

City Council Minutes – May 14, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 14, 2002. 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, prayer was offered by Councilmember Hill.

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

THE CONSENT AGENDA was presented as follows:

CLAIM APPEAL for Aaron D. Wollington in the amount of \$450, was presented.

Minutes of the Regular Meeting of May 7, 2002, were presented.

Councilmember Hill asked that Item B. be pulled for separate discussion.

Councilmember Hecht asked that Item A. be pulled for separate discussion.

Councilmember Dunn moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

A COMMUNICATION recommending that Neil Dobler continue to serve as Interim Planning Director until a new Director is hired and begins work, was presented.

Councilmember Hecht expressed her concerns about Neil Dobler having dual roles. She stated that she would not support the recommendation even though Neil has done an outstanding job.

Councilmember Pomeroy moved to accept the communication. The motion seconded by Councilmember Dunn carried. Councilmembers Hecht, Hill and Price voted "no". (6-3-0)

CLAIM APPEAL for Anita Klingbiel in the amount of \$1,500, was presented.

Councilmember Hill stated that after further communication with the claimant Anita Klingbiel, she explained that the approved clean up amount did not include sheet rock removal and replacement. Councilmember Hill requested that \$829, the total amount of repairs be added to the original claim amount of \$1,500.

Councilmember Duffy stated that the city needs to stay consistent with how they pay claims, generally covering cleanup only and not for other items such as carpet and drywall.

Councilmember Dunn asked if the drywall should be replaced for health risk reasons.

Councilmember Hecht stated that she agrees with Councilmember Duffy and the procedure of paying claims needs to continue being consistent, because funds for this liability is limited and they need to remain mindful on how money is spent.

Councilmember Hill moved to add \$829 to the original amount of \$1,500. The motion seconded by Councilmember Alcalá, failed. Councilmembers Pomeroy, Hecht, Duffy, Stubbs and Price voted "no". (4-5-0)

Councilmember Duffy moved to approve the claim in the amount of \$1,500. The motion seconded by Councilmember Stubbs 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 May 14, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02E/3 by D.L. Rogers, Corp., owners, to vacate a 12-foot wide utility easement and an adjoining 12-foot wide temporary construction easement located along the north lot line of property located at 3721 SW Topeka Boulevard.

ORDINANCE NO. 17822 introduced by Mayor Harry Felker relating to the vacation of a 12-foot wide utility easement and an adjoining 12-foot wide temporary construction easement located along the north lot line of property located at 3721 SW Topeka Boulevard, as dedicated

by White Lakes Plaza Subdivision, City of Topeka, Shawnee County, Kansas, placed on first reading May 7, 2002, was again presented.

Barry Beagle, Planning Department gave the staff report.

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 Hill carried unanimously. (9-0-0)

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

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 May 14, 2002, at 7:00 P.M., in the Council Chamber, 214 East 8th Street in conjunction with vacation request V02SB/4 by Whelan's, Inc., owners of Lots 5, 6, and 7, Block "B", Fairlawn Executive Plaza, and Lot 5, Block "A", Fairlawn Executive Plaza No. 3, to vacate a portion of the 25-foot platted building setback line located along SW Chelsea Drive for property located at the southwest corner of SW 21st Street and SW Chelsea Drive.

ORDINANCE NO. 17823 introduced by Mayor Harry Felker relating to the vacation of 25-feet of a 30-foot wide platted building setback along SW Chelsea Drive dedicated by Fairlawn Executive Plaza and Fairlawn Executive Plaza No. 3 for property located at the southwest corner of SW 21st Street and SW Chelsea Drive, City of Topeka, Shawnee County, Kansas, placed on first reading May 7, 2002, was again presented.

Barry Beagle, Planning Department gave the staff report.

Mayor Felker gave an opportunity for anyone present to speak.

Ward Whelan appeared in support and explained the reason for the vacation request.

Councilmember Hill asked if there are plans for the building to be sold.

In response, Ward Whelan stated that his main concern is to clear up all paper work involved and clarify ownership of property so that there would be no complications in rebuilding the structure if something were to happen.

Grant Glenn, attorney for the contract purchaser stated that this vacation request change is a requirement for the financing of the building to go through.

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

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

ZONING PETITION (Z02/9) by Lang Real Estate, L.L.C. requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "O&I-1" Office and Institutional District on property located at the northwest corner of SE 6th Avenue and SE Rice Road in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17824 introduced by Mayor 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 SE 6th Avenue and SE Rice Road in the City of Topeka, from "R-1" Single Family Dwelling District to "O&I-1" Office and Institutional District, placed on first reading May 7, 2002, was again presented.

