

City Council Minutes – May 21, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 21, 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 Reverend Dave Fulton, Trinity Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

APPLICATION for a Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for Thai Restaurant, 2929 South Kansas Avenue, was presented.

Councilmember Duffy asked that Items A. and B. be pulled for separate discussion.

Councilmember Hill asked that Item C. 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)

FINAL PLAT for Ridgewood Estates Subdivision No. 2 on property extending along the south side of the Kansas Turnpike, the centerline of which is approximately 1,600-feet east of SE Adams Street in the City of Topeka, Kansas (P00/23), was presented.

Barry Beagle, Planning Department gave the staff report.

Councilmember Duffy asked if the approved drainage report has been received.

Councilmember Stubbs asked if there is a designated green space included in this plan.

In response, Barry Beagle, Planning Department explained that the approved drainage report has been received and the project does include fifty-nine acres of open space and recreational area.

Councilmember Hill moved to accept the final plat. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

FINAL PLAT for Southwest Burlingame Subdivision on property extending north of SW 49th Street along the west alignment of the Kansas Turnpike and US 75 Highway in the City of Topeka, Kansas (P00/38), was presented.

Barry Beagle, Planning Department gave the staff report.

Councilmember Duffy asked what will happen to Lot 2, an existing construction and demolition landfill once the conditional use permit expires.

Barry Beagle explained that the developer has to establish a final grade and provide for an appropriate top cover when they are finished with the lot.

Councilmember Stubbs asked if there is a designated green space and if this area is funded through the Trails and Greenways Plan.

Barry Beagle stated that the final plat does include a green space area.

Rogers Brazier, Director of Parks and Recreation explained that this particular final plat is not connected to the three major trail projects that will be utilizing the funds supplied by the Trails and Greenways Plan.

Councilmember Dunn moved to accept the final plat. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Minutes of the Regular Meeting of May 14, 2002, were presented.

Councilmember Hill made a correction to page 156 of the minutes. She stated that the motion should reflect a unanimous vote of 9-0-0 on the claim appeal approval of Anita Klingbiel in the amount of \$1,500.

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

PROJECT BUDGET in the amount of \$1,400,000 and ORDINANCE NO. 17836 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 placed on first reading May 14, 2002, was again presented.

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

Councilmember Lane asked if this ordinance includes checking floor drains and if so, how will this process be implemented.

In response, Neil Dobler stated that in the past floor drain testing has been handled by contractors, however they have now developed an in-house testing program that will assist in handling this function.

Councilmember Alcala moved to approve the project budget 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.

ORDINANCE NO. 17837 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 placed on first reading May 14, 2002, was again presented.

Mark Green, Superintendent of Water Pollution Control gave the staff report. He explained the need for stream buffers. This buffer ordinance encourages best manager practices, a reduction in pollution runoff, stabilizes streams, keeps public and private structures away from flood zones, provides scenic and recreational opportunities and creates green space and green corridors. He continued with the report explaining that buffers protect three types of streams, perennial, intermittent and outer streams. Also, this ordinance will easily accommodate the Open Space and Landscape Ordinances and will hopefully encourage the implementation of a Natural Landscape Ordinance in the near future.

Councilmember Pomeroy expressed his concerns about how this ordinance will effect the existing properties within the City of Topeka.

In response, Mark Green stated that this ordinance is mainly targeted for new development, however language has been included in the ordinance that will allow upgrades of existing properties.

Councilmember Duffy stated that he supports and encourages prairie restoration and buffer ordinances. These projects have numerous positive effects on the community as well as reducing the over-all mowing costs for the City of Topeka.

Councilmember Stubbs stated that this ordinance would free up monies that could be used in other areas of the city that need improved and maintained.

Councilmember Hill moved to 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.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA ORDINANCE NO. 17838 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 placed on first reading May 14, 2002, was again presented.

Tim Paris, Planning Department gave the staff report.

Councilmember Dunn asked how many units are ready for occupancy and inquired on the block grant money that was set aside for this project.

Councilmember Lane inquired on the boundaries of the area and asked if the new development on 10th Street would be included in this project.

In response, Tim Paris stated that at this time almost all of the properties are occupied and he was not sure if the boundaries included the new development on 10th Street. However, he will check into it and let him know as soon as possible.

