

City Council Minutes – October 23, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 23, 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, Hecht, Duffy, Stubbs, Hill, and Price – 9. Mayor Felker presided – 1.

AFTER THE MEETING was called to order, the invocation was given by Iman Omar Hazim of the Islamic Center of Topeka.

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

THE CONSENT AGENDA was presented as follows:

COMMUNICATION from Mayor Harry Felker appointing Doug Kinsinger to the Convention and Visitors Bureau Board of Directors for an on-going position was presented.

Disposition of claim appeal of Villa West Apartments in the amount of \$268 was presented.

Minutes of the Regular Meeting of October 16, 2001 were presented.

CEREAL MALT BEVERAGE APPLICATION bearing the approval of the Chief of Police and City Inspectors was presented for New China, 201 SW 29th Street.

Councilmember Dunn moved to approve the Consent Agenda. Councilmember Lane seconded the motion.

Councilmember Stubbs asked to correct the minutes to reflect that Councilmember Duffy was absent.

The mover and second agreed to the correction.

The motion to approve the Consent Agenda with the amended minutes carried unanimously. (9-0-0)

ORDINANCE NO. 17744 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 placed on first reading October 16, 2001 was again presented.

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

INTERLOCAL AGREEMENT NO. 31439 relating to financing countywide infrastructure development and economic development to be funded by a one-quarter of one cent countywide retailers' sales tax which was deferred for one week from the October 16, 2001 City Council meeting was again presented.

Brenden Long, City Attorney explained the changes to the agreement originally approved the City Council on October 9, 2001, which were made by the County Commission.

Discussion followed concerning City Council representation on the JEDO.

Brenden Long stated that the selection process for choosing the City Council representatives would be determined by the City Council.

Councilmember Pomeroy moved to approve the agreement as amended by the County Commission. The motion was seconded by Councilmember Lane.

Councilmember Pomeroy moved to delete the words "the next Five Hundred Thousand Dollars (\$500,000) of sales tax receipts shall be dedicated to County bridges." in Paragraph 6 and all of Paragraphs 7 and 8, and insert the words "any money collected in excess of Four Million Eight Hundred Thousand Dollars (\$4,800,000) shall be distributed annually to the County to be dedicated to bridges and infrastructure, with fifty percent (50%) set aside for the Topeka Boulevard Bridge Improvement Project." The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy explained his motion.

Discussion followed concerning the need to consider the entire CIP and not just the Topeka Boulevard Bridge Project.

Councilmember Stubbs made a substitute motion to delete the words “set aside for the Topeka Boulevard Bridge improvement project. This money shall revert to the County for County bridges if: a) the City chooses not to improve or replace the Topeka Boulevard Bridge; or b) no decision has been made concerning such project by the City of Topeka by January 1, 2007; or c) the City of Topeka fails to expend the approximately Three Million Four Hundred Thousand Dollars (\$3,400,000) excess it has left from the present quarter-cent sales tax to the Topeka Boulevard Bridge project.” in Paragraph 7 and insert the words “dedicated for the Topeka Boulevard Bridge project or other City bridges.” and delete the words “to the County to be dedicated to County infrastructure.” and insert the words “for City or County economic development or infrastructure by the statutory split provided by K.S.A. 12-192.” in Paragraph 8. Councilmember Stubbs asked that the City Attorney draft the language in the proper form for the agreement. The motion seconded by Councilmember Price carried. Councilmembers Pomeroy, Alcala, Lane, and Dunn voted “no.” (5-4-0)

Councilmember Price moved to delete the words “approved accounting” and insert the words “generally accepted auditing.” The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Pomeroy moved to delete the words “the next Five Hundred Thousand Dollars (\$500,000) of sales tax receipts shall be dedicated to County bridges.” in Paragraph 6 and all of Paragraphs 7 and 8, and insert the words “any money collected in excess of Four Million Eight Hundred Thousand Dollars (\$4,800,000) shall be distributed annually to the County to be dedicated to bridges and infrastructure, with fifty percent (50%) set aside for the Topeka Boulevard Bridge and other City bridge improvement projects.” The motion was seconded by Councilmember Alcala.

Discussion followed concerning economic development, infrastructure needs, and current economic conditions.

The motion to amend Paragraph 6 and delete Paragraphs 7 and 8 carried. Councilmembers Duffy, Stubbs, Hill, and Price voted “no.” (5-4-0)

Councilmember Dunn moved to delete the word “2025” and insert the words “that exists at the time” from the third paragraph on Page 1. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Duffy moved to amend to delete all the language in Paragraph 9 and insert the words “The JEDO shall utilize not less than ten percent (10 %) with a goal of twenty percent (20%) of the funds for economic development assistance for women and minorities.” as the new Paragraph 9. The motion was seconded by Councilmember Price.

Discussion followed concerning the difficulty in identifying a minority businesses from shell companies.

John Arnold, Chief Administrative Officer explained the protected classes in the City of Topeka.

Councilmember Pomeroy suggested that the ten percent for racial minorities be left in and include a goal of twenty percent for women and racial minorities.

Councilmember Duffy amended the motion to read “The JEDO shall utilize not less than ten percent (10 %) for economic development assistance for racial minorities with a goal of twenty percent (20%) of the funds for economic development assistance for women and racial minorities.”

Councilmember Price agreed to the change.

