

City Council Minutes – November 13, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 13, 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 Councilmember Alcalá.

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

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION from Mayor Harry Felker recommending the re-appointment of Craig Kendall to the Metropolitan Topeka Airport Authority Board of Directors was presented.

A COMMUNICATION from Mayor Harry Felker recommending the appointment of Ed Carmona and Robert Bugg to the Downtown Business Improvement District Advisory Board and the re-appointment of Jim Parrish and Gary Yager was presented.

Minutes of the Regular Meeting of November 6, 2001 were presented.

Councilmember Dunn moved to approve the Consent Agenda. The motion was seconded by Councilmember Hill.

Councilmember Alcalá made a substitute motion to defer the appointments to the Downtown Business Improvement District Advisory Board for one week and approve the remaining items of the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

RESOLUTION NO. 7200 introduced by Mayor Harry Felker in accordance with Section 48-25.01 of the Code of the City of Topeka, approving a City of Topeka Conditional Use Permit to establish a demolition landfill on property currently zoned “R-1” Single Family Dwelling District and on property located adjacent to the west side of the Kansas Turnpike and US Highway 75 and situated

between SW 45th Street, extended, and SW 49th Street in the City of Topeka, Kansas was presented.

(CU01/14)

Barry Beagle of the Planning Department, gave the staff report.

Councilmember Dunn moved to approve the resolution. The motion was seconded by Councilmember Hill.

Discussion followed concerning the earth berm to restrict view of the landfill from the highway.

Ben Crosland of CP Engineers, representing the owners appeared to state that the earth berm is intended to shield the view from the highway and the owner is willing to seed the berm and plant trees.

John Vausbinder appeared in opposition to the vacation in conjunction with current and proposed development.

Councilmember Pomeroy moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Dunn carried. Councilmembers Duffy and Price voted “no.” (7-2-0)

David Herrman, owner of Herrman’s Excavating, stated that the landfill is not visible from the residential property or the highway.

The motion to approve the resolution carried unanimously. (9-0-0)

AN ORDINANCE 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, and, repealing Ordinance 17736 placed on first reading November 6, 2001 was again presented. (A01/7)

Barry Beagle of the Planning Department gave the staff report.

Robert Willard, owner appeared in opposition to the annexation.

Deputy Mayor Dunn referred the ordinance to the Policy Committee.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17746 introduced by Mayor Felker, amending City of Topeka Code Chapter 48 §§ 48-23a.00, 48-23a.01, 48-23a.03, 48-23a.04, and 48-23a.06, Comprehensive Zoning Regulations for the City of Topeka and unincorporated areas of Shawnee County by revising X-Mixed Use Districts, provisions and specifically repealing said original sections placed on first reading November 6, 2001 was again presented. (ACZR01/05)

Bill Fiander, Acting Director of the Planning Department gave the staff report.

Discussion followed concerning the use of X-1, X-2, and X-3 Mixed Use Districts.

Councilmember Duffy moved to insert the words “that are within the City of Topeka” to Page 1, Line 26. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17747 introduced by Harry Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan placed on first reading November 6, 2001 was again presented.

Bill Fiander, Acting Director of the Planning Department gave the staff report and explained the goals and principles of the Plan.

Mayor Felker gave an opportunity for anyone present to speak concerning any of the Ward-Meade rezoning petitions.

Shawn Leisinger of the Ward-Meade Neighborhood Improvement Association appeared in support of the Plan.

Dale Stegman appeared in support of the Plan.

Ken McGill of Dismas House of Kansas City appeared in opposition to the down-zoning from C-2 to C-1.

Pantaleon Florez, Jr., representing Dismas House appeared to explain the history of Dismas House in Topeka and in opposition to the change on Zoning Case No. Z01/18.

Discussion followed concerning the activities of the Planning Department in relation to Dismas House.

Deputy Mayor Dunn referred Zoning Case No. Z01/18 to the Economic Development Committee.

Deborah Edwards appeared in support of the Plan.

Tana Crawford appeared and stated she has been in support of the Plan since receiving the plan in December, 2000 when it was sent to the entire neighborhood.

Max VanGaasbeck appeared in support of the Plan.

Lloyd Wood, owner of Woody's Radiator Service, supports Plan but opposes down-zoning.

Todd Girdler appeared in support of the Plan.

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

ZONING PETITION Z01/20 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from "R-1" Single Family Dwelling District, "M-2" Multiple Family Dwelling District and "C-2" Commercial District to "OS-1" Open Space District to more appropriately reflect the existing and future development of the neighborhood was presented.