Barry Beagle, Planning Department gave the staff report.

Mayor Felker gave an opportunity for anyone present to speak.

Dr. Lang, Lang Real Estate appeared to explain the request and answer any questions.

JoAnn Peavler appeared in support of the request.

Councilmember Alcala moved to accept the petition and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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

ORDINANCE NO. 17825 introduced by Mayor Harry Felker designating real property more specifically described herein as a historical landmark and presently zoned "R-1" Single Family Dwelling District and located at 1011 SW Cambridge Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4, placed on first reading May 7, 2002, was again presented. (HL02/1)

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

ORDINANCE NO. 17826 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 northeast corner of SW 11th Street and SW Robinson Avenue in the City of Topeka, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District, placed on first reading May 7, 2002, was again presented. (Z77/48)

Barry Beagle, Planning Department gave the staff report.

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

Councilmember Hill asked if homes that were being built would be similar in style to those located on North Robinson Avenue and is there anything in the works to extend 11th street.

In response, Barry Beagle explained that at this time he had no information on the character of the homes and there was no specific proposal at this time to extend 11th Street.

Councilmember Stubbs asked Barry Beagle to explain to the public what is included in a "M-2" zoning classification.

Barry Beagle gave a detailed explanation.

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

ZONING PETITION (HL02/2) by Railroad Heritage, Inc. requesting to amend District Zoning Classification by granting the "HL" Historic Landmark Overlay District to Property currently zoned "X-3" Mixed Use District and located at 200 NW Railroad Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO 17827 introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned "X-3" Mixed Use District and located at 200 NW Railroad Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4, placed on first reading May 7, 2002, was again presented.

Barry Beagle, gave the staff report.

Councilmember Stubbs asked if this classification would allow them to apply for grants or additional funding that they may not otherwise qualify for.

In response, Barry Beagle explained that he does not know if it would have a particular effect however, they could use the documentation to help apply for additional grants or funding in the future.

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

Councilmember Stubbs moved to accept the petition and adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

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

ZONING PETITION (HL02/3) by Kansas Trial Lawyers Association Foundation requesting to amend the District Zoning Classification by granting the "HL" Historic Landmark Overlay District to property currently zoned "C-5" Commercial District and located at 719 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17828 introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned "C-5" Commercial District and located at 719 SW Van Buren Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4, placed on first reading May 7, 2002, was again presented.

Barry Beagle, gave the staff report.

Councilmember Stubbs asked if they had received the nomination on May 11, 2002 to appear on the National Register, she said she is looking forward to seeing the building renovated.

Councilmember Pomeroy stated he is looking forward to the renovation but is disappointed on the denial of the proposal to turn it into a Fire Fighters Museum.

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

Councilmember Stubbs moved to accept the petition and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE NO. 17829 introduced by Mayor Felker and Councilmembers Clark Duffy and Duane Pomeroy, amending the Comprehensive Zoning code by adding as permitted, provisional

and conditional uses, group residence general, group residence limited, correctional placement residence general, and correctional placement residence limited, and providing definitions therefor, amending City of Topeka Code Chapter 48, Article XXXV and Article XXVI, and specifically amending City of Topeka Section 48-2.02(c), 48-3.02(c), 48-4.02(c), 48-5.02(c), 48-6.02(c), 48-7.02(c), 48-8.02(c), 48-8a.02(c), 48-9.02(a) and (c), 48-10.02(a) and (c), 48-11.02(a) and (c), 48-12.02(c), 48-13.02(c), 48-17.02(a) and (c), 48-18.02 (a) and (c), 48-23.02(a) and (c); 48-23a.03.2, 48-23a.04.2, and specifically repealing said original code sections as noted in Section 48 of the Joint Shawnee County Resolution/City of Topeka Ordinance, placed on first reading May 7, 2002, was again presented.

Barry Beagle explained the proposal in detail. This proposal provides for the addition of Group Residence and Correctional Placement Residence and new defined uses and their regulation, and, modifies the definition of Family. He continued with why these types of facilities are not currently provided for in the Comprehensive Zoning Regulations. Once identified, regulations were drafted to provide for their definition and establish reasonable conditions for their allowance.

