

City Council Minutes – March 12, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 12, 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, Stubbs, and Price –7. Absent: Councilmembers Duffy and Hill -2. Mayor Felker presided –1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Kirtdoll, St. Luke Missionary Baptist Church.

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

Councilmember Pomeroy moved to suspend the rules and add a resolution relating to the Topeka Zoo to the agenda. The motion seconded by Councilmember Dunn carried unanimously. (7-0-0)

Councilmember Pomeroy moved to reinstate the rules. The motion seconded by Councilmember Dunn carried unanimously. (7-0-0)

Mayor Felker stated that the resolution would be added as Item 6F.

THE CONSENT AGENDA was presented as follows:

Final Plat for Sack Subdivision on property located at 417 NE Highway 24 in the City of Topeka, Kansas, was presented. (P02/3)

Final Plat for West Hill Subdivision on property located on the south side of SW Huntoon Street, the centerline of which is approximately 850-feet west of SW Arvonía Street in the City of Topeka, Kansas, was presented. (P99/47)

Denial of claim appeal of Kelly Goracke, was presented.

Minutes of the Regular Meeting of March 5, 2002, were presented.

Councilmember Alcalá moved to pull Item 3A, the final plat for Sack Subdivision from the consent agenda and defer action on it until April 2, 2002. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

Councilmember Dunn moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

PRESENTATION on the Topeka Boulevard Bridge Project, was presented.

Neil Dobler, Public Works Director gave an overview of the proposals for the bridge and introduced Tim Green, City Engineer to explain public involvement and alternatives for the project.

Tim Green explained that the purpose of the study was to look at river crossing alternatives, gauge public reaction to the project, estimate costs for all alternatives and establish funding recommendations. He gave a summary of the bridge alternates and discussed rehabilitation versus replacement. He also gave a summary of estimated project costs for the bridge alternates. He explained five alternate connections to North Topeka that have been considered and the estimated cost for each. He explained how the public has been involved through mail stuffers, media coverage, billboards, web page, and public meetings in various locations. He stated that there is overwhelming support for replacing the bridge with sales tax being the method of financing preferred.

Neil Dobler discussed some possible funding issues and stated that their preliminary recommendation is to go with Alternate No. 2 proposal for replacement of the bridge, include aesthetic improvements and Option RP-4 for North Topeka access. He explained that the next step would be to bring a project budget for bridge design and intersection improvements in North

Topeka for detour route to council for consideration, continue to pursue federal funding and sales tax option.

Senator Jackson appeared and gave his input on the bridge project. He stated that transportation funds would probably be used to fund education, but some T-21 funds may be available for the project. He stated that he had some other suggestions for connecting North Topeka that he would discuss with the Public Works Director.

Mayor Felker stated that this was a presentation but they would have open discussion for more public input at a later date.

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, March 12, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02A/1 by Kansas Sand and Concrete, Inc. and North Topeka Drainage District, to vacate an unimproved 15-foot wide strip of alley right-of-way located between NW Clay Street and NW Buchanan Street, which adjoins their property.

ORDINANCE NO. 17800 introduced by Mayor Harry Felker relating to the vacation of a 15-foot wide strip of alley right-of-way located between NW Clay Street and NW Buchanan Street as dedicated by Forest Addition, City of Topeka, Shawnee County, Kansas, placed on first reading March 5, 2002, was again presented. (V02A/1)

Barry Beagle, Planning Department gave the staff report.

Angela Sharp, Professional Engineering Consultants representing the applicants, appeared to answer questions.

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

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Pomeroy carried unanimously. (7-0-0)

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

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, March 12, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02A/2 by Kansas Sand and Concrete, Inc. and North Topeka Drainage District, to vacate an unimproved 10-foot wide strip of alley right-of-way located within and adjacent to the west line of Forest Addition lying north and south of NW Railroad Street.

ORDINANCE NO. 17801 introduced by Mayor Harry Felker relating to the vacation of a 10-foot wide strip of alley right-of-way located within and adjacent to the west line of Forest Addition lying north and south of NW Railroad Street, City of Topeka, Shawnee County, Kansas, placed on first reading March 5, 2002, was again presented. (V02A/2)

Barry Beagle, Planning Department gave the staff report.

Angela Sharp, Professional Engineering Consultants representing the applicants, appeared to answer questions.

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

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Pomeroy carried unanimously. (7-0-0)

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

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, March 12, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02S/1 by Kansas Sand and Concrete, Inc. and North Topeka Drainage District, to vacate NW Buchanan Street, an unimproved 35-foot wide strip of street right-of-way which adjoins their property.

ORDINANCE NO. 17802 introduced by Mayor Harry Felker relating to the vacation of NW Buchanan Street, a 35-foot wide strip of right-of-way located on either side of NW Railroad Street as dedicated by Forest Addition, City of Topeka, Shawnee County, Kansas, placed on first reading March 5, 2002, was again presented. (V02S/1)

Barry Beagle, Planning Department gave the staff report.

