positions and delete the balance (page 13) for a savings of \$520,000:	-0.627
Legal – 6 (for misdemeanors)	
Court – 8 (for misdemeanors)	
Parks – 4.75 (for community centers)	
Police – 2 (for SRO grant)	
HRC – 1 (for fair housing assistance)	
<hr style="width: 10%; margin-left: 0;"/> 21.75 new FTEs	
8. Add the following to implement the Comprehensive Plan:	+0.275
Neighborhood Plan -- \$30,000 contract for subdivision regulations	
Downtown Revitalization Plan -- \$200,000 for DTI, provided the release of funds shall be contingent upon an agreement with the City and DTI	

9. Defer all new CIP items for FY2004-2008 for consideration at a later date. Eliminates commitment to a 4.14 mill levy tax increase at this time. 0.000

SUMMARY

Mill levy	-0.278 (\$232,392)
Appropriated reserve	\$3,400,000
Ending balance	\$6,600,000 (10.3%)

Councilmember Dunn moved to approve recommendations submitted by Councilmember Duffy.

Councilmember Duffy seconded the motion.

Councilmember Alcala made three friendly amendments: a) to identify the bridge in No. 2 above as the Topeka Boulevard Bridge; b) to change the words “\$800,000 for GO Topeka” to “\$800,000 to GO Topeka for economic development contingent upon an agreement” in No. 2 above; and c) to add the words “and Uptown” after the word “Downtown” to No. 8 above.

Councilmembers Dunn and Duffy agreed to the friendly amendments.

Councilmember Dunn added a friendly amendment to No. 8 that all monies will be used in compliance with conflict of interest regulations.

Councilmember Duffy agreed to the friendly amendments.

Councilmember Stubbs moved to amend the motion to add \$35,051 to the Police Department budget for a warrant officer. Councilmember Pomeroy seconded the motion.

Police Chief Ed Klumpp appeared and stated that the original budget proposal included eight (8) new officers, one of which was a warrant officer, but that Councilmember Duffy’s motion allowed only two (2) new officers.

Councilmember Dunn made a friendly amendment to Councilmember Stubb’s amendment to have the new position allocated for the warrant officer substitute for the HRC position suggested by Councilmember Duffy’s motion.

Councilmember Pomeroy did not agree to the friendly amendment.

The amendment to add \$35,051 to the Police Department budget for a warrant officer carried.

Councilmembers Lane and Dunn voted “no.” (7-2-0)

Councilmember Dunn moved to amend the motion to delete one new position from HRC with the understanding that the position in HRC will be filled from an existing position. Councilmember Hill seconded the motion.

Councilmember Pomeroy suggested not removing the new position but eliminating one existing position if the intent was to transfer one of the Mayor’s staff to HRC.

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

Councilmember Alcala moved to remove No. 9 above and discuss it later. Councilmember Lane seconded the motion.

Councilmember Duffy stated that people make investments based on the Capital Improvement Program.

Discussion followed concerning No. 9 above.

Councilmember Alcala withdrew his motion. Second concurred.

Discussion followed concerning economic development for downtown and uptown in No. 8 above.

Councilmember Pomeroy moved to add \$100,000 to No. 8 above. Councilmember Stubbs seconded the motion.

Discussion followed concerning the need to add GO Topeka to No. 8 above and the availability of monies.

The motion failed. Councilmembers Alcala, Lane, Dunn, Stanley, Duffy, and Price voted “no.” (3-6-0)

The motion to approve the recommendations submitted by Councilmember Duffy as amended carried unanimously. (9-0-0)

Councilmember Duffy moved to adopt the Economic Development Committee recommendation as follows, to be paid out of the General Fund:

Economic Development Committee Recommendation:

Add new economic development specialist position. +0.090  
\$75,000 for salary and operating expenses.”

Councilmember Dunn seconded the motion.

Councilmember Duffy stated that the City needs a staff person to work with developers and the Chamber of Commerce.

Discussion followed concerning the position requirements and expectations. The position would be a staff position to the Mayor, working with all development agencies in the city. In addition, the position would work with new businesses to help them with all regulatory requirements.

John Arnold, Chief Administrative Officer stated that this position had been phased out by the City and funds were transferred to the Chamber of Commerce when they began serving in the capacity.

Councilmember Lane called the question.

The motion carried. Councilmember Dunn voted “no.” (8-1-0)

Jim Langford, Budget Director stated that there was a technical error in the Information Technology (IT) budget and \$22,626 needed to be allocated back to IT.

Bill Ritter, IT Director appeared and explained that a staff person is needed to maintain the new car computers for the Police Department that was provided with a grant.

Police Chief Ed Klumpp appeared and stated that the new position is needed to care for the car computers as well as new records software for the dispatch center.

Councilmember Stanley moved to authorize the addition of one FTE for the IT Department that would be funded out of the existing IT budget. The motion seconded by Councilmember Lane carried.

Councilmember Pomeroy voted “no.” (8-1-0)

Councilmember Stubbs moved to add \$22,626 back to the IT budget to correct the technical error. The motion seconded by Councilmember Price carried. Councilmembers Dunn and Duffy voted “no.” (7-2-0)

Bill Fiander, Acting Planning Director and Neil Dobler, Public Works Director appeared and explained the need for the two support positions, one in Planning and one in Public Works.

Councilmember Stubbs moved to add \$23,550 to allow them to retain the two positions. The motion seconded by Councilmember Hill failed. Councilmembers Alcalá, Lane, Dunn, Stanley, and Duffy voted “no.” (4-5-0)

Jim Langford appeared to inform Council about the upcoming FOP contract, which is expected to require an additional \$165,000.