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Lane carried. (8-0-1) Councilmember Price was out of the room.

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

PROJECT BUDGET in the proposed amount of \$197,960, alternate amount of \$151,460 and 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 placed on first reading May 14, 2002, was again presented.

Dave Graverson, Interim Chief Administrative Officer gave the staff report.

Ed Klump, Chief of Police appeared for questions.

Councilmember Dunn asked what the total amount of the security system cost will be including manpower and if the amount of federal aid been determined yet.

In response, Ed Klump explained that at this time Homeland Defense has not set aside any grant money for governmental building security. The monies will be geared towards emergency personnel response training and equipment in responding to terrorist activity.

Mayor Felker stated that he supports and encourages federal funding, however, to help ease concerns of the employees they need to move forward with this plan by implementing the initial steps.

Councilmember Alcalá asked if this ordinance is voted down and something happened to jeopardize the safety of the City of Topeka employees, would they be liable and if so can they use the grant money to cover this expense.

In response, Brenden Long, City Attorney stated that in these types of situations there is always a possibility for liability, the extent of liability will depend on how they respond to the first notice of a possible emergency situation.

Mayor Felker continued the discussion stating that at this time he has not seen the guidelines for the grant and how the money can be used. According to government officials there is a intent to expedite the money but there is no guarantee that the money will be distributed at a local level.

Councilmember Pomeroy stated that he feels the best security measure would be to station an armed security guard at the front entrance who could also serve as a point of reference for the public.

Several Councilmembers agreed with Councilmember Pomeroy, that an armed security guard should be placed at the front entrance. However, they were unsure of the necessity of some of the other security measures presented.

In response, Ed Klump stressed the importance of using all of the security measures as a packaged deal, in order to fully utilize the system.

Councilmember Stubbs continued the discussion inquiring on the financial implications of the project, how it would affect other Capital Improvement Program projects and the additional manpower.

In response, Dave Graverson explained that at this time by deducting the funding for this project from the Capital Improvement Program it would not directly affect any other projects, and total manpower cost would range from \$28,000 to \$42,000 a year.

Following the discussion Mayor Felker recommended that this item be deferred for at least one week so that all items and questions that were addressed may be resolved by providing the Council a detailed presentation with a cost analysis attached.

Councilmember Dunn moved to defer for two weeks. The motion seconded by Councilmember Lane carried. (8-1-0) Councilmember Duffy voted "no".

AN ORDINANCE introduced by Mayor Harry Felker authorizing the City of Topeka, Kansas, to issue its taxable Industrial Revenue Bonds, Series B2002, (Hill's Project) in the maximum principal amount of \$15,000,000 for the purpose of purchasing, acquiring, constructing, improving, equipping and installing certain facilities; authorizing execution of a

trust indenture by and between the City and the Commerce Trust Company, in the City of Kansas City, Missouri, as trustee; authorizing the City to lease said project to Hill's Pet Nutrition, Inc.; and authorizing execution of a lease by and between said City and Hill's Pet Nutrition, Inc., was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to mechanical trade, amending City of Topeka Code § 26-252, Grandfather provisions for certain mechanical licenses; § 26-254, Application and examination; § 26-256, Same-Master, § 26-257, Same-Journeyman, and specifically repealing said original sections, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry "Butch" Felker authorizing Downtown Inc. and The Topeka Convention and Visitors Bureau to hold "Downtown Live - Meet Me Downtown" events at certain times in 2002, was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy announced that the Community Development Committee Meeting will be held on May 28, 2002 at 5:00 p.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Dunn stated that she has received several phone calls from her constituents concerning the water contract with United Missouri Bank and asked if the contract would be extended. She expressed concern surrounding the negativity in a letter she received referencing Section 8 Vouchers and how the Topeka Housing Authority is being managed.

Councilmember Lane stated he would like to see the water contract renewed in-house to encourage economic development.

Councilmember Duffy submitted a request for two proposed ordinances to be placed on the Council agenda within 28 days.

Councilmember Stubbs attended the announcement of the Kansas International Museum at Westridge Mall and encouraged Councilmembers to volunteer their time.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Dr. Isabelle Masters, Orville Johnson and Joe Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 10:05 p.m.

Iris Walker
City Clerk