

## City Council Minutes – August 28, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 28, 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. Councilmember Price was absent – 1. Mayor Felker presided –1.

AFTER THE MEETING was called to order, prayer was offered by Rabbi Lawrence Karol.

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

FAREWELL PRESENTATION to Councilmember Stanley, was presented.

Mayor Felker, Deputy Mayor Dunn and Councilmember Stubbs presented Councilmember Stanley with a plaque and farewell gifts in appreciation of his time served on the City Council, and wished him well on his assignment in Washington, D.C.

Councilmember Alcalá moved to suspend the rules to add an item to the agenda. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Councilmember Alcalá moved to add an allocation for Ballet Folklórico de Topeka to Item No. 6A. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Councilmember Alcalá moved to reinstate the rules. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Makenna Leanne Subdivision for property located at the north side of SW 69<sup>th</sup> Street and east of SW Lewelling Road in Unincorporated Shawnee County, Kansas, was presented.

A COMMUNICATION from Mayor Felker concerning employment of Brenden J. Long as City Attorney was presented.

RESOLUTION NO. 7180 introduced by Mayor Felker relating to a lease purchase agreement for telephones and switching equipment for all city facilities was presented.

Minutes of the Regular Meeting of August 21, 2001 were presented.

Councilmembers Duffy and Dunn asked to separate the question on Items A and E.

Councilmember Dunn moved to approve the consent agenda except for Item A and E. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

Councilmember Dunn moved to approve Item A, the Final Plat for Makenna Leanne Subdivision. The motion seconded by Councilmember Hill failed. Councilmembers Pomeroy, Alcalá, Lane, Duffy, Stubbs voted “no.” (3-5-0)

Councilmember Dunn raised her questions about the minutes relating to action taken on the operating budget.

Jim Langford, Budget Director, appeared to answer questions concerning the budget discussion in the August 21, 2001 minutes.

Councilmember Dunn moved to approve the minutes. The motion seconded by Councilmember Stanley carried. Councilmember Pomeroy voted “no.” (7-1-0)

ORDINANCE NO. 17714 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 placed on first reading August 21, 2001, was again 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.

ZONING PETITION by CKS, LLP requesting to amend the District zoning Classification from “R-1” Single-Family Dwelling District to “I-1” Light Industrial District and “O&I-2” Office and Institutional District

on property located on the south side of NE Burgess Avenue, the centerline of which is approximately 400 feet west of NE Grantville Road in the City of Topeka, Kansas was presented.

Mayor Felker asked if anyone had any ex parte communications to report. None were acknowledged.

Tim Paris of the Planning Department appeared to answer questions regarding the petition. He reported that the North Topeka East NIA had approved the petition.

Councilmember Dunn moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

ORDINANCE NO. 17715 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 about the south side of NE Burgess Avenue, the centerline of which is approximately 400 feet west of NE Grantville Road in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “O&I-2” Office and Institutional District AND “I-1” Light Industrial District placed on first reading August 7, 2001 was again presented. (Z01/10)

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 by Mary Ann Dugan requesting to amend the District zoning classification from “C-2” Commercial District to “C-4” Commercial District on property located at 1035 and 1039 SW Wanamaker Road in the City of Topeka, Kansas was presented.

Mayor Felker asked if anyone had any ex parte communications to present. None were acknowledged.

Jeff Bottenberg appeared as attorney of record for the petitioner.

Councilmember Dunn moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

ORDINANCE NO. 17716 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 1035 and 1039 SW Wanamaker Road in the City of Topeka, Kansas, from “C-2” Commercial District to “C-4” Commercial District placed on first reading August 7, 2001 was again presented. (Z01/11)

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

Elsbeth Schafer, Acting City Attorney gave the staff report.

Councilmember Pomeroy asked if a parking lot would replace the house.

Councilmember Lane indicated that either a period home would be built or moved in to replace the present structure to support the Monroe School project.

Councilmember Dunn moved to approve the committee report. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

Kevin Rooney, Real Estate Officer appeared to answer questions regarding infill housing.

Elsbeth Schafer reported on the second mortgage attached to the property.

Discussion followed concerning the project and a neighborhood plan.

Councilmember Lane moved that after consideration of all relevant factors, there is no feasible and prudent alternative to the requested demolition. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

A COMMUNICATION from Mayor Felker submitting the following requests for funding from the Transient Guest Tax contingency line item for approval: 1) Sports Car Club of America - \$7,200; 2) Heartland

Gospel Explosion, Inc. - \$4,000; 3) Sunflower Soccer Association - \$10,000 for the fall 2001 Governor's Cup; and 4) Ballet Folklorico de Topeka - \$4,000 was presented.

Mayor Felker reported that only \$7,500 remains in the Transient Guest Tax contingency line item. He recommended that Heartland Gospel Explosion and Ballet Folklorico de Topeka be funded at \$4,000 each from the contingency line item, and maybe funding the other \$500 from Convention and Visitor's Bureau funds. He further recommended that Sunflower Soccer Association be split between the Park Land Acquisition and Development Fund, since the association wants to install a watering system, and the Miscellaneous/Non-Departmental Fund. He stated that he would bring the Sports Car Club of America request back next week when they could identify a funding source.

Cindy Patton of Heartland Gospel Explosion appeared to explain their request.

Councilmember Stanley noted that Topeka Performing Arts Center receives money from the City and might consider supporting this venture more fully.

Bart Waters of Sunflower Soccer Association appeared to explain their request.

Ediberto Gonzalez of Ballet Folklorico de Topeka appeared to explain their request.

Councilmember Dunn moved to accept the recommendations of the Mayor. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

Mayor Felker reported that no more contingency money exists from the Transient Guest Tax.

RESOLUTION NO. 7181 introduced by Mayor Felker authorizing initiation of condemnation proceedings for Interceptor Improvement Project No. 29057-04, Deer Creek Interceptor Sewer from the Deer Creek Interceptor Pumping Station at NE Strait Street and Doran Street, to SE 10<sup>th</sup> Street at Deer Creek was presented.

Neil Dobler, Public Works Director appeared to give the staff report.

Councilmember Dunn moved to approve the resolution. The motion seconded by Councilmember Stanley carried. Councilmember Duffy was out of the room. (7-1-0)

PROJECT BUDGET AND RESOLUTION NO. 7182 introduced by Mayor Felker, describing Street Improvement Project No. 86235-02 which provides for street/pedestrian lighting along both sides of Lane Street between SW 10<sup>th</sup> and 12<sup>th</sup> Street and authorizing the same was presented.

Neil Dobler, Public Works Director appeared to give the staff report.

Discussion followed about spacing or diffusing lights installed in the first phase of the project and dynamics of the proposed phase.

Michael Bell, Tennessee Town NIA Secretary/Treasurer appeared in support of the project and distributed his written comments.

Barbara Leal of the Turn Around Team appeared in support of the project.

Cheryl Keeling appeared in support of the project.

Robert Sherman appeared and commented on the pin oaks in the library area.

Councilmember Lane moved to approve the project budget and resolution with the stipulation that the plans come back to the Council for approval. The motion seconded by Councilmember Hill carried. Councilmember Dunn voted “no.” (7-1-0)

PROJECT BUDGET AND RESOLUTION NO. 7183 introduced by Mayor Felker describing and authorizing Improvement Project No. 30216-00 which provides for construction of an outdoor orangutan exhibit authorizing a grant of \$300,000.00 from the Zoo Improvement Reserve Fund for the purpose of constructing the outdoor orangutan exhibit was presented.

Mike Coker, Acting Zoo Director appeared and gave the staff report.

Councilmember Dunn moved to approve the project budget and resolution. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

RESOLUTION NO. 7184 introduced by Mayor Felker, amending the adopted 2001-2002 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7175 was presented.

Councilmember Hill moved to approve the project budget and resolution. The motion seconded by Councilmember Stanley carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a platted 12 foot wide public utility easement extending north/south through the rear of property located at 2600 NW Topeka Boulevard as dedicated by Louk Subdivision, City of Topeka, Shawnee County, Kansas was presented for first reading (V01E/7)

AN ORDINANCE introduced by Councilmember John Alcala relating to the city attorney office regarding prohibition against providing legal service to other governmental entities, amending City of Topeka Code § 2-142, legal department created, and specifically repealing said original section was presented for first reading.

**REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:**

John Arnold, Chief Administrative Officer, presented a communication informing Council of the upcoming Metropolitan Planning Organization (MPO) approval of the Public Involvement Plan for the Topeka-Shawnee County Metropolitan Planning Organization.

John Arnold also provided a written response to questions about the former graphics plant near the Monroe School.

**REPORTS OF COMMITTEES AND OFFICERS:**

Councilmember Pomeroy asked Deputy Mayor Dunn to either appoint a third member to the Community Development Committee or allow two members to meet.

Deputy Mayor Dunn stated that the two members could continue to meet.

**PRESENTATIONS BY MEMBERS OF THE COUNCIL:**

Councilmember Alcala reported on an incident that began in the 3100 block of Indiana regarding impoundment and ticketing of a vehicle and asked for clarification of the process for a person to get a vehicle out of impoundment.

Councilmember Hill discussed a magazine that highlighted the aquarium at the zoo. She noted that the aquarium was maintained by a Kansas City firm and asked why no local people were given the opportunity to bid on the aquarium.

Mike Coker, Acting Zoo Director reported that Paradise Aquatics was declared as a sole source by Contracts and Procurement because they were only ones who could provide the services desired.

John Arnold, Chief Administrative Officer stated that if there are local vendors who could provide this service they could be added to the bid list kept in Contracts and Procurement.

Councilmember Stanley stated that it has been an honor to serve District 5, this is his home and he will be back.

**PUBLIC COMMUNICATIONS AND COMMENTS:**

Joseph Ledbetter appeared to speak for Public Comments.

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

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Iris Walker  
City Clerk



## Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 28, 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, and Hill –8. Absent: Councilmember Price – 1. 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 28, 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/8 by Robert Scrinopskie et al., to vacate a portion on the west side of S. Kansas Avenue.

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

Councilmember Alcalá noted that the application was very similar to a previous Downtown Topeka, Inc. application that had been refused at an earlier date.

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hill carried. (8-0-0)

ORDINANCE NO. 17713 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 placed on first reading August 21, 2001, was again presented. (V01S/8)

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.

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Iris Walker  
City Clerk