Barry Beagle continued the discussion on the companion document which establishes a 90-day period for the property owner of an existing group residence or correctional placement residence to seek rezoning and/or a conditional use permit to come into compliance with the new enacted regulations. Failure to initiate application shall result in the existing facility being in violation of the zoning regulations and subject to abatement proceedings.

Councilmember Stubbs asked if the 90-day compliance would apply to all properties being involved in down zoning and would there be any legal liabilities, accompanying this ordinance.

In response, Brenden Long, City Attorney explained that there is no specific right to a particular zoning, however that doesn't mean people won't feel grief in some way, and seek legal recourse. He stated that it was patterned after similar ordinances in the Overland Park and Wichita, Kansas areas and these cities have been fairly successful in implementing and making it work.

Councilmember Dunn stated that there were two individuals that voted against this ordinance on the Planning Commission and would like an explanation as to why.

Barry Beagle explained the comments that were made at the Planning Commission meeting by those in opposition. The biggest concern was if this regulation was implemented, and certain facilities that already exist are voted down the current residents will directly be affected and be displaced.

Councilmember Lane asked if they have ever done a down zoning such as this without grandfathering in an existing facility, and if there be any legal recourse by not allowing an existing facility to be grandfathered in.

Barry Beagle stated that this is a unique item that is being introduced, and there are currently several regulations already in place that would assist existing facilities in complying with the 90-day grace period on applying to be grandfathered in.

Councilmember Price asked if we have enough manpower to handle the increased workload that would be associated with this ordinance while complying with the 90-day time frame.

In response, Barry Beagle stated that they would try to implement a procedure to handle the increased workload by phasing them in over a period of time. At this time we are unsure of the number of facilities this will effect.

Councilmember Hecht asked if this would include the Oxford Houses and why was it determined not to grandfather in existing facilities.

Barry Beagle explained that in some cases it has become a major neighborhood issue. One of the principle issues was that there was no zoning regulations, and these facilities were allowed to open anywhere. By not grandfathering in existing facilities it would allow the neighborhood to voice their opinion.

Councilmember Hecht continued discussion by asking if there is a process in place if it is determined that there is a concentration of facilities in one area, and how will it be determined on what neighborhood they would be moved to.

In response, Barry Beagle explained that there are two issues involved with this. Within this ordinance there is not a specific space standard that regulates how far apart facilities can be from one another. Also, there is a matrix, not within the ordinance, which shows the separation of uses within the various districts indicating which districts that can have these types of facilities.

Councilmember Duffy spoke on the pros and cons of the ordinance, and thanked the Planning Department and Legal Department for all the hard work involved in regulating these types of facilities and developing twelve different criteria's to determine the proper placement of the facilities within our community. This ordinance is not to prevent these facilities from being within our community, it is to promote them to be placed in the proper locations. He noted the criteria on Item eleven, which states the gain if any to the public, health and community welfare of the denial of an application compared to hardship opposed on the landowner. This is a matter of public interest determination.

Mayor Felker gave an opportunity for anyone present to speak.

Michael Bell, Michael Dittamo, Darrel Parnell, and Mark Works appeared in support of the ordinance.

Rick Fischli, Director of Community Programs at Mirror Inc., appeared in support of the ordinance and to answer any questions.

Discussion followed regarding how the proposed ordinance would affect those in the community living in group homes.

Councilmember Pomeroy voiced his concern on the procedure of deciding where these facilities should be located and is this, a decision that should be made by a governmental body.

Councilmember Dunn asked if the facilities were monitored on a 24 hour basis, what types of offenders are housed in the facilities, and are there any problems reported relating to minors, interacting with residents and how would these issues be handled.

Councilmember Hecht stated that it can be very scary to have people with drug and alcohol issues or a criminal history residing in our neighborhoods. However, the reality of the situation is that if these facilities cease to exist the court systems will release these individuals without any notification to the public. If the men and women released from prison are unable to come to Mirror what other options do they have in Topeka.

In response, Rick Fischli explained that if these facilities were closed down this would force the overall number of offenders released into society to increase, forcing them to Shawnee County facilities or homeless shelters.

Councilmember Duffy stated that a standard approach needs to be in place while incorporating the public, health and safety interest by allowing the Planning Commission and the governing body to make a sound decision on placement of these facilities.

Councilmember Alcala asked how many offenders that have been housed at these facilities and completed the program become repeat offenders and approximately how many telephone calls from concerned citizens has the police department received.

In response, Ed Klump, Police Chief explained that in general the number of repeat offenders is high and he has received a considerable amount of telephone calls from concerned citizens.

