

## City Council Minutes – October 2, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 2, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill, and Price – 8. Councilmember Pomeroy was absent – 1. Mayor Felker presided – 1.

AFTER THE MEETING was called to order, a moment of silence was observed by those present in the chamber.

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

THE CONSENT AGENDA was presented as follows:

FINAL PLAT for Sherwood Estates Subdivision No. 61 on property located on the east side of SW Gisbourne Road approximately 160 feet north of SW 33<sup>rd</sup> Street in unincorporated Shawnee County, Kansas was presented.

Disposition of claim appeal for Eric Lutterman denied by the Committee of the Whole was presented.

Minutes of the Regular Meeting of September 25, 2001 were presented.

Councilmember Dunn moved to approve the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

An Employee Health Insurance Update was presented.

Mayor Felker explained that they have been working to address health insurance concerns for some time.

Kim Austin-Smith, Human Resources Director distributed information showing cash flow and claims to date for 2001.

Michael Eichten, consultant from Peoples Benefit Group, provided an update on health insurance in the City of Topeka. He discussed the history of the City of Topeka health insurance plan. He stated that costs of

medical services, supplies, and drugs has gone up dramatically. Trend increase is expected to be 22-23%. In the previous two years the plan supported catastrophic claims and over-utilization.

Two separate levels were proposed for 2002 health care plan for employees. The base plan would be for those employees who do not utilize the plan very much. The buy-up plan would be for employees who use the plan extensively.

Michael Eichten distributed a Summary of Benefits Changes and discussed the variances from the 2001 health plan. He stated that prescription drug card program may be altered to include a formulary benefit.

Discussion followed concerning an alternative major medical plan.

Dan Neil of the Topeka Fire Department and member of the Benefit Committee appeared and expressed his concerns about the health plans and the cost to employees and retirees.

Discussion followed concerning the effort to maintain costs as low as possible while maintaining fund balances.

No action was taken on this item.

Mayor Felker moved Item 5A, the 2002 Youth and Social Services forward in the agenda.

A COMMUNICATION regarding funding recommendations for 2002 Youth and Social Services from the Youth and Social Service Review Committee was presented.

Jeff White, Consultant for Housing and Neighborhood Development introduced the committee chair.

Jack Alexander, chair of the Youth and Social Service Review Committee gave the committee report. He stated that the committee rated all proposals and allocated funding to the higher rated projects.

Councilmember Dunn moved to accept the recommendations of the Youth and Social Service Review Committee. Councilmember Alcalá seconded the motion.

Mayor Felker noted that all available money was allocated and none reserved for contingency.

Discussion followed concerning including the youth and social service funding with the annual budget.

The motion to accept the recommendations carried unanimously. (8-0-0)

AN ORDINANCE introduced by Councilmember Duffy relating to employee retirement placed on first reading August 21, 2001, was again presented.

Councilmember Duffy reported that the Policy Committee had not received all relevant information concerning the ordinance. He also explained the intent of the ordinance.

Deputy Mayor Dunn remanded the ordinance back to Policy Committee.

ORDINANCE NO. 17723 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, and constituting the west 25-feet of SW Arvon Place right-of-way extending north of SW 21<sup>st</sup> Street, 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, Kansas, placed on first reading September 25, 2001, was again presented. (A01/05)

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

ORDINANCE NO. 17724 introduced by Mayor Felker, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k placed on first reading September 25, 2001, was again presented.

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

ORDINANCE NO. 17725 introduced by Mayor Felker authorizing initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Interceptor Sewer Improvement Project No. 29057-04 in the area of Deer Creek Interceptor Pumping Station at NE Strait Street and Doran Street, to SE 10th Street at Deer Creek placed on first reading September 25, 2001, was again presented.

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

ORDINANCE NO. 17726 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 2001, with certain omissions, changes and additions; amending and repealing said original Section 142-151 of the Code of the City of Topeka. Also repealing Ordinance No. 17696 placed on first reading September 25, 2001, was again presented.

Police Chief Ed Klumpp gave the staff report.

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

A PROJECT BUDGET in the amount of \$25,000, and ORDINANCE NO. 17727 introduced by Mayor Felker, authorizing Project No. 70150-05 which provides for the design only of an electronic traffic signal and creating a left-hand turn lane at 3<sup>rd</sup> Street and Topeka Boulevard, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading September 25, 2001, was again presented.

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

The City Clerk asked if approval included the project budget. Mayor Felker, upon consensus of the Council stated that it did.

A PROJECT BUDGET in the amount of \$60,000, and ORDINANCE NO. 17728 introduced by Mayor Felker, authorizing Project No. 14101, traffic signal controller upgrades, which provides for the upgrade of traffic signal controllers at various locations within the City of Topeka as more specifically described herein, all

pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading September 25, 2001, was again presented.

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

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

A PROJECT BUDGET in the amount of \$159,785 and ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70183-00 of the City of Topeka and providing for the design of said trafficway located at approximately S. Kansas Avenue from 37<sup>th</sup> Street to the I-470/S. Topeka Boulevard intersection, hereinafter known as Trafficway Improvement Project No. 70183-00, all under the authority of K.S.A. 12-685 et seq. placed on first reading September 25, 2001, was again presented.

JoAnn Peavler appeared in opposition to the project. She asked for a study and a public hearing before the project is approved.

Discussion followed concerning the traffic flow situation.

Neil Dobler, Public Works Director explained the funding concerns. He stated that general obligation bond funds were required for funding because the Capital Planning Fund has been depleted.

