

City Council Minutes – November 27, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 27, 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 Bonnie Deuschle.

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

THE CONSENT AGENDA was presented as follows:

Settlement of Workers' Compensation claim of Anthony Filbert for \$50,000 was presented.

Settlement of Workers' Compensation claim of Ronald Erwin for \$11,221.60 was presented.

Minutes of the Regular Meeting of November 20, 2001, was presented.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors was presented for the following:

Brass Rail Bar	401 E Emmett
The Chatterbox Tavern	2121 SE 6 th Street
Gage Tavern	2008 Gage Blvd
Godfather's Pizza #17016	1835 N Topeka Blvd
Grovers Smokehouse	1217 SW Gage Blvd
Hunam Restaurant	5005 W 29 th Street
Lynn's Place	2212 Sardou
Miami Tavern & Grill	3026 NE Seward
Our Lady of Guadalupe Church	1008 NE Atchison
Porubsky's	508 Sardou
Sasnak North	1834 N Topeka Blvd
Seabrook Tavern	2113 Mission
The Spot Tavern	2202 Buchanan
Taco Tico	2102 N Topeka Blvd

Town & Country Bar

3738 SW Topeka Blvd

Councilmember Duffy asked to divide the question on the workers' compensation settlements.

Councilmember Dunn moved to approve the Consent Agenda except the workers' compensation settlements. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Dunn moved to approve the workers' compensation settlements. The motion seconded by Councilmember Lane carried. Councilmembers Hecht and Duffy voted "no." (7-2-0)

LEASE PURCHASE AGREEMENT AMENDMENT NO. 31547 authorizing the Kansas Department of Administration to demolish the parking structure at 412-422 SW Van Buren was presented.

Joe Fritton of the Kansas Department of Administration appeared to answer questions.

Discussion followed concerning whether the City of Topeka should pay the State of Kansas for the demolition of the building and maintaining the value of the property as required in the lease.

Brenden Long, City Attorney stated that in his opinion, approving the amendment would negate the provision of the lease requiring the State to maintain the value of the property at \$280,000.

Joe Fritton stated that the State of Kansas would like for the City Council to make a decision on the amendment at hand before negotiating other provisions.

Councilmember Dunn moved to accept the lease purchase agreement amendment. The motion seconded by Councilmember Alcala carried. Councilmembers Pomeroy, Hecht, Duffy, and Price voted “no.” (5-4-0)

Councilmember Duffy asked that the City Attorney’s Office prepare an amendment to the original lease to accommodate tonight’s actions and that Financial Services provide a payment record for the property in question.

A PROJECT BUDGET in the amount of \$25,000 AND RESOLUTION NO. 7204 introduced by Mayor Felker authorizing Sidewalk Improvement Project No. 24109-B, Quinton Heights Neighborhood Improvement Association, which provides for the replacement of concrete sidewalks and related appurtenances for a complete project and authorizing the same was presented.

Neil Dobler, Public Works Director gave the staff report.

Donna Hill of Housing and Neighborhood Development appeared to answer questions.

Discussion followed concerning why sidewalks were being replaced at certain locations rather than on entire blocks.

Ellen Ross, President of the Quinton Heights/Steele NIA explained where the sidewalk projects were located and why they were selected.

Councilmember Lane moved to approve the project budget and adopt the resolution. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Discussion followed concerning if Housing and Neighborhood Development still had a line item in the block grants for sidewalks.

RESOLUTION NO. 7205 introduced by Mayor Felker authorizing the expenditure of Park Land Acquisition and Development Funds for the purpose of equipping Rice Community Center and Garfield Community Center, pursuant to Topeka City Code § 2-326 was presented.

Rogers Brazier, Parks and Recreation Director appeared to answer questions.

Councilmember Alcalá moved to adopt the resolution. The motion seconded by Councilmember Lane carried. Councilmember Duffy voted “no.” (8-1-0)

RESOLUTION NO. 7206 introduced by Councilmember Duane Pomeroy establishing a procedure for the selection of Councilmember representatives to the Joint Economic Development Organization as established by an interlocal agreement between Shawnee County and the City of Topeka was presented.

Councilmember Pomeroy explained the resolution.