Hans Heinemann, Sally Zelles, Molly Mullican, Frank Meadows and John Dietrick appeared in support of 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. 17830 introduced by Mayor Felker and Councilmembers Clark Duffy and Duane Pomeroy, relating to uses that are regulated by adoption of City Ordinance and County Resolution, placed on first reading May 7, 2002, was again presented.

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

PROJECT BUDGET in the amount of \$153,170 and ORDINANCE NO. 17831 introduced by Mayor Harry Felker, authorizing Traffic Signal Improvement Project No. 14087-00, located at SW/SE 11th Street and S. Kansas Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading May 7, 2002, was again presented.

Neil Dobler, Interim Director of Public Works gave the staff report.

Councilmember Lane moved to accept the project budget and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

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

PROJECT BUDGET in the amount of \$4,500,000 and ORDINANCE NO. 17832 introduced by Mayor Harry Felker, authorizing Water Pollution Control Project No. 29093 which increases the size of the Deer Creek Sanitary service pump station, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading May 7, 2002, was again presented.

Neil Dobler, Interim Director of Public Works gave the staff report.

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

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

PROJECT BUDGET in the amount of \$1,840,000 and ORDINANCE NO. 17833 introduced by Mayor Harry Felker, authorizing Storm Sewer Project No. 50015, Phase 4, which provides for the replacement of the undersized Mulvane Storm Sewer System as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading May 7, 2002, was again presented.

Neil Dobler, Interim Director of Public Works gave the staff report.

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

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

ORDINANCE NO. 17834 introduced by Councilmember Clark Duffy relating to redemption of cat after payment of impoundment fees, amending City of Topeka Code Section 18-239, Redemption, and specifically repealing said original section, placed on first reading May 7, 2002, was again presented.

Councilmember Duffy stated this ordinance is the same as the dog impoundment fees ordinance.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Lane, Hecht, Duffy, Stubbs, Hill and Price -7. Councilmembers Alcalá and Dunn voted "no" -2.

AN ORDINANCE introduced by Councilmember Harold Lane relating to the prohibition of all-night parking, amending City of Topeka Code Section 142-581, All-night parking prohibited, and specifically repealing said original section, placed on first reading May 7, 2002, was again presented.

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

ORDINANCE NO. 17835 introduced by Mayor Felker relating to the adoption of the Uniform Plumbing Code, 2000 edition, amending City of Topeka Code Section §§ 26-251, 26-254, 26-256, 26-257, 26-258, 26-259, 26-261, 26-406, 26-409, 26-410, 26-421.1, 26-422, 26-423, 26-424, 26-425, 26-425.1, 26-426, 26-427, 26-428, 26-428.2, 26-429, 26-429.1, 26-430, 26-431, 26-432, 26-432.1, 26-432.2, 26-433, 26-433.2, 26-434, 26-435, 26-437, 26-437.1, 26-438, 26-439, 26-440, 26-441, 26-442, 26-442.1, 26-443, 26-444, 26-445, 26-445.1, 26-446, 26-448, 26-450, 26-451, 26-453, 26-457, 26-458, 26-459, 26-460, 26-461, 26-463, and 26-464 and

specifically repealing said original sections; repealing City of Topeka Code §§ 26-425.2, 26-426.1, 26-428.1, 26-433.1, 26-442.2, 26-442.3, 26-454, 26-455, and 26-456; amending Uniform Plumbing Code, 2000 edition §§ 316.1.6, 603.4.13, 705.1, 910.7, 1211.1, 1217.1, and 1217.4 and specifically repealing said original sections; and repealing Uniform Plumbing Code, 2000 edition §§ 103.4, 510.8, 610.5, 703.3, 710.1, 1210.1, 1211.2, 1211.2.1, 1211.2.2, 1211.8, 1211.9, 1211.9.1, 1211.9.2, 1211.9.3, and 1211.9.4, and Tables 12-11, 12-12, 12-13 and 12-14, placed on first reading May 7, 2002, was again presented.

Neil Dobler, Interim Director of Public Works gave the staff report.

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 submitting the Real Estate Officer's report and requesting approval to dispose of City of Topeka surplus real property, was presented.

Kevin Rooney, Real Estate Officer gave the staff report. He explained the construction of several homes ranging from \$45,000 to \$89,000.

Councilmember Dunn asked how the homes would be acquired.

Councilmember Stubbs asked what the cost of the demolishing of the homes will be and who will incur the costs.