ORDINANCE NO. 17748 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 within the Ward-Meade neighborhood

of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District, “M-2” Multiple Family Dwelling District, and “C-2” Commercial District to “OS-1” Open Space District placed on first reading November 6, 2001 was again presented. (Z01/20)

Mayor Felker asked if anyone had any ex parte communication to report.

Councilmember Pomeroy reported that he has had numerous ex parte communication as he attended various NIA meetings.

Councilmember Lane moved to approve the zoning petition. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

ZONING PETITION Z01/21 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from “I-2” Heavy Industrial District to “I-1” Light Industrial District to more appropriately reflect the existing and future development of the neighborhood was presented.

ORDINANCE NO. 17749 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 within the Ward-Meade neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “I-2” Heavy Industrial District to “I-1” Light Industrial District placed on first reading November 6, 2001 was again presented. (Z01/21)

Mayor Felker asked if anyone had any ex parte communication to report. No additional ex parte communications were reported.

Councilmember Lane moved to approve the zoning petition. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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

ZONING PETITION Z01/16 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from “M-1” Two-Family Dwelling District, “M-2” Multi Family Dwelling District and “C-2” Commercial to “R-2” Single Family Dwelling District to more appropriately reflect the existing and future development of the neighborhood was presented.

ORDINANCE NO. 17750 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 within the Ward-Meade neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “M-1” Two-Family Dwelling District, “M-2” Multiple Family Dwelling District, and “C-2” Commercial District to “R-2” Single-Family Dwelling District placed on first reading November 6, 2001 was again presented. (Z01/16)

Mayor Felker asked if anyone had any ex parte communication to report. No additional ex parte communications were reported.

Councilmember Lane moved to approve the zoning petition. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

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

ZONING PETITION Z01/19 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from “C-4” Commercial District to “X-1” Mixed Use District to more appropriately reflect the existing and future development of the neighborhood was presented.

ORDINANCE NO. 17751 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 within the Ward-Meade neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “C-4” Commercial District to “X-1” Mixed Use District placed on first reading November 6, 2001 was again presented. (Z01/19)

Mayor Felker asked if anyone had any ex parte communication to report. No additional ex parte communications were reported.

Councilmember Lane moved to approve the zoning petition. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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

ZONING PETITION Z01/17 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from “M-2” Multi Family Dwelling District to “M-1A” Limited Multiple Family Dwelling District to more appropriately reflect the existing and future development of the neighborhood was presented.

ORDINANCE NO. 17752 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 within the Ward-Meade neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “M-2” Multiple Family Dwelling District to “M-1A” Limited Multiple Family Dwelling District placed on first reading November 6, 2001 was again presented. (Z01/17)

Mayor Felker asked if anyone had any ex parte communication to report. No additional ex parte communications were reported.

Councilmember Pomeroy moved to approve the staff recommendation on the zoning petition and adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Pomeroy moved to approve the staff recommendation on the ordinance and adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

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

ZONING PETITION Z01/18 by the City of Topeka to reclassify the Ward-Meade Neighborhood on the attached vicinity map from “C-2” Commercial District to “C-1” Commercial District to more appropriately reflect the existing and future development of the neighborhood was presented.

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 within the Ward-Meade neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “C-2” Commercial District to “C-1” Neighborhood Commercial District placed on first reading November 6, 2001 was again presented. (Z01/18)

Deputy Mayor Dunn referred the item to the Economic Development Committee.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17753 introduced by Harry Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan placed on first reading November 6, 2001 was again presented. (CPA01/02)

Bill Fiander, Acting Director of the Planning Department gave the staff report.

Councilmember Price moved to adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

ORDINANCE NO. 17754 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 placed on first reading October 23, 2001 was again presented.

Neil Dobler, Public Works Director gave the staff report.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Hecht, Duffy, Stubbs, Hill, and Price – 6. Noes: Councilmembers Alcalá, Dunn, and Lane – 3.

ORDINANCE NO. 17755 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 placed on first reading October 23, 2001 was again presented.

Councilmember Pomeroy moved to amend the ordinance to increase the rates by 4.0% inside the City boundaries and 12.7% outside the City boundaries. The motion seconded by Councilmember Price failed. Councilmembers Alcalá, Lane, Dunn, Hecht, and Hill voted “no.” (4-5-0)

Councilmember Stubbs moved to adopt the ordinance as it was written. The motion seconded by Councilmember Hill carried. Councilmembers Pomeroy, Alcalá, Lane, and Dunn voted “no.” (5-4-0)

Councilmember Pomeroy moved to reconsider the motion to increase the water rates. The motion seconded by Councilmember Duffy failed. Councilmembers Alcalá, Lane, Hecht, Stubbs, and Hill voted “no.” (4-5-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Hecht, Duffy, Stubbs, Hill, and Price – 5. Noes: Councilmembers Pomeroy, Alcalá, Lane, and Dunn – 4.

