

City Council Minutes – December 11, 2001

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 11, 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, Duffy, Stubbs, Hill, and Price – 9. Mayor Felker presided – 1.

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

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

Councilmember Alcala moved to suspend the rules and add the 2002 Legislative Policy Statement to the agenda. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Councilmember Alcala moved to reinstate the rules. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

SELECTION OF COUNCILMEMBERS TO SERVE ON THE JEDO BOARD:

Councilmember Pomeroy explained the nomination and selection procedures found in Resolution No. 7206.

Councilmember Dunn nominated Councilmember Hill. The nomination was seconded by Councilmember Lane.

Councilmember Duffy nominated Councilmember Price. The nomination was seconded by Councilmember Stubbs.

Councilmember Price nominated Councilmember Stubbs. The nomination was seconded by Councilmember Hecht.

Councilmember Alcala nominated Councilmember Lane. The nomination was seconded by Councilmember Hill.

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

After one ballot, Councilmembers Stubbs and Hill were elected to serve on the JEDO Board.

THE CONSENT AGENDA was presented as follows:

FINAL PLAT for Consolidated RWD 1 Subdivision for property located approximately one-half mile south of SW 37th Street via SW Roy Road (extended) and approximately 3,650-feet west of SW Auburn Road within unincorporated Shawnee County, Kansas was presented.

Minutes of the Regular Meeting of December 4, 2001 were presented.

CEREAL MALT BEVERAGE APPLICATIONS bearing the approval of the Chief of Police and City Inspectors was presented for Godfather's Pizza #17017, 1707 SE 29th Street; and Lupita's Mexican Restaurant, 732 S. Kansas Avenue.

Councilmember Hill moved to accept the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

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, December 11, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a resolution of intent for acquiring, constructing, furnishing and equipping certain facilities on behalf of Security Benefit Life Insurance Company and/or the Federal Home Loan Bank of Topeka located in the City of Topeka.

Kathy Moellenberndt of GO Topeka gave the staff report.

Howard Fricke, representing Security Benefit Life Insurance Company was present to answer questions.

Mayor Felker asked if anyone wanted to speak.

Frank Kirtdoll expressed his concerns about issuance of the industrial revenue bonds.

Several Councilmembers expressed their support for and appreciation of Security Benefit.

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

RESOLUTION NO. 7208 introduced by Mayor Harry Felker expressing the intent of the City of Topeka, Kansas, to issue its industrial revenue bonds in the maximum principal amount of \$50,000,000 to both finance various improvements benefiting Security Benefit Life Insurance Company, and/or the Federal Home

Loan Bank of Topeka, and promote, stimulate and develop the economic welfare of both the City and the State of Kansas was presented.

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

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, December 11, 2001, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a vacation request V01A/5 by Cornerstone of Topeka, Inc., Walter Schmid, and T.J. Lawson, owners, to vacate a 20-foot wide unimproved alley right-of-way extending west of SW Western Avenue, the centerline of which is approximately 140-feet south of SW 8th Avenue, City of Topeka, Kansas.

Mayor Felker asked if anyone wanted to speak. No one appeared.

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

ORDINANCE NO. 17772 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 8th Avenue as dedicated by Original Town, City of Topeka, Shawnee County, Kansas, placed on first reading December 4, 2001, was again presented. (V01A/5)

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

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 21st Street in the City of Topeka, Kansas was presented.

Perry Marney, owner, appeared to answer questions.

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

ORDINANCE NO. 17773 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, placed on first reading December 4, 2001, was again presented.

Mike McMahon, Financial Advisor for the City explained the bond sale. He recommended that the City accept the bid, although it was the only one received.

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

RESOLUTION NO. 7209 introduced by Mayor Harry Felker prescribing the form and details of the Water and Water Pollution Control Utility Revenue Bonds, Series 2001-A of the City of Topeka, Kansas, in the aggregate principal amount of \$25,365,000 the issuance of which was authorized by the City pursuant to its Ordinance No. 17773 passed and approved December 11, 2001; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

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

ORDINANCE NO. 17774 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, placed on first reading December 4, 2001, was again presented.

