

City Council Minutes – January 8, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 8, 2002. 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 Reverend Leslie Davis, Second Baptist Church.

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

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Kirkham Subdivision No. 2 (P01/49) for property located about the north side of NE Calhoun Bluff Lane and east of NE Meriden Road in the City of Topeka, Kansas, was presented.

COMMUNICATION recommending the appointment of Joyce Glasscock, Secretary of Administration to replace Dan Stanley on the Public Building Commission for a term that would expire March 3, 2002, was presented.

Minutes of the Regular Meeting of December 18, 2001, were presented.

Councilmember Pomeroy requested that the minutes be removed from the consent agenda for separate discussion.

Councilmember Dunn moved to approve the consent agenda except the minutes. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

Councilmember Pomeroy asked that the minutes of December 18, 2001 reflect that Councilmember Hill was absent because of a fire in her home. He also asked that the minutes

reflect that both he and Councilmember Duffy voted no on the motion to extend the executive session.

Councilmember Lane asked that the amendment suggested by Kevin Rooney, Real Estate Officer regarding the method of disposal of properties on Lincoln and Tyler be reflected in the minutes of December 18, 2001.

Councilmember Dunn moved that the revised minutes be brought back next week for approval. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

ZONING PETITION by Brad and Adrienne Prokop requesting to amend the District zoning classification from “M-1” Two Family Dwelling District, “E” Multiple Family Dwelling District and “M-3” Multiple Family Dwelling District all to “M-S” Medical Service District on property located at the northwest corner of SW 10th Avenue and SW Lane Street in the City of Topeka, Kansas, 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 located at the northwest corner of SW 10th Avenue and SW Lane Street in the City of Topeka, from “M-1” Two Family Dwelling District, “E” Multiple Family Dwelling District and “M-3” Multiple Family Dwelling District all to “M-S” Medical Service District, placed on first reading September 4, 2001, was again presented. (Z01/13)

Neil Dobler, Acting Planning Director gave the staff report. He noted that this petition was previously deferred to allow for approval of the landscape ordinance. He stated that the landscape ordinance was probably still several weeks out before final approval. He stated that to

his knowledge there are no plans to develop the property at this time, but Mark Wilson, Architect is present to answer questions.

Mark Wilson appeared and reiterated that they had no immediate plans to develop the property but wanted to get the zoning in place for marketing purposes.

Following discussion relating to the amount of surface parking in the area, Councilmember Pomeroy moved to defer the petition and ordinance for three weeks until January 29, 2002. The motion seconded by Councilmember Alcala carried. Councilmembers Dunn and Duffy voted "no". (7-2-0)

It was noted that there is not a scheduled meeting for January 29th because it is a fifth Tuesday. It was the consensus of the Council to hold a meeting on January 29, 2002.

RESOLUTION NO. 7214 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 public utility structure on property currently zoned "R-1" Single Family Dwelling District and located at 2200 SW Central Park Avenue in the City of Topeka, Kansas, was presented. (CU01/19)

Neil Dobler gave the staff report and stated that the Water Pollution Control Division applied for this permit for the upgrade to the Central Park pump station. He explained that the contractor purchased a twenty-five foot lot for this project and it needed to be included in the original conditional use permit that was approved last year. Once the project is complete the contractor will transfer title of the lot to the City at no charge.

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

A COMMUNICATION relating to the Anthem Blue Cross Blue Shield proposed merger was presented.

Mayor Felker explained that the City is self-insured but has a contract with Blue Cross Blue Shield to administer the program. He stated that because of our situation this is not a financial matter for us like it will be for some entities. The City's return will be about \$470. He further explained that the City is the holder of one vote and he wanted to bring it to the Council. He noted that this was a business decision and there were many competent, reasonable opinions on both sides. He stated that there is no guarantee whether or not there will be a loss of jobs or if rates will increase. He stated that the Insurance Commissioner's group would have the final say on whether the merger is allowed.

Councilmember Pomeroy moved to vote "no" on the merger. The motion was seconded by Councilmember Dunn.

Each Councilmember expressed their concerns about the possibility of loss of jobs, increases in health care rates, diminished benefits, and economic impact on the community if the merger were approved. A concern was also expressed that the rights of Blue Cross Blue Shield to make a business decision should not be limited because they are looking at a long-term decision for their organization.

The motion carried. Councilmember Price voted "no". (8-1-0)

AN ORDINANCE introduced by Councilmembers Duane Pomeroy, Clark Duffy, and Gary Price, sitting as the Economic Development Committee, relating to the Topeka Public Building Commission, pursuant to and in accordance with the provisions of K.S.A. 12-1757, et seq., amending § 26-66, Created, § 26-67, Members, and § 26-68, Functions, and repealing said original sections, was presented for first reading.

AN ORDINANCE introduced by Mayor Felker authorizing Project No. 30182-00, which provides for design and development of detailed cost estimates for construction of a new Zoo Administration Building, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Councilmember Duffy moved to refer the ordinance to the Policy Committee.

Councilmember Duffy withdrew his motion and moved to defer final reading on the ordinance until after a briefing at a work session. The motion carried. Councilmember Price voted “no”.

(8-1-0)

AN ORDINANCE introduced by Mayor Felker relating to establishment of a golf course improvement reserve fund was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala relating to shelter from weather, amending § 18-1, Definitions and § 18-4, Cruelty to animals and repealing said original sections was presented for first reading.

A CHARTER ORDINANCE introduced by Deputy Mayor Betty Dunn concerning the prohibition of Councilmembers to hold another elected position, amending City of Topeka Charter Ordinance § A2-23, Prohibitions, and specifically repealing said original section was presented for first reading.

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 located on the east side of SW Wanamaker Road, the centerline of which is approximately 530-feet north of SW 37th Street in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District TO "PUD" Planned

United Development District ("M-1" and "O&I-1" usage), was presented for first reading.
(Z01/14)

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 located at 5801 SW 21st Street in the City of Topeka, Kansas, from "C-4" Commercial and "PUD" Planned Unit Development District (commercial usage) ALL TO "PUD" Planned United Development District (commercial usage), was presented for first reading. (Z01/23)

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 located on the west side of SW Wanamaker Road, the centerline of which is approximately 290-feet north of SW 38th Street as dedicated by Shadywood South Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading. (Z86/31)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the north 25 feet of a platted building setback, less the north 15 feet, on property located at the southeast corner of SW 29th Street and SW McClure Street, in the City of Topeka, Kansas, was presented for first reading. (V02SB/1)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
ORDINANCE introduced by Mayor Felker relating to building setbacks for existing lots, amending City of Topeka Code § 48-27.02, and specifically repealing said original section, was presented for first reading. (ACZR01/06)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE introduced by Mayor Felker relating to accessory uses, amending City of Topeka Code § 48-29.00, Authority, and specifically repealing said original section, was presented for first reading. (ACZR01/07)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE introduced by Mayor Felker relating to Article XXXV, Definitions of the Comprehensive Zoning Regulations, amending the definition of rear yard, and repealing said original section, was presented for first reading. (ACZR01/08)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE introduced by Mayor Felker relating to minimum lot size requirements, providing for an administrative waiver amending City of Topeka Code § 48-27.01, and specifically repealing said original section, was presented for first reading. (ACZR01/09)

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE introduced by Mayor Felker pertaining to an amendment to the text and map of the Topeka-Shawnee County Comprehensive Metropolitan Plan, was presented for first reading. (CPA01/03)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER:

John Arnold, Chief Administrative Officer explained that the ordinance for the zoo administration building included several other things. He said it also included a new entrance/admissions area; exhibit enhancements for the elephants and hippos, and a new exhibit for jungle cats. The exhibit enhancements include an outdoor pool and shade structure for the elephants, outdoor pool and yard for hippos and a new exhibit for jungle cats, which will accommodate jaguars and ocelots.

John Arnold distributed a progress report for Downtown Topeka, Inc. and commented that they had made 87 contacts and a lot of good things were happening.

REPORTS OF COMMITTEES AND OFFICERS:

Councilmember Pomeroy announced that the Community Development Committee will meet Monday, January 14, 2002 at 4:00 p.m. to discuss the Landscape regulations ordinance. He stated that they have also scheduled Tuesday at 4:00 p.m. for additional time, if needed.

Councilmember Dunn announced that the Policy Committee will meet Thursday, January 10, 2002 at 4:00 p.m. in the council office to discuss creation of written duties for the Deputy Mayor and qualifications for office staff.

Councilmember Hill announced that the Public Health and Safety Committee will meet in the council office at 4:10 p.m. on Monday, January 14, 2002 to discuss the prostitution ordinance.

PRESENTATIONS BY MEMBERS OF THE COUNCIL:

Councilmember Lane asked if there were some options they could pursue to resolve the complaints on activities at 13th and Quincy on the old Garfield School property. He also asked if administration would find out if something could be done about the high pitch hissing sound from the gas line near 6th and Wear.

Councilmember Pomeroy stated that he had been approached by a couple living in the Watertower District who is interested in putting their property up for sale and wanted to know if the city had any plans pending in that area. He also wanted to know how many \$100 options the city had in the Watertower District and if they had been paid.

John Arnold, Chief Administrative Officer stated that he would try to reconstruct what happened. He said he did not believe that there was any options signed that they did not pay.

Councilmember Lane stated that he knew of six people who signed options and did not receive the \$100.

Councilmember Hill thanked everyone for the support her family received during the last three weeks after the fire damage to her home.

PUBLIC COMMUNICATIONS AND COMMENTS:

Sean Harrington, JoAnn Peavler, Orville Johnson, Daryl Clark, Jim Clark, Jared Dailey, David Heard and Michael Bell appeared to speak for Public Comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:55 p.m. by unanimous consent.

Iris Walker
City Clerk