AN ORDINANCE introduced by Mayor Felker relating to delivery vehicles, making provisions for the issuance of delivery vehicle permits, restrictions thereof, and annual fees placed on first reading November 6, 2001 was again presented.

Deputy Mayor Dunn referred the ordinance to the Public Improvement Committee.

AN ORDINANCE introduced by Mayor Felker relating to ambulance services within the City of Topeka, Kansas, providing a non-exclusive franchise to American Medical Response, Inc., f/k/a Medevac MidAmerican, Inc. to operate an ambulance service within the City of Topeka, Kansas was presented for second reading.

ORDINANCE NO. 17756 introduced by Mayor Felker approving cost estimates of the proposed improvements to the municipally owned wastewater system of the City of Topeka, Shawnee County, Kansas, to wit; construction of a new Central Park Pump Station with additional force main, rehabilitation of the Furman Interceptor sewer and related sewer mains and laterals, extension of lateral sewer lines throughout the wastewater system and replacement of existing deteriorated piping and

equipment to maintain reliability of the overall wastewater system and doing all other things necessary and incidental thereto, and authorizing the publication of the notice of intention for the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof placed on first reading November 6, 2001, was again presented.

NOTICE OF INTENTION to make improvements to the municipally owned wastewater system of the City of Topeka, Shawnee County, Kansas, to wit; construction of a new Central Park Pump Station with additional force main, rehabilitation of the Furman Interceptor sewer and related sewer mains and laterals, extension of lateral sewer lines throughout the wastewater system and replacement of existing deteriorated piping and equipment to maintain reliability of the overall wastewater system and doing all other things necessary and incidental thereto, and authorizing the publication of the notice of intention for the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof was presented.

Neil Dobler gave the staff report.

Councilmember Lane moved to approve the notice of intention. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

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

ORDINANCE NO. 17757 introduced by Mayor Felker approving cost estimates of the proposed improvements to the municipally owned waterworks system of the City of Topeka, Shawnee County, Kansas, by removing and replacing existing deteriorating water mains and installing new transmission mains within the water distributions system to improve quality and reliability of the system and doing all

other things necessary and incidental thereto, and authorizing the publication of the notice of intention of the Council of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof, placed on first reading November 6, 2001, was again presented.

NOTICE OF INTENTION to make improvements to the municipally owned waterworks system of the City of Topeka, Shawnee County, Kansas, by removing and replacing existing deteriorating water mains and installing new transmission mains within the water distributions system to improve quality and reliability of the system and doing all other things necessary and incidental thereto, and to issue and sell revenue bonds of the City of Topeka, for the purpose of paying the cost thereof was presented.

Councilmember Lane moved to approve the notice of intention. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Lane moved to adopt the ordinance. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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

ORDINANCE NO. 17758 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 southwest corner of SE 37th Street and SE Adams Street in the City of Topeka, Kansas, from “PUD” Planned Unit Development District to “C-2” Commercial District placed on first reading November 6, 2001, was again presented. (Z87/6(1))

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

ORDINANCE NO. 17759 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 southwest corner of SE 37th Street and SE Colfax Place in the City of Topeka, from “PUD” Planned Unit Development District to “C-2” Commercial District placed on first reading November 6, 2001, was again presented. (Z87/6(2))

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

ORDINANCE NO. 17760 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 approximately 280-feet north of SW 29th Street and 500-feet east of SW Villa West Drive in the City of Topeka, from “PUD” Planned Unit Development District to “C-4” Commercial District placed on first reading November 6, 2001, was again presented. (Z91/28)

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

ZONING PETITION Z01/22 by George D. and Cynthia L. Hopper requesting to amend the District Zoning Classification from “M-2” Multiple Family Dwelling District to “PUD” Planned Unit Development District (residential usage) on property located on the north side of SW 37th Street between SW Atwood Avenue and SW Cambridge Avenue in the City of Topeka, Kansas was presented.

ORDINANCE NO. 17761 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 on property generally located between SW Atwood and SW

Cambridge Avenues on the north side of SW 37th Street in the City of Topeka, Kansas, from “M-2” Multiple Family Dwelling District ALL TO “PUD” Planned Unit Development District (“M-1a” usage) placed on first reading November 6, 2001, was again presented. (Z01/22)

Mayor Felker asked if anyone had any ex parte communication to report. None were reported.

