

City Council Minutes – October 16, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 16, 2001. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Lane, Dunn, Hecht, Stubbs, Hill, and Price – 8. Councilmember Duffy was absent – 1. Mayor Felker was absent – 1.

AFTER THE MEETING was called to order, the invocation was given by Councilmember Pomeroy.

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

THE CONSENT AGENDA was presented as follows:

Disposition of claim appeal for David Leamon in the amount of \$1,667.75 was presented.

Workers' Compensation claim for Robert Williams in the amount of \$23,568.35 was presented.

Minutes of the Regular Meeting of October 9, 2001 were presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for Lucky Fourth Street Market, 401 SE Lake Street, was presented.

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

Deputy Mayor Dunn moved Item 4L, the discussion on the interlocal sales tax agreement to the next item for discussion.

A COMMUNICATION regarding the interlocal sales tax agreement was presented.

Vic Miller, Chair of the Board of Shawnee County Commissioners appeared to explain the amendments from the Commission. He noted that the County Commissioners voted unanimously to approve the contract amendments.

Vic Miller also thanked the Mayor for taping the County Commission meeting and airing in on Channel 4.

Councilmember Pomeroy moved to defer the agreement until the October 23, 2001 meeting. The motion was seconded by Councilmember Stubbs.

Councilmember Alcalá made a substitute motion to approve the agreement as presented. The motion was seconded by Councilmember Lane.

Dean Ferrell of GO Topeka appeared and explained their suggestions to the agreement. He explained they were trying to find some common ground between the two agreements.

Discussion followed concerning the amount of money allocated for economic development, support of minority businesses, and the composition of the JEDO.

Richard Eckert, Shawnee County Counselor appeared to confirm that the draft before the Councilmembers was the correct version.

Councilmember Alcalá withdrew his motion because the Parliamentarian ruled that until after the vote on the motion to defer, it was not a proper motion.

The motion to defer the agreement until the October 23, 2001 City Council meeting carried. Councilmembers Alcalá and Lane voted “no.” (6-2-0)

John Arnold, Chief Administrative Officer asked Vic Miller if he desired for the City to continue taping and airing the County Commission meetings.

Vic Miller stated that he would like to continue the taping of the meetings.

A ZONING PETITION by Cornerstone of Topeka, Inc. requesting to amend the District Zoning Classification from “O&I-1” Office and Institutional District to “M-2” Multiple Family Dwelling District on property located at 807 SW Western Avenue in the City of Topeka, Kansas was presented.

ORDINANCE NO. 17734 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 807 SW Western Avenue in the City of Topeka, Kansas, from “O & I-2” Office and Institutional District to “M-2” Multiple Family Dwelling District placed on first reading October 9, 2001 was again presented. (Z01/15)

Barry Beagle of the Planning Department gave the staff report.

Deputy Mayor Dunn asked if anyone had any ex parte communication to report. None were acknowledged.

Councilmember Lane moved to approve the petition and 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, Alcala, Lane, Dunn, Stanley, Stubbs, Hill, and Price – 8. Absent: Councilmember Duffy – 1.

ORDINANCE NO. 17735 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located at 3901 SE California Avenue 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 October 9, 2001 was again presented. (A01/6)

Mike McGee, Deputy Director of Public Works gave the staff report for all the annexation ordinances. He stated that these were the last areas contiguous to the City of Topeka who have signed a Consent to Annexation.

Barry Beagle reported that there are no current plans to subdivide the property on California, but that subdivision is anticipated in the future.

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

ORDINANCE NO. 17736 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, located at 1685 SE 45th 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 October 9, 2001 was again presented. (A01/7)

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

ORDINANCE NO. 17737 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located at 1200 NW Menninger Road 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 October 9, 2001 was again presented. (A01/8)

Denise Kaberline of the Rochester Cemetery Board appeared to express concern over annexing the cemetery.

Mike McGee explained that a consent to annexation has been signed for the property being annexed.

Barry Beagle explained that when a consent to annexation has been signed, that consent negates the need to notice the property owners when annexation proceedings are begun.

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

ORDINANCE NO. 17738 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, extending west of SE Croco Road along SE 24th Terrace 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 October 9, 2001 was again presented. (A01/11)

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

ORDINANCE NO. 17739 introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located at the northwest corner of 41st Street and SE California Avenue 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 October 9, 2001 was again presented. (A01/12)

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17740 introduced by Mayor Felker relating to a connection between the Comprehensive Zoning Regulations and the historic preservation ordinance which sets forth the procedure to designate property as a historic landmark or historic landmark district and amending City of Topeka Code § 48-1.01, District Classification, and § 48-33.06, Filing Fees, and repealing said original sections placed on first reading October 9, 2001 was again presented. (ACZR01/2)

Bill Fiander, Interim Planning Director gave the staff report.

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

ORDINANCE NO. 17741 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 1210 SW Executive Drive in the City of Topeka, from “R-1” Single Family Dwelling District to “O & I-2” Office and Institutional District, placed on first reading October 9, 2001 was again presented. (Z85/9)

Barry Beagle gave the staff report.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17742 introduced by Mayor Felker relating to the Metro Board of Zoning Appeals, amending City of Topeka Code § 48-34.04, Powers and duties, generally and specifically repealing said original section placed on first reading October 9, 2001 was again presented. (ACZR01/3)

Bill Fiander gave the staff report.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Mayor Felker relating to Site Plans, amending the Comprehensive Zoning Regulations of the City of Topeka and unincorporated areas of Shawnee County, and specifically repealing Topeka City Code § 26-121 and 122 placed on first reading October 9, 2001 was again presented. (ACZR01/1)

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE

introduced by Mayor Felker, amending Chapter 48 of the Code of the City of Topeka, Comprehensive Zoning Regulations for the City of Topeka and unincorporated areas of Shawnee County by creating Landscape Requirements and regulations therefor repealing said original sections placed on first reading October 9, 2001 was again presented. (ACZR01/04)

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

A PROJECT BUDGET in the amount of \$1,200,000 and RESOLUTION NO. 7195 introduced by Mayor Felker, relating to Waterworks Project No. 28485 for water line replacement and authorizing the same was presented.

Neil Dobler, Public Works Director gave the staff report.

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

A PROJECT BUDGET in the amount of \$35,000 and RESOLUTION NO. 7196 introduced by Mayor Felker describing Improvement Project No. 30217-00 which provides for replacement of the boiler at Garfield Community Center and authorizing the same was presented.

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

INTERLOCAL AGREEMENT NO. 31451 between the City of Topeka and the Board of Shawnee County Commissioners to jointly acquire the necessary software licenses from New World Systems Corporation in order to provide for greater efficiency and effectiveness of police protection and public safety in the community was presented.

Chief Ed Klumpp gave the staff report.

Councilmember Stubbs moved to approve the interlocal agreement. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Felker relating to the fees for dog permits specifically raising the fees for the permits, amending City of Topeka Code § 18-107, Fees, and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Mayor Felker relating to the fees for cat permits specifically raising the fees for the permits, amending City of Topeka Code § 18-221, Fees, and specifically repealing said original section was presented for first reading.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE, introduced by Mayor Felker relating to signs, amending Article XXXI, Sign Regulations, Article XXXV, Definitions, Topeka City Code § 118-76, defined, and specifically repealing said original sections, and repealing Topeka City Code §§ 118-11, Removal of signs, 118-12, Cost of sign removal, 118-276, Defined, 118-277 Placing and time limitation, 118-278, Temporary banners, pennants or flag over streets in their entirety was presented for first reading.

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

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 3409, 3401-A and 3411 NW Highway 24 and specifically repealing said original ordinance was presented for first reading.

AN ORDINANCE 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, 2001 edition; and specifically repealing said original Section 142-152 was presented for first reading.

AN ORDINANCE introduced by Councilmember Lisa Stubbs relating to the practice of massage therapy, amending City of Topeka Code § 30-330, Exemptions from Article, and specifically repealing said original section was presented for first reading.

Deputy Mayor Dunn referred the ordinance to the Public Health and Safety Committee.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer reported that they are continuing to monitor sales tax and transient guest tax revenue declines because of recent national events. He said he would inform the Council when he had more information.

REPORTS OF COMMITTEES AND OFFICERS:

Deputy Mayor Dunn reported that Mayor Felker is in Washington, D.C. at the Pentagon attending meetings regarding closure of military bases in Kansas.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane reported that he had attended the Apple Festival at Ward Meade Park and was concerned about handicapped parking for the event.

Councilmember Alcalá noted that it is hard to navigate with a wheelchair in many places in the City.

Councilmember Alcalá expressed concerns about the length of time dead animals remain on the streets before being picked up.

Councilmember Hill reported that the Public Health and Safety Committee would meet on November 5, 2001 at 4:10 p.m. to discuss the massage therapy ordinance.

Councilmember Hill asked if street cleaners are to pick up fallen leaves.

John Arnold remarked that leaves are difficult to pick up because the brush under the sweeper spins and the air around the brush blows the leaves away.

Councilmember Stubbs expressed a constituent's appreciation for the City's Dog Park at Gage Park. She reported that Grant Bradbury Park in Forbes Field is also a dog park.

Councilmember Hecht identified Week Without Violence events being held this week.

Councilmember Dunn reported that a patriotic picnic on November 3, 2001, from 11:00-3:00 will be held by the businesses along the 1700-1900 block of Wanamaker Road.

Councilmember Dunn asked what is being done to protect employees and others in the community.

John Arnold reported that a press conference was held today by police and fire personnel to discuss safety issues. He also reported that various safety precautions were being implemented around City facilities.

PUBLIC COMMUNICATIONS AND COMMENTS:

Bob Sherbourne appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:40 p.m. by unanimous consent.

Iris Walker
City Clerk