The motion to replace Paragraph 9 carried unanimously. (9-0-0)

Councilmember Hecht moved to delete the words “seven (7) member board containing the three (3) County Commissioners, the Mayor, Deputy Mayor, and two (2) City Council members” and insert

the words “thirteen (13) member board containing the three (3) County Commissioners, the Mayor, and the nine (9) City Council members.” in Paragraph 1.a. The motion was seconded by Councilmember Stubbs.

Discussion followed concerning the representation of the JEDO.

Councilmember Pomeroy made a substitute motion to insert the words “the remaining Councilmembers be non-voting ex-officio members of the JEDO” to Paragraph 1.a. The motion seconded by Councilmember Hill carried. Councilmembers Hecht, Duffy, Stubbs, and Price voted “no.” (5-4-0)

Councilmember Stubbs moved to remove the words “Deputy Mayor, and two (2) City Council members” and insert the words “and three (3) City Council members” in Paragraph 1.a. The motion was seconded by Councilmember Price.

Discussion followed concerning whether the Deputy Mayor should be mandated on the JEDO.

Councilmember Hill called the question.

The motion to remove the Deputy Mayor designee from the JEDO failed. Councilmembers Alcala, Lane, Dunn, Hecht, and Hill voted “no.” (4-5-0)

Dr. Bert Opara appeared in support of the amendment to include women and minorities.

Lazone Gray appeared and distributed information on minority involvement in Topeka/Shawnee County Business Development.

Bob Sherbourne appeared to suggest options to replacing the Topeka Boulevard Bridge.

Jimmy Bullocks appeared in support of the amendment to include women and minorities.

The motion to approve the Interlocal Agreement as amended carried unanimously. (9-0-0)

A RESOLUTION introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy sitting as the Public Health and Safety Committee, affirming the 2010 Comprehensive Metropolitan

Land Use Plan and the Topeka/Shawnee by Design Survey prepared by Nelessen Associates, Inc. as policy guidance for future development and redevelopment in the City of Topeka and the three mile area was presented.

Deputy Mayor Dunn referred the resolution to Committee.

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy sitting as the Public Health and Safety Committee, regarding building codes, extending the City of Topeka building codes and permit process to the three (3) mile area adjacent to the City of Topeka boundaries was presented for first reading.

Deputy Mayor Dunn referred the ordinance to committee.

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy sitting as the Public Health and Safety Committee, relating to waterways, specifically the creation of buffer areas adjacent to waterways was presented for first reading.

Deputy Mayor Dunn referred the ordinance to committee.

AN ORDINANCE introduced by Mayor Felker, relating to establishing monthly water use rates and charges for consumers of water furnished by the Water Division of the City of Topeka, providing for additional water rates amending City of Topeka §§ 146-138, 146-139, and 146-140 of the Code of the City of Topeka and repealing said original sections was presented for first reading.

AN ORDINANCE introduced by Mayor Felker relating to monthly rates and charges for sanitary sewer excess strength (BOD) amending City of Topeka Code § 146-343(6)(a) and repealing said original section was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer read a press release from the Shawnee County Emergency Communications Center concerning closing Building 8, Forbes Field as a precaution due to possible anthrax contamination of equipment.

John Arnold read a letter from the Kansas State Department of Administration stating that the City of Topeka Parking Fund will not have to back the bonds for the Signature Garage.

John Arnold distributed a memorandum concerning cleanup efforts in the Oakland area.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Hill reported that the Public Health and Safety Committee will meet November 5 at 4:10 p.m. in the City Council Office to discuss the massage therapy ordinance.

Mayor Felker reported that the test given him for anthrax came back negative.

Mayor Felker reported from the Washington D.C. meeting regarding the possible closure of Forbes Field.

Mayor Felker reported on a letter from HUD indicating that the City of Topeka is below the threshold regarding CDBG funds.

Councilmember Lane reported that the Public Improvement Committee will meet November 5 at 1:00 p.m. in the City Council Office on the South Kansas Avenue extension project.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Alcalá read portions of Security Benefit Group's requests for IRB monies and tax exemptions. He asked if City inspectors were inspecting the construction of the Security Benefit Group.

Neil Dobler reported that construction began before the annexation of the property, so inspections were not required.

Councilmember Duffy distributed two ordinances to be put on a future City Council agenda.

Councilmember Pomeroy asked that the ordinance concerning the North Topeka Drainage District be brought before the City Council as soon as possible.

PUBLIC COMMUNICATIONS AND COMMENTS:

Joel Stottlemire, Fred Phelps, Marge Phelps, Lucille Lindburg, Abby Friess, Zoe Soward, Michael Jamison, Bob Sherbourne, Matt Conley, Lee Ann Patterson, Jared Dailey, Vicki Coulter, Guadalupe Jaramillo, Kirt King, Joy Ray, Liberty Hutchinson, Bob Sherbourne, Dr. Roy Menninger, Sue Christmas, Sam Smith, and Jason Jacob appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 10:35 p.m. by unanimous consent.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 23, 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, Hecht, 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, October 23, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a property tax exemption ordinance for improvements to personal property on behalf of PTMW, Inc. located at 3409, 3401-A and 3411 NW Highway 24 in the City of Topeka.

Kathy Moellenberndt of the Greater Topeka Chamber of Commerce and GO Topeka appeared to explain the tax exemption.

Mayor Felker gave an opportunity for anyone to speak. No one appeared.

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

ORDINANCE NO. 17743 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 which was placed on first reading October 16, 2001 was again presented.

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

Iris Walker
City Clerk