Councilmember Dunn moved to approve the petition and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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

PROJECT BUDGET in the amount of \$159,786 and ORDINANCE NO. 17762 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 37th 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 October 2, 2001, was again presented.

Councilmember Lane gave the committee report.

Larry Jones appeared to speak in opposition to the ordinance. He submitted a petition signed by 80 business owners who are opposed to the project. He also suggested that SW 37th Street and Topeka Boulevard intersection be improved instead of Kansas Avenue.

Discussion followed concerning the process involved in the project development, including notification of property owners.

Eric Johnson, representing the Sabatini’s appeared to explain development proposals for South Kansas Avenue.

Discussion followed concerning the number of acres submitted on the state application for funds for the project. The Public Works Director noted the application incorrectly stated 756 acres instead of 7.56 acres.

Councilmember Stubbs moved to defer the item for one week. The motion seconded by Councilmember Duffy failed. Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, and Price voted “no.” (3-6-0)

Councilmember Dunn moved to adopt the ordinance. The motion was seconded by Councilmember Lane.

Discussion followed concerning the effect on South Topeka businesses.

Councilmember Pomeroy made a substitute motion to reconsider the prior motion to defer the item for two weeks. The motion died for lack of a second.

Councilmember Duffy made a substitute motion to adopt the project budget and ordinance for the design only and seek Tax Increment Financing or other alternative financing for the City’s portion of funding. The motion seconded by Councilmember Dunn carried. Councilmembers Pomeroy and Hecht voted “no.” (7-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Dunn, Duffy, Stubbs, Hill, and Price – 7. Noes: Councilmembers Pomeroy and Hecht – 2.

PROJECT BUDGET in the amount of \$165,000 and ORDINANCE NO. 17763 introduced by Mayor Felker designating the 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. 6th 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 October 2, 2001, was again presented.

Discussion followed concerning funding alternatives.

Councilmember Dunn moved to approve the committee report and adopt the ordinance. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

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

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 placed on first reading October 16, 2001, was again presented.

Councilmember Stubbs moved to defer the item for week. The motion seconded by Councilmember Price carried. Councilmember Pomeroy voted “no.” (8-1-0)

RESOLUTION NO. 7201 introduced by Mayor Felker, establishing a water main connection charge for extension along SE Quincy Street from SE 40th Street to SE Evans Drive was presented.

Councilmember Dunn moved to approve the Resolution. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

RESOLUTION NO. 7202 introduced by Mayor Felker establishing a water main connection charge for water main extension along SE Alkire Street from a point of beginning 200 feet north of the south quarter corner of section 33, township 11 south, range 16 east of the 6th principal meridian thence north 500 feet was presented.

Councilmember Dunn moved to approve the Resolution. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

A LEASE PURCHASE AGREEMENT AMENDMENT authorizing the Kansas Department of Administration to demolish the parking structure at 412-422 SW Van Buren was presented.

Discussion followed concerning the agreement.

Councilmember Duffy moved to defer the item for two weeks. The motion seconded by Councilmember Stubbs carried. Councilmember Pomeroy voted “no.” (8-1-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of north-south right-of-way lying between SE Quincy Street and SE Monroe Street, immediately north of SE 9th Street as dedicated by Original Town, City of Topeka, Shawnee County, Kansas was presented for first reading. (V01A/7)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the SE 43rd Terrace right-of-way extending west of SE Oakview Lane as dedicated by Oakwood Hills Subdivision, City of Topeka, Shawnee County, Kansas was presented for first reading. (V01S/4)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of an 8-foot wide public utility easement located west of SE Woodland Avenue, the centerline of which is approximately 580-feet north of SE 6th Avenue as dedicated by Williams Replat, City of Topeka, Shawnee County, Kansas was presented for first reading. (V01E/9)

A HOME RULE ORDINANCE introduced by Councilmembers Clark Duffy, Duane Pomeroy and Gary Price establishing the Advantage Topeka Program which provides for a loan forgiveness program for eligible students enrolled at Washburn University was presented for first reading.

AN ORDINANCE introduced by Councilmembers Clark Duffy, Duane Pomeroy, and Gary Price, sitting as the Economic Development Committee, relating to the creation of the Entrepreneurial Venture and Small Business Loan Program and providing amendments thereto, amending City of Topeka Ordinance No. 17589, and specifically repealing said original Ordinance was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

No report was given.

REPORTS OF COMMITTEES AND OFFICERS:

No report was given.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

No presentations were given.