Councilmember Alcalá moved to refer the project to the Public Improvement Committee to hear from area businesses and come back within 30 days. The motion seconded by Councilmember Lane carried. Councilmember Dunn voted “no.” (7-1-0)

A PROJECT BUDGET in the amount of \$165,000, and ORDINANCE introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70192-00 of the City of Topeka and providing for the design of said trafficway located at approximately S.W. 6<sup>th</sup> Street from MacVicar Street to

Oakley Street, hereinafter known as Trafficway Improvement Project No. 70192-00, all under the authority of K.S.A. 12-685 et seq. placed on first reading September 25, 2001, was again presented.

Councilmember Duffy moved to refer the project to the Public Improvement Committee. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

A PROJECT BUDGET in the amount of \$1,877,000, and ORDINANCE NO. 17729 introduced by Mayor Felker designating and establishing S.W. Fairlawn Road from S.W. 34<sup>th</sup> Street to I-470 Bypass as a main trafficway in the City of Topeka and authorizing the improvement of said trafficway, hereinafter known as Trafficway/Street Improvement Project No. 60487, all under the authority of K.S.A. 12-685 et seq. placed on first reading September 25, 2001, was again presented.

Councilmember Stubbs moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Price carried. Councilmember Lane voted “no.” Councilmember Dunn was out of the room. (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill, and Price – 6. Councilmember Lane voted “no” – 1. Councilmember Dunn was out of the room – 1. Absent: Councilmember Pomeroy – 1.

A PROJECT BUDGET in the amount of \$3,036,860, and ORDINANCE NO. 17730 introduced by Mayor Felker designating and establishing Trafficway Improvement Project No. 70167-04 of the City of Topeka and authorizing the improvement of said trafficway located at approximately, S.W. Huntoon Street from Fairlawn Road to Glendale Street thereafter known as Trafficway Improvement Project No. 70167-04 all under the authority of K.S.A. 12-685 et seq. placed on first reading September 25, 2001, was again presented.

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

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

A PROJECT BUDGET in the amount of \$596,342, and ORDINANCE NO. 17731 introduced by Mayor Felker, authorizing Project No. 12042-00, which provides for the removal and replacement of the W. 2<sup>nd</sup> Street Bridge over Ward Creek, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading September 25, 2001, was again presented.

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

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

A PROJECT BUDGET in the amount of \$413,000, and ORDINANCE NO. 17732 introduced by Mayor Felker, authorizing Project No. 12027-02, which provides for the construction of a new pedestrian bridge structure north of E. 4<sup>th</sup> and Market, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading September 25, 2001, was again presented.

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

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

A PROJECT BUDGET in the amount of \$905,654, and RESOLUTION NO. 7191 introduced by Mayor Felker, relating to City of Topeka Water Main Project No. 28460 which provides for water line installation along N.W. 25<sup>th</sup> Street and Button Road and authorizing the same was presented.

RESOLUTION NO. 7192 introduced by Mayor Felker, establishing a water main connection charge for extension on N.W. 25<sup>th</sup> Street from Menoken Road to Button Road and on Button Road from N.W. 25<sup>th</sup> Street to U.S. Highway 24 was presented.

Neil Dobler, Public Works Director gave the staff report. He stated that this project would provide expansion possibilities for economic development.

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

AN ORDINANCE introduced by Mayor Harry Felker and Councilmember Duane Pomeroy amending City of Topeka Ordinance No. 17382 which exempted certain property, more specifically property owned by PTMW, Inc., 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 1800-1830 N.W. Brickyard Road and specifically repealing said original ordinance was presented for first reading.

Kathy Moellenberndt, of GO Topeka explained the ordinance.

John Arnold, Chief Administrative Officer noted that PTMW is to be commended on their growth and achievement.

A HOME RULE ORDINANCE introduced by Mayor Felker authorizing the City of Topeka, Kansas, to provide for the construction and installation, including all things necessary and incidental thereto, of a fiber optic network for telecommunication services to City facilities; and payment of all costs incidental to and incurred by the City of Topeka, Kansas for said improvements by the City-at-large through the issuance, sale and delivery of general obligation bonds of the City to pay for any or all costs related to said improvements was presented for first reading.

Randy Bailes, Director of Financial Services gave the staff report and explained the financing.



Mark Biswell, Deputy Director of Information Technology reported that he has worked with the county as well as the school district.

John Arnold noted that the project may allow future economic development.

Brenden Long, City Attorney explained the need for a home rule ordinance.

**REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:**

Mayor Felker reported that the draft of the Legislative Policy would be taken to the League of Kansas Municipalities meeting in Wichita.

Brenden Long reported that the request for proposal for lobbying services is being drafted.

Discussion followed concerning the need for lobbyists and expectations of lobbyists.

John Arnold noted that Cox Communications is increasing the price for new Roadrunner Internet Service as of December 1, 2001.

John Arnold reported that a number of police officers have been called up for military duty.

John Arnold noted that the date 10-02-2001 is a palindrome which rarely happens.

**PRESENTATIONS BY MEMBERS OF THE COUNCIL:**

Councilmember Dunn requested a copy of the letter from AZA.

Mayor Felker stated that the Federal Government has approved the Topeka Zoo's practices and facilities. The AZA is still wanting changes to be made, but a decision has to be made as to how much money should be expended to renew the accreditation.

Councilmember Dunn asked if the City could partner with the County on health insurance.

Councilmember Alcala expressed his appreciation for Dan Neil appearing before the City Council and encouraged other city employees to appear as needed.

**PUBLIC COMMUNICATIONS AND COMMENTS:**

Rev. L. S. Wheeler III, Bob Sherburne, LaKisha Marisette, Jessica McMurray, Taileia Glass, Murassein Walker, and Curtis Pitts appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:55 p.m. by unanimous consent.

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Iris Walker, City Clerk