Councilmember Alcalá moved to amend line 21 to delete the word “2002” and insert “2003”. The motion was seconded by Councilmember Lane.

Discussion followed concerning representatives’ length of service.

Councilmember Alcalá withdrew his motion. The second concurred.

Councilmember Alcalá moved to amend lines 21 and 23 to delete the word “2002” and insert “2003”; insert “and shall submit their name to the City Clerk’s Office by 5:00 p.m. on the Friday before the Tuesday election” after the word “nominate” on line 28; and insert after line 35 the word “No Councilmember shall serve two consecutive terms.” The motion was seconded by Councilmember Lane.

Councilmember Dunn offered a friendly amendment to add the terms “or self appoint” after the word “nominate” on line 28. The maker of the motion concurred.

Discussion followed concerning representatives’ length of service.

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

Councilmember Stubbs moved to add the terms “or self appoint” after the word “nominate” on line 28. The motion seconded by Councilmember Alcala carried.

Councilmember Hecht voted “no.” (8-1-0)

Councilmember Duffy moved to add the words “the voting” after the word “of” in line 5; delete the words “two other City Councilmembers” and replace the words “the nine City Councilmembers, two of which shall be voting members” in line 12; insert the word “voting” after the word “its” in line 15; insert the word “voting” after the word “two” in line 17; insert the word “voting” after the word “two” in line 19; insert the word “voting” after the word “The” in line 24; insert the word “voting” after the word “Each” in line 27. The motion was seconded by Councilmember Stubbs.

Councilmember Pomeroy offered a friendly amendment to change the word “nine” to the word “eight” in line 12. The mover and second concurred.

The motion carried unanimously. (9-0-0)

Councilmember Dunn moved to adopt the resolution as amended. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer reported that the bond rating from Moody’s is A1 for the utility bonds. He also distributed a communication from Moody’s regarding the rating of the City of Topeka bonds.

John Arnold reported on the lock box for payment of utility bills.

Randy Bailes, Financial Services Director explained the processing of the utility bills through the lock box service.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Lane reported that the Public Improvements Committee would meet on Wednesday, November 28, 2001, at 3:30 p.m. in the City Council Office to discuss the zoning issue at 13th and Monroe.

Councilmember Alcala reported that the Finance, Audit, and Administration Committee would meet on Friday, November 30, 2001, at 4:10 p.m. in the City Council Office to discuss the RFP's for the City audit service.

Councilmember Duffy reported that the Economic Development Committee would meet on Thursday, November 29, 2001, at 11:30 a.m. in the City Council Office to discuss Ward-Meade down-zoning, Topeka Public Building Commission ordinance, and Office of Cultural Affairs ordinance and would meet again on Thursday, December 13, 2001, at 7:10 a.m. in the City Council Office for a briefing by GO Topeka, developer requests for CDBG funds, CIP, and items previously discussed.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane distributed a communication from Stardusters regarding the home building program. He asked that the City Attorney review the decision of Housing and Neighborhood Development

Councilmember Duffy modified his request to the City Attorney to identify appropriate actions to maintain all the remaining provisions of the lease agreement with the State of Kansas.

Councilmember Alcala asked that the Stardusters concerns be resolved quickly.

Councilmember Alcala reported that Northern Pipeline has been working in the Oakland area, and he has received many complaints about broken sidewalks and damage to streets.

Neil Dobler reported that Northern Pipeline has been contracted by KPL to do pipeline work.

Brenden Long stated that the City Attorney's Office would check with KPL on the project.

Councilmember Pomeroy stated that a board member of the Shawnee Country Club complained that the intersection of 29th and Adams Street has been torn up multiple times since the summer.

Neil Dobler replied that he would investigate the situation.

Councilmember Price invited everyone to attend the Red Stocking Campaign breakfast at Carlos O'Kelly's at 7:00 a.m. on December 4, 2001 in support of the Kansas League of Children's Services.

PUBLIC COMMUNICATIONS AND COMMENTS:

Bob Sherbourne, Howard Brandenburg, Marge Bradshaw, and Sue Christmas appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:15 p.m. by unanimous consent.

Iris Walker
City Clerk