Councilmember Duffy stated that he has some concerns surrounding building a \$89,000 home for a low-income family. It is not the price of the home that he is concerned with, it is the ability of the low-income family to make a house payment associated with a \$89,000 home.

In response, Kevin Rooney explained in detail the subsidizing that is available to low to moderate-income families making buying a home very affordable and lowers the overall house payment.

Mayor Felker stated affordable housing is a tough term to define and it covers a wide variety of housing being developed.

Councilmember Pomeroy stated that he is happy to see a variety of price ranges being offered for homes being built for low to moderate-income families.

Councilmember Dunn stated that we have removed several low-income families to rebuild the neighborhoods and now they can not afford to move back into these areas.

In response, Mayor Felker stated that it is important to try and keep families in their normal environment while rebuilding and improving their neighborhood.

Councilmember Stubbs asked why there was such a big difference in the price of the homes and is it due to the fact some homes have sponsorship from organizations and others do not.

Councilmember Dunn suggested that we should consider Section 8 Vouchers as a source of subsidizing in the future.

Michael Bell appeared in support of the ordinance and encouraged the use of Section 8 Vouchers.

Councilmember Lane moved to accept the communication. The motion seconded by Councilmember Price, carried. (8-1-0) Councilmember Hecht voted "no".

RESOLUTION NO. 7234 introduced by Mayor Harry Felker and describing and authorizing the East Topeka Project, was presented.

Kevin Rooney, Real Estate Office gave the staff report.

Councilmember Dunn asked if the eleven properties involved in this project will be acquired through the eminent domain procedure.

In response, Kevin Rooney stated the reason these properties will be acquired through eminent domain procedure is due to the fact of title issues, vacant homes or properties.

Councilmember Lane asked if there were certain properties they would reconsider rehabilitating instead of demolishing.

Councilmember Duffy asked if all the homes involved in the project were vacant or not being rented.

Kevin Rooney stated that all of the properties were currently vacant.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Water Pollution Control Project No. 29095 to correct the inflow and infiltration into the City's sanitary sewer collection system, more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

AN ORDINANCE introduced by Councilmembers Vanessa Hill, Lisa Stubbs, and Clark Duffy sitting as the Public Health and Safety Committee, relating to best management practices to maintain stream quality within the City of Topeka, specifically the creation of buffer areas adjacent to streams, was presented for first reading.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
ORDINANCE introduced by Mayor Harry Felker relating to dwelling units located in C-5 Commercial District, amending City of Topeka Code Section 48-19.02(b), C-5 Commercial District, Provisional Uses, and specifically repealing said original section, was presented for first reading.

AN ORDINANCE 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, was presented for first reading.

Councilmember Dunn suggested that they hold this ordinance until they know how the Federal Homeland Security Funds will be distributed.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graverson, Interim Chief Administrative Officer invited the City Council Members to see the new pedestrian lighting on Lane Street on May 16, 2002, at 8:30 p.m.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Mike McGee, Public Works gave an update on Code Compliance. He covered several issues including; Oakland Cleanup, Hi-Crest Cleanup, review of Key City Codes, and code related issues.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Price stated that he opposed the building of a new Walgreens store at the northeast corner of 10th and Gage. The development of this store would be devastating to the neighborhood and to replace the existing homes would take considerably more money than the homes are worth. He encouraged the participation by the residents of the neighborhood to attend a meeting scheduled by the developer on May 16, 2002 at 6:30pm at the Holiday Inn West Holidome, located at 605 W Fairlawn, Salon A.

Councilmember Hecht stated that she hopes as a Council they would be just as equally passionate about the development of businesses in the east, central and south Topeka neighborhoods. She visited the Hillcrest Community Center lounge recording studio for teenagers and would like to thank everyone who made this happen. She acknowledged Brownie

Troop 151 for contributing \$350 to the Battered Women Task Force. Lastly, she stated that the legislature passed two new laws; less restrictions on obtaining a restraining order and the enhancement of stalking laws.

Councilmember Stubbs stated that this is an important time for everyone to call their local representatives and push for their support concerning the budget on the economic development issues.

Councilmember Dunn expressed concern on why the Topeka Convention & Visitors Bureau Center has an 800 telephone number to the State of Missouri and would like the Mayor to check on this issue.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Raymond Martenez, Hans Heinemann, Todd Valley and Michael Bell appeared for public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 11:25 p.m.

Iris Walker
City Clerk