Kathy Moellenberndt appeared to explain the ordinance.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17775 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, placed on first reading December 4, 2001, was again presented.

Councilmember Duffy explained that the ordinance would remove the prohibition of the Planning Department staff to recommend annexations.

Discussion followed in support of the ordinance.

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

A COMMUNICATION from the Finance, Administration and Audit Committee recommending awarding a 3-year audit engagement to the lowest responsible bidder, Wendling, Noe, Nelson, and Johnson, LLC. was presented.

Councilmember Alcala gave the committee report.

Councilmember Alcala moved to approve the committee report. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Alcala moved to accept the communication. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

RESOLUTION NO. 7210 introduced by Mayor Felker, declaring the entire boundary of the City of Topeka was presented.

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

RESOLUTION NO. 7211 introduced by Mayor Felker describing an upgrade to Information Technology infrastructure and authorizing the same was presented.

Bill Ritter, Director of Information Technology gave the staff report.

Discussion followed concerning the disaster recovery aspects of the upgrade.

Councilmember Price moved to approve the resolution. The motion seconded by Councilmember Stubbs carried. Councilmember Dunn voted "no." Councilmember Pomeroy was out of the room. (7-2-0)

2002 STATE LEGISLATIVE POLICY STATEMENT was presented.

Mayor Felker reported that he had made a presentation to the Shawnee County delegation and wanted the Council to review the policy statement before asking for specific legislation.

Councilmember Duffy suggested several additions to the policy statement, including tax receipts, MacVicar exchange, 6th Street streetscape, payment in lieu of taxes for services provided by governments, and funding for the Topeka Boulevard Bridge.

Neil Dobler, Public Works Director reported that he met with the developer for the State of Kansas, who provided plans for the design of the former State Hospital grounds and MacVicar grounds.

Councilmember Price suggested reducing the time limits for purchasing abandoned houses.

Mayor Felker suggested that the policy statement be deferred one week to accommodate the additions.

Councilmember Alcala moved to defer the item for one week. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Felker authorizing Project No. 30196-02, which provides for the replacement of the existing mini-train depot in Gage Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

Doug Reynolds of Parks and Recreation Department gave the staff report.

Discussion followed concerning the design of the building.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of right-of-way located south of SW 8th Avenue extending from SW Jackson Street to SW Harrison Street as dedicated by Original Town, City of Topeka, Shawnee County, Kansas was presented for first reading.

(V01S/10)

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

AN ORDINANCE introduced by Mayor Felker amending City of Topeka Code § 54-133 prohibiting prostitution or sodomy and establishing prostitution free zones, and 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, distributed a copy of the Downtown Topeka, Inc. monthly report which highlighted current achievements.

John Arnold distributed a memorandum previously given to department heads regarding not filling vacancies and reducing expenditures as much as possible in 2001.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Hill reported that the Public Health and Safety Committee would meet on Monday, January 7, 2002, to discuss the Municipal Court fees increase ordinance and a forestry department issue.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Pomeroy stated that he had information about payments in lieu of taxes (PILOT) and payments in lieu of debt service (PILOD) which would be available in the City Council Office.

Councilmember Alcalá gave an update on the Northern Pipeline issue and commended Neil Dobler and the Public Works staff for their swift action on the issue.

Councilmember Alcalá suggested that the City Council have some Thursday meetings in December to resolve many remaining issues.

Councilmember Pomeroy reported that the Public Building Commission voted to name the Signature Building after former Vice President Charles Curtis.

Councilmember Pomeroy stated that one member of the Public Building Commission needs to be ratified by the City Council.

Councilmember Duffy distributed a request for an ordinance proposing changes to the Public Building Commission to be placed on a future agenda.

PUBLIC COMMUNICATIONS AND COMMENTS:

Dr. Bert Opara and Officer Jeanine Falley appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:05 p.m. by unanimous consent.

Iris Walker
City Clerk