Angela Sharp, Professional Engineering Consultants representing the applicants, appeared to answer questions.

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

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Pomeroy carried. Councilmember Stubbs was out of the room. (6-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Hecht, and Price -6 Absent: Councilmembers Duffy and Hill -2. Councilmember Stubbs was out of the room -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, March 12, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02S/2 by Kansas Sand and Concrete, Inc. and North Topeka Drainage District, to vacate NW Railroad Street, an unimproved 35-foot wide strip of street right-of-way which adjoins their property.

ORDINANCE NO. 17803 introduced by Mayor Harry Felker relating to the vacation of NW Railroad Street, a 35-foot wide strip of unimproved right-of-way located west of the west line of NW Clay Street as dedicated by Forest Addition and I.W.B. Grant Addition, City of Topeka, Shawnee County, Kansas, placed on first reading March 5, 2002, was again presented. (V02S/2)

Barry Beagle, Planning Department gave the staff report.

Angela Sharp, Professional Engineering Consultants representing the applicants, appeared to answer questions.

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

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Pomeroy carried unanimously. (7-0-0)

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

CLAIM APPEAL of Phyllis Ashcraft, alleging that on September 15, 2001 the sewer backed up into her dwelling at 5636 SW 17th Terrace, damaging her basement and personal property, was presented.

Steve Ebberts, City Attorney's office stated that the claimant submitted additional receipts and they were included in the information distributed to the Councilmembers.

Councilmember Stubbs moved to approve the claim in the amount of \$1,770. The motion was seconded by Councilmember Dunn.

Following discussion about the invoices submitted by the claimant, Councilmember Stubbs withdrew her motion. The second concurred.

Councilmember Dunn moved to approve the claim in the amount of \$1,349. The motion was seconded by Councilmember Stubbs.

Councilmember Hecht stated that she would not support the motion because she still had questions and the claimant was not present to answer them.

The motion failed. Councilmembers Alcala, Lane, Hecht and Price voted "no". (3-4-0)

Councilmember Pomeroy moved to pay the claimant's \$500 deductible. The Chair ruled that the motion died for lack of a second.

CLAIM APPEAL of Frances Chumley, alleging that on September 15, 2001 the sewer backed up into her dwelling at 5636 SW 17th Terrace, damaging her basement and personal property, was presented.

Councilmember Stubbs moved to approve payment in the amount of \$1,349. The motion seconded by Councilmember Pomeroy failed. Councilmembers Alcala, Lane, Dunn, Hecht and Price voted "no". (2-5-0)

A PROJECT BUDGET for Project No. 170321, City Hall Security Measures, in the amount of \$197,960 was presented.

ORDINANCE NO. introduced by Mayor Felker, authorizing security improvements to the City Hall Municipal Building, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading February 5, 2002, was again presented.

Councilmember Dunn expressed her concerns about the cost of the project and moved to refer it to Administration to come back with a reduced budget for the project.

The motion died for lack of a second.

Police Chief Klumpp explained the necessity and benefits of the project and stated that the most important part of the project is the magnetic lock system.

Councilmember Alcalá moved to approve the magnetic lock system for City Hall and the Law Enforcement Center and the amount of identification cards, for a total amount of \$109,960. The motion was seconded by Councilmember Lane.

Following further discussion on cost estimates, Councilmember Alcalá made a substitute motion to defer action for one week for the correct cost of the reduced project. The motion was seconded by Councilmember Lane.

Councilmember Stubbs stated that she believed the budget was well thought out and planned, and she supported the entire package.

The motion to defer for one week failed. Councilmembers Lane, Hecht, Stubbs and Price voted "no". (3-4-0)

Following further discussion on the type of security needed for City Hall, Councilmember Stubbs moved to defer action until April 2, 2002 when all nine Councilmembers would be present. The motion was seconded by Councilmember Price.

Councilmember Alcalá raised an objection to consideration of the motion.

Brenden Long, City Attorney stated that it requires a two-thirds vote of the Council to support Councilmember Alcalá's objection.

The objection did not prevail. Councilmembers Pomeroy, Dunn, Stubbs and Price voted "no". (3-4-0)

The motion to defer until April 2, 2002 failed. Councilmembers Alcalá, Lane, Dunn, and Hecht voted "no". (3-4-0)

Councilmember Alcalá's motion to approve the magnetic lock system for City Hall and the Law Enforcement Center and the identification cards for employees failed. Councilmembers Pomeroy, Stubbs and Price voted "no" (4-3-0)

PROJECT BUDGET for Project No. 30182-00 providing for construction of a new Zoo Administration Building in the amount of \$170,000 was presented.

ORDINANCE NO. 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 placed on first reading January 8, 2002, was again presented.

