

City Council Minutes – October 15, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 15, 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, prayer was offered by Minister Arnie Bazmore, True Light Baptist Church.

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

Councilmember Duffy moved to add an ordinance for first reading relating to the reorganization of the planning and zoning program of the City of Topeka. The motion seconded by Councilmember Stubbs carried. Councilmembers Alcalá and Lane voted "no". (7-2-0)

THE CONSENT AGENDA was presented as follows:

A Final Plat for Thunderbird Subdivision No. 6 on property located at the southeast corner of SE 29th Street and SE Croco Road in the City of Topeka, Kansas, was presented. (P02/30)

Denial of a claim appeal for H. Pat and Jerry Powers alleging that on June 4, 2002, their dwelling at 2120 SW Brooklyn Avenue was flooded as a result of a storm water sewer backup was presented.

Minutes of the Regular Meeting of October 8, 2002, were presented

Mayor Felker asked that Item B be pulled from the agenda and deferred for one week per the applicant's request.

Councilmember Price moved to defer Item B for one week. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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

ORDINANCE NO. 17906 introduced by Councilmember Gary Price relating to the placement of sign code enforcement responsibilities on the public works director, planning director or their designees, removal of signs located in the city's rights-of-way, establishing fines for sign code violations, and changing the bond or insurance requirements, amending City of Topeka Section 118-8, 118-10, 118-11, 118-12, 118-13, 118-37, 118-56, 118-57, 118-58, 118-60, 118-104, and 118-179 and specifically repealing said original sections placed on first reading October 1, 2002, was again presented.

Councilmember Price explained the ordinance and expressed his appreciation to the staff for their assistance. He stated that this ordinance would allow for more flexibility in who can perform the enforcement of the codes, clean up the image of the city by eliminating temporary signs in public easements and right-of-ways, and update the insurance requirements to run in conjunction with other operations within the city.

Discussion followed by several Councilmembers. They asked who would be responsible for picking up the signs, what is the difference in enforcement codes between private and public property, what type of signs does this ordinance include, what are the repercussions of the violators, and what are the stipulations on vacant lots.

Braxton Copley, Assistant City Attorney responded to the questions. He stated that the planning department and the public works department directors or their designees would be in charge of picking up the signs.

The major difference in regulations between private property owners compared to public property owners is the impoundment process. If a private property owner is found to be in code

violation there will be a written notice of impoundment issued and the owner will be given three business days to correct the problem. If there is a violation sited on public property the sign will be removed and impounded immediately.

The types of signs included in the ordinance have not changed from the original document.

If a property owner, sign owner, or permittee is found to be in code violation it shall be a municipal offense and will be subject to a minimum fine of fifty dollars. Every day of violation after that will be a separate and distinct offense. If the fines are not collected from the proper persons it will be assessed against the lot or parcel of land on which the sign was located.

The same regulations that are used for private property would be used for vacant lots, however in any case the recipient may appeal the violation to the board of zoning appeals.

Ted Mize expressed his concern on the comprehension of the ordinance by city employees. He stated the city should give the public the right to remove signs from their yards or easements.

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

AN AMENDMENT to the contract between the City of Topeka and the Topeka City Employees, Local 1294, Missouri/Kansas State Council 72, American Federation of State, County and Municipal Employees was presented.

Councilmember Duffy explained the amendment to the contract.

Randy Helt, Human Resource Department appeared for questions.

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

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

A PETITION, PROJECT BUDGET in the amount of \$64,661.13 and RESOLUTION NO. 7278 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60578-H, located along the west side of Gage Boulevard, south of I-470 at the entrance road for Light of the World Christian Center Church providing concrete pavement, curb and gutter, and sidewalks as more specifically described herein was presented.

Mike McGee, Public Works Department gave the staff report.

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

Councilmember Dunn moved to accept the petition, approve the project budget and adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Mayor Felker stated that the annexation ordinance was withdrawn and he asked the city attorney to explain what happens next.

Brenden Long, City Attorney stated that the statutory requirements for conducting a public hearing and recessing of the hearing were not met due to failure to maintain a quorum. He stated that he has advised the council that if they want to annex this area or any other area they would need to initiate the process as they did back in August.

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 2910 SE Croco Road in the City of