PUBLIC COMMUNICATIONS AND COMMENTS:

Jesus Campos, John Castor, Victor Beltz, and Joann Donnelly appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 2:18 a.m. by unanimous consent.

Iris Walker
City Clerk

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 13, 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, November 13, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a vacation request V01E/8 by Gary D. and Myrna K. Atkinson, owners, to vacate 6-feet of a 20-foot wide public utility easement located along their rear property line at 5209 SW 40th Terrace.

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

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

ORDINANCE NO. 17745 introduced by Mayor Harry Felker relating to the vacation of the north 6-feet of a platted 20 foot wide public utility easement located along the south lot line of property located at 5209 SW 40th Terrace as dedicated by Clarion Woods Subdivision No. 3, City of Topeka, Shawnee County, Kansas placed on first reading November 6, 2001, was again presented. (V01E/8)

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

Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 13, 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, November 13, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of the FY2002 Consolidated Plan.

Jeff White, Interim Director of Housing and Neighborhood Development gave an overview of the Plan.

Discussion followed concerning allocation processes and reprogrammed funds included in the Consolidated Plan previously allocated to the Watertower District area.

Councilmember Pomeroy gave the Community Development Committee report. He stated that the Committee had directed staff to come up with other funding for Rice Community Center.

Councilmember Pomeroy moved to accept the committee report. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Ellen Ross, Chair of the Community Development Advisory Council (CDAC) explained why funds allocated to the Watertower District area were reprogrammed, and that they are still available to the Monroe area. She stressed that the service cap should not be exceeded.

Councilmember Pomeroy moved to adopt the Resolution, which approves the Consolidated Plan. The motion was seconded by Councilmember Dunn.

Mayor Felker gave an opportunity for anyone to speak.

Candy Phifer appeared to express concern that notices regarding housing rehabilitation funds did not go to renters as well as owners, and eligible houses have not been rehabilitated.

Discussion followed concerning repayment of rehabilitation grants.

Doug Wallace of Valeo Behavioral Health Care appeared to ask for support for transitional housing from HOME funds.

Discussion followed concerning the allocation process.

Loren Albright, President of East End NIA expressed his support for funding for Rice Community Center.

Evonne May, CDAC Board member, representing Highland Park NIA, stated that she voted against the revised plan because she did not receive documentation on public service cap regulations.

Becca Vaughn, Topeka Independent Living Resource Center, urged Council consideration of their funding recommendations for accessibility modifications.

Dennis Jackson stated that he has referred 35 applications for accessibility modifications since January, 2001, and currently monitor a waiting list with HNDD.

Mayor Felker stated that a report would be given to Council regarding funding availability and the application processes as well as HNDD's structure.

Councilmember Pomeroy stated that he would like to track 2-3 actual applications from TILRC through HNDD.

Sarah Griggs, Topeka Tool Library, reported that the organization will have a trailer containing all tools necessary to repair sidewalks and other home projects.

Diane Botwin Alpert and Josh Shelton of Botwin Company explained their proposal for Highland Crest Redevelopment at SE 29th and Fremont. They reported that they have the support of Hi-Crest NIA.

Deputy Mayor Dunn referred the request of Botwin Company to the Economic Development Committee.

Frank Kerr, President of the North Topeka Business Alliance in support of the allocation to the North Topeka Business Alliance.

Melody McConnell, Executive Director of the Central Park TLC Resource Center appeared to ask for relocation assistance, preferably in Central Topeka.

Discussion followed concerning the situation that caused the Resource Center to move and current assistance opportunities.

Councilmember Alcalá made a substitute motion to fund other eligible items at Rice Community Center with \$41,400. The motion was seconded by Councilmember Lane.

Discussion followed concerning the allocation process.

The motion to fund Rice Community Center failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs, Hill, and Price voted “no.” (3-6-0)

Discussion followed concerning directing HNDD staff to assist the TLC Resource Center and report back to the Council.

Councilmember Lane made a substitute motion to allocate money for gym lighting and installation of the lights for Rice Community Center out of the \$41,400 allocation. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

Councilmember Duffy moved to include the staff’s amendment that was distributed in a memorandum from Jeff White dated November 13, 2001. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Pomeroy moved to close the public hearing. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

RESOLUTION NO. 7199 introduced by Mayor Felker, approving the City of Topeka 2002 Consolidated Action Plan and directing its submittal to the U.S. Department of Housing and Urban Development was presented.

Councilmember Pomeroy moved to adopt the resolution and approve the plan as amended. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Iris Walker
City Clerk