Councilmember Dunn moved to defer the project budget and ordinance until March 26, 2002. The motion seconded by Councilmember Lane carried unanimously. (7-0-0)

RESOLUTION NO. 7223 introduced by Councilmember Clark Duffy designating expenditure from the 2002 General Fund budget to fund operating costs for GO Connection, was presented.

Alan Corbet, Executive Director of Growth Opportunity Connection, Inc. (GO Connection) appeared and explained their organization. He stated that they are a non-profit organization that specializes in assisting small businesses prepare for and obtain financing. He explained that they apply for loans with the Small Business Administration (SBA), and then turn around and make small loans to individuals. He stated that the Microloan Program provides funding for eligible micro-entrepreneurs who cannot yet qualify for bank financing, and they also provide technical assistance and training. He stated that they need a minimum of \$40,000 to get up and going, and explained how they were trying to get the funding. He stated that they plan house at the one-stop Economic Development Center at the Chamber of Commerce.

Councilmember Stubbs asked about the City's long-term financial commitment to the program.

Mayor Felker stated that would have to be discussed during the budget process.

David Heard appeared and expressed his concerns about the City not having a Microloan Program in place, and stated that he believes he qualifies, and he needs immediate financial assistance.

James Bolden appeared and expressed his concerns that Small Business Administration loans cannot be used for real estate.

Councilmember Lane moved to approve the resolution. The motion seconded by Councilmember Price carried unanimously. (7-0-0)

A RESOLUTION introduced by Councilmembers Clark Duffy, Betty Dunn, and Lisa Hecht relating to the City of Topeka Zoo, was presented.

Councilmember Dunn moved to defer action for one week. The motion seconded by Councilmember Lane carried. Councilmembers Stubbs and Price voted "no". (5-2-0)

LEASE AGREEMENT NO. 31840 between the City of Topeka and the Metropolitan Topeka Airport Authority (MTAA) providing for a hangar for operation of police helicopter unit, was presented.

Police Chief Klumpp explained that this was a renewal of the lease for housing the police helicopter unit.

Councilmember Lane moved the lease be approved. The motion seconded by Councilmember Price carried unanimously. (7-0-0)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 20-foot wide alley right-of-way located on the north side of NW Lower Silver Lake

Road and approximately 300-feet west of NW Vail Road as dedicated by Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading.

(V02A/3)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of 5.5-feet of a 30-foot wide platted building setback along SW Broadview Drive dedicated by Red Oaks Place for property located at the southwest corner of SW Red Oaks Place and SW Broadview Drive, City of Topeka, Shawnee County, Kansas, was presented for first reading. (V02SB/2)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of two (2) separate 12-foot wide utility easements located on the north side of NW Lower Silver Lake Road and approximately 300-feet west of NW Vail Road as dedicated by Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, was presented for first reading.

(V02/E/2)

AN ORDINANCE introduced by Councilmember John Alcala adding a provision to Chapter 10 of the City of Topeka Code establishing prohibited zones for the selling or serving of alcoholic liquor, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen, Acting CAO distributed a communication from Richard Wienckowski, President, Board of Directors of Topeka Performing Arts Center (TPAC) relating to discussions between TPAC and SMG on the management of TPAC. He stated that based on their discussions and exchanges of information, the TPAC Board of Directors, at this time, does not believe that entering into an arrangement with SMG will significantly improve the quality of the service to the public on the operations of TPAC. He stated that the TPAC Board is going to proceed with discussions with other venue management companies.

Councilmember Pomeroy asked for a clarification on who owns the equipment at TPAC.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Lane announced that the Public Improvements Committee meeting scheduled for Thursday, March 14, 2002, has been cancelled and will be rescheduled at a later date.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Pomeroy expressed his concern about payment of utility bills being delayed when they are paid through Capitol Federal because they have to be sent to Kansas City for processing.

Councilmember Pomeroy asked about attendance requirement on the Parks and Recreation Advisory Board, and noted that two of the seven members should probably be removed because of their lack of attendance.

Councilmember Dunn asked if the City would sponsor a summer employment program for the youth this year.

Rogers Brazier, Parks and Recreation Director stated that they have already lined up some employers for that program.

Councilmember Alcala stated several people have expressed a concern about the Veteran's Administration Hospital, and asked what could be done by the City and citizens to assist in keeping the facility in operation in Topeka.

Mayor Felker stated that they could contact their Congress person and let them know how important the facility is to Topeka and its citizens.

Councilmember Alcala stated that he has received a complaint about graffiti at 1008 SE 8th and asked that it be removed as soon as possible.

Councilmember Alcalá asked for a current list of houses slated to be demolished and a list of houses that were demolished last year.

Councilmember Lane noted that he physically checked out the complaint pertaining to a code violation at 1035 Belleview and there were old tires, broken down fence and rubbish on the property. He asked that code compliance check it out as well.

PUBLIC COMMUNICATIONS AND COMMENTS:

Bob Sherbourne, David Price, JoAnn Peavler and James Bolden appeared to speak for public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 11:01 p.m.

Iris Walker
City Clerk