

**City Council Minutes – December 4, 2001**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 4, 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, Hecht, Duffy, Stubbs, Hill, and Price – 8. Councilmember absent: Dunn - 1. Mayor Felker presided – 1.

AFTER THE MEETING was called to order, the invocation was given by Captain Paul Duskin of The Salvation Army.

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

THE CONSENT AGENDA was presented as follows:

Denial of claim appeal of Corey McGee was presented.

Minutes of the Regular Meeting of November 27, 2001 was presented.

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

Bavarian Inn	712 W 2 <sup>nd</sup> Street
CASA	3320 S Topeka
The Den	1116 NW Lower Silver Lake Road
Godfather's Pizza #17015	5300 W 17 <sup>th</sup> Street
Godfather's Pizza #17014	2911 SW 29 <sup>th</sup> Street
Heart of America Food Service LLC	One Expocentre Dr
Ichabod Laundra Bar	1501 W 21 <sup>st</sup> Street
Topeka Public Golf Course	2533 SW Urish Road

Mayor Felker asked if anyone was present to represent Corey McGee. No one appeared.

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

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.

Councilmember Stubbs moved to approve the Communication. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

ORDINANCE NO. 17770 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 southeast corner of SE 13<sup>th</sup> Street and SE Monroe Street in the City of Topeka, from “M-1” Two Family Dwelling District to “I-1” Light Industrial District, placed on first reading November 6, 2001, was again presented. (Z84/30)

Councilmember Lane gave the committee report.

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

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.

ORDINANCE NO. 17771 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)

Councilmember Duffy gave the committee report.

Shawn Leisinger appeared in support of the down-zoning. He reported that he had researched the property and found no legal recourse for the group home desiring to move into the property in question.

Tana Crawford appeared in support of the Ward-Meade Plan.

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

Councilmember Pomeroy stated that he had been to numerous NIA meetings.

Councilmember Alcalá reported that he had received many telephone calls from neighbors.

No one else reported any ex parte communication.

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, Alcalá, Lane, Hecht, Duffy, Stubbs, Hill, and Price – 8. Absent: Councilmember Dunn - 1.

A COMMUNICATION from the Planning Department submitting a request by Perry L. and Donna J. Marney for a waiver to the provisions of the Shawnee County Wastewater Management Plan with respect to a 4.37-acre parcel located at 3323 SE 21<sup>st</sup> Street in the City of Topeka, Kansas was presented.

Bill Fiander, Interim Director of the Planning Department reported that the applicants were anticipating that this would be on the December 11 agenda and asked that it be deferred for one week.

Discussion followed concerning the public health and safety ramifications of waiving the requirements of the Wastewater Management Plan.

Councilmember Duffy suggested that the Public Health and Safety Committee discuss policies regarding wastewater management plan waivers.

Councilmember Lane moved to defer the communication for one week. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

RESOLUTION NO. 7207 introduced by Mayor Felker, establishing a water main connection charge for extension along NE 46<sup>th</sup> Street from NE Indian Creek School Road west 2,700 feet was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Lane moved to approve the resolution. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of unimproved alley right-of-way extending west of SW Western Avenue, the centerline of which is approximately 140-feet south of SW 8<sup>th</sup> Avenue as dedicated by Original Town, City of Topeka, Shawnee County, Kansas was presented for first reading. (V01A/5)

AN ORDINANCE introduced by Mayor Harry Felker and Councilmember Duane Pomeroy, amending City of Topeka Ordinance No. 17743, 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 authorizing the issuance of \$25,365,000 aggregate principal amount of Water and Water Pollution Control Utility Revenue Bonds, Series 2001-A, of the City of Topeka, Kansas, under the authority of K.S.A. Article 12 of Chapter 10 and amendments thereto was presented for first reading.

Neil Dobler, Public Works Director gave the staff report.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE introduced by Councilmember Clark Duffy pertaining to the Topeka-Shawnee County Metropolitan Planning Commission, amending City of Topeka Code § 110-42, Planning Department, and repealing said original section was presented for first reading.

Councilmember Alcalá reported that this item was on the Shawnee County Commission agenda for Thursday, December 6, 2001.

Mayor Felker thanked Councilmember Alcalá for that information and asked Councilmember Duffy if he wanted representation at the Commission meeting.

Councilmember Duffy stated that he would work with the Mayor to ensure a representative would attend.

AN ORDINANCE introduced by Mayor Felker relating to Article II, Municipal Court, amending City of Topeka Code § 50-26, Court costs and fees, and specifically repealing said original section was presented for first reading.

Councilmember Duffy moved that the ordinance be referred to the Public Health and Safety Committee. The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

**REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:**

John Arnold, Chief Administrative Officer distributed a memorandum regarding red water calls received in Water Pollution Control. He stated that the amount of calls to date in 2001 is lower than any other year since 1988.

John Arnold also reported on the lock box service for water utility bill payments. He stated that a local bank contracted for the service even though the payments are sent to their Kansas City branch, and the service has been saving the City money each month.

**REPORTS OF COMMITTEES AND OFFICERS:**

Councilmember Alcalá reported that the Finance, Administration and Audit Committee reviewed the audit service contract award.

**PRESENTATIONS BY MEMBERS OF THE COUNCIL:**

Councilmember Pomeroy expressed his satisfaction of the parking garage at 9<sup>th</sup> and Kansas that has been built to date. He also asked that administration make sure the contractor is paid in a timely fashion.

Mayor Felker responded that he and Neil Dobler are working on the parking garage and will address the situation early next week.

Mayor Felker reported that requirements for cable companies regarding right of ways and repairing streets and sidewalks to city standards when they finish their project would be presented to the state legislature during the current session.

Councilmember Alcalá expressed his thanks to Neil Dobler and the Public Works staff who coordinated a meeting with Northern Pipeline and Western Resources to be held later this week.

Mayor Felker reported that the Senate approved \$2 million for design of Topeka Boulevard Bridge.

Discussion followed concerning Public Comments and opportunities for citizens to address the Council.

**PUBLIC COMMUNICATIONS AND COMMENTS:**

Bob Sherbourne appeared to speak on Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:45 p.m. by unanimous consent.

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Iris Walker  
City Clerk