

City Council Minutes – September 4, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 4, 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, Duffy, Stubbs, Hill, and Price – 8. Council District No. 5 was vacant –

1. Mayor Felker presided –1.

AFTER THE MEETING was called to order, the Mayor called for a moment of silence.

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

THE CONSENT AGENDA was presented as follows:

FINAL PLAT for Southboro Subdivision No. 7 on property situated between SE Indiana Avenue and SE Illinois Avenue immediately south of SE 43rd Street in the City of Topeka, Kansas was presented.

A COMMUNICATION requesting authorization for the Mayor to execute deed to tract of real property which was previously transferred to the City as part of an industrial revenue bond issue, conveying property to State of Kansas as the new buyer was presented.

Minutes of the Regular Meeting of August 28, 2001 were presented.

Councilmember Dunn asked to separate the question on Item D, the minutes of last week's meeting.

Councilmember Dunn moved to approve the consent agenda except Item D. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

Councilmember Dunn stated that she had not yet reviewed the minutes.

Councilmember Duffy moved to approve the minutes. The motion seconded by Councilmember Hill carried. Councilmember Dunn abstained. (7-0-1)

ORDINANCE NO. 17718 introduced by Councilmember John Alcalá 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 placed on first reading August 28, 2001 was again presented.

Councilmember Alcalá explained the ordinance.

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

AN ORDINANCE introduced by Mayor Felker and Councilmember Duane Pomeroy exempting certain property, more specifically property owned by Southwest Publishing Corporation from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 2600 NW Topeka Blvd was presented for first reading.

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 northeast corner of SW 10th Avenue and SW Washburn Avenue in the City of Topeka, from “M-3” Multiple Family Dwelling District and “O&I-2” Office and Institutional District to “M-S” Medical Service District was presented for first reading. (Z01/12)

Barry Beagle of the Planning Department gave the staff report.

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 SW 10th Avenue and SW Lane Street in the City of Topeka, from “M-1” Two Family Dwelling District, “E” Multiple Family Dwelling District and “M-3” Multiple Family Dwelling District all to “M-S” Medical Service District was presented for first reading. (Z01/13)

Barry Beagle of the Planning Department gave the staff report.

Discussion followed concerning the zoning request and green space.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

Mayor Felker announced that John Arnold, Chief Administrative Officer was on vacation and had left no report.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Hill reported that the Public Health & Safety Committee will meet on Monday, September 10, 2001 at 4:00 p.m. in the Council Office.

Councilmember Alcalá reported that the Policy Committee will meet on Friday, September 14, 2001 at 12:00 noon in the Council Office.

Mayor Felker announced that Concerned Citizens for Topeka would give a presentation regarding Human Relations Commission.

Dr. Roy Menninger, Chairman of Concerned Citizens for Topeka offered on behalf of the organization to develop a report providing information and recommendations concerning the Human Relations Commission at no charge to the City. The organization proposed to bring a preliminary report in three months and final report in six months.

Discussion followed concerning involving the Human Relations Commission in the report process.

Mayor Felker suggested that the work session on September 18, 2001 include the Human Relations Commission and Concerned Citizens of Topeka.

Mayor Felker asked if there was interest in reconsidering the final plat for Makenna Leanne Subdivision that was on last week's agenda.

Councilmember Stubbs moved to reconsider the action on the final plat for Makenna Leanne Subdivision. Councilmember Pomeroy seconded the motion.

Barry Beagle appeared to answer questions on the status of code changes for final plats.

Discussion followed concerning subdivision regulations, and whether or not the Council had received all of the information concerning the plat.

The motion to reconsider the final plat for Makenna Leanne Subdivision carried.

Councilmembers Alcala, Lane, and Duffy voted “no.” (5-3-0)

Mayor Felker stated that the Public Health and Safety Committee would review information concerning the plat.

Mayor Felker presented a letter written by Terry L. Bertels, Manager of Forestry and Horticulture explaining the action taken with the trees around the library.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane reported that the home at the corner of SE 15th Street and SE Quincy Street was owned by Carroll Mothell, a well-known player in the Negro League, and suggested that they check to see if the house could be renovated in his honor. He asked if Buck O’Neil could be contacted for information on Mr. Mothell.

Councilmember Pomeroy asked if parking meters on Kansas Avenue between 2nd and 3rd could be removed.

Councilmember Pomeroy additionally asked who is responsible to ensure public access is provided to open meetings.

Councilmember Pomeroy asked for a written report on how much the Public Building Commission paid for the New England Building, its assessed valuation and loss of revenue to the City of Topeka.

Councilmember Pomeroy asked when the rules of procedure for the voting on the District 5 vacancy would be established.

Discussion followed concerning procedures of voting. The Mayor stated that the procedure for voting would be decided at the beginning of the work session on September 11, 2001.

Councilmember Duffy asked for more information on the background of the Public Building Commission.

Councilmember Duffy asked about monies that had been shifted in the Parks & Recreation budget and whether policy questions need to be addressed by the Council.

Mayor Felker responded that the monies had been shifted in accordance with the final plan for Parks and Recreation, which would come before the Council at a future time.

Mayor Felker distributed a report on a surprise inspection held at the Topeka Zoo. He stated that the zoo passed the inspection with flying colors.

Councilmember Stubbs asked about the increase in Cox Cable rates and the City's influence on utility rates.

Beth Schafer, Acting City Attorney explained that the City of Topeka regulates the right-of-ways, but not cable television fees, because of the 1996 Telecommunications Act. She offered to schedule a work session with the manager of Cox Communications and the Council.

PUBLIC COMMUNICATIONS AND COMMENTS:

Darryln Johnson, Charles Criqui, Melody McConnell, and Curtis Pitts appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:58 p.m. by unanimous consent.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 4, 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 –8. Council District No. 5 was vacant – 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, September 4, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment on a vacation request V01E/7 by Southwest Publishing and Mailing to vacate a 12-foot wide public utility easement located at 2600 NW Topeka Boulevard.

Barry Beagle of the Planning Department presented the staff report.

Mayor Felker gave an opportunity for anyone present to speak concerning the proposed vacation.

Angela Sharp of Professional Engineering, representing the applicant, appeared to answer questions.

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

ORDINANCE NO. 17717 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 placed on first reading August 28, 2001, was against presented. (V01E/7)

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

Iris Walker
City Clerk