Councilmember Dunn moved to move \$165,000 from the contingency fund to fund the FOP contract. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Pomeroy moved to add \$38,604 to the Fire Department budget to correct a technical error. Councilmember Hill seconded the motion.

Councilmember Duffy stated that No. 6 of his motion was to address shrinkage items, so individual budgets would not have to be addressed.

The motion failed. Councilmembers Alcalá, Lane, Dunn, Stanley, Duffy, and Price voted “no.” (3-6-0)

Jim Langford said that the budget was \$454,220 over the published limit for the General Fund.

Councilmember Stanley moved to move \$454,220 from the Contingency Fund to the unappropriated reserve. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Alcalá reported that the Office Specialist position in the City Council Office is being reviewed for reclassification.

Councilmember Alcalá distributed recommendations regarding contributions to agencies from the Transient Guest Tax fund as follows: Topeka Capital Baseball, \$4,000

Topeka Swim Association, \$10,000

BMX Track, \$15,000

Fiesta Mexicana, \$10,000

Juneteenth, \$4,000

Councilmember Alcalá moved to approve the allocations he recommended. Councilmember Dunn seconded the motion.

Discussion followed concerning the allocation process.

Councilmember Dunn called the question.

Councilmember Pomeroy challenged the call.

The challenge was upheld. Councilmembers Pomeroy, Duffy, Stubbs, and Price voted “no.” (5-4-0)

Discussion continued concerning the allocation process and the use of the monies.

Councilmember Dunn called the question.

The motion to approve the allocations carried. Councilmembers Pomeroy, Stanley, Stubbs, and Price voted “no.” (5-4-0)

Mayor Felker reported that \$178,500 needs to be deleted from the Parking fund revenue for 2002 to offset the amount the State of Kansas will pay for the Signature Building parking garage and reduce the ending balance by a corresponding amount.

Councilmember Stanley moved to reduce the Parking fund revenue by \$178,500 and the ending balance correspondingly. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

The appropriation ordinance approving and adopting the budget as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Stanley, Duffy, Stubbs, Hill, and Price

– 9.



RESOLUTION NO. 7179 introduced by Mayor Felker, adopting the 2002-2003 Capital Budget for the City of Topeka, Kansas was presented.

Councilmember Duffy moved to adopt the resolution as presented. Councilmember Stubbs seconded the motion.

Councilmember Dunn made a substitute motion to set aside the Washburn Lane lighting project monies. Councilmember Lane seconded the substitute motion.

Discussion followed about the requirements associated with General Obligation Bond funding.

Councilmembers Dunn and Lane withdrew the substitute motion.

Discussion followed regarding the extension of Kansas Avenue past 37<sup>th</sup> Street.

Neil Dobler, Public Works Director appeared and answered Council questions regarding traffic flow and acreage.

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

ORDINANCE NO. 17712 introduced by Mayor Felker, attesting to the increase in taxes levied for budget year 2002 necessary to finance public services for the City of Topeka was presented for final reading.

Mayor Felker reported that although there was no mill levy increase, the City would be getting more tax dollars in the budget year 2002, and therefore, this ordinance was required.

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 Mayor Harry Felker relating to the vacation of a 1 foot wide right-of-way and a 1.5 foot wide right-of-way located along S. Kansas Avenue as dedicated by Original Town Subdivision, City of Topeka, Shawnee County, Kansas, on property located on the west side of S. Kansas Avenue between SE 7<sup>th</sup> Street and SE 8<sup>th</sup> Avenue in the City of Topeka, Kansas was presented for first reading (V01S/8)

AN ORDINANCE introduced by Councilmember Clark Duffy relating to employee retirement was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Policy Committee.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to impoundment fees to be paid to resume possession of any impounded dog, amending City of Topeka Code § 18-126, Redemption, and specifically repealing said original section was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Policy Committee.

AN ORDINANCE introduced by Councilmember Clark Duffy relating to Article II, Municipal Court, amending City of Topeka Code § 50-26, Court costs and fees and specifically repealing said original section was presented for first reading.

**REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:**

John Arnold, Chief Administrative Officer stated that he had no report.

Dunn asked for a written report from CAO on the tax exempt status of 305 SE 17<sup>th</sup> Street.

**PUBLIC COMMUNICATIONS AND COMMENTS:**

Lloyd Schroeder and Charles Criqui appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 11:00 p.m. by unanimous consent.

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Iris Walker, City Clerk

## Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 21, 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, Duffy, Stanley, 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, August 21, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8<sup>th</sup> Street to obtain citizen comment on a vacation request V01S/7 by First United Methodist Church to vacate two (2) portions of SW 6<sup>th</sup> Avenue right-of-way and one (1) portion of SW Harrison Street right-of-way.

Mayor Felker gave an opportunity for anyone present to speak concerning the proposed vacation. No one appeared.

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

ORDINANCE NO. 17710 introduced by Mayor Harry Felker relating to the vacation of a 7 foot wide strip of right-of-way and a 4 foot wide strip of right-of-way located along SW 6<sup>th</sup> Avenue and a 1.5 foot wide strip of right-of-way located along SW Harrison Street as dedicated by Original Town Subdivision, City of Topeka, Shawnee County, Kansas, on property located at the southwest corner of SW 6<sup>th</sup> Avenue and SW Harrison Street in the City of Topeka, Kansas, was presented for final reading (V01S/7)

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

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Iris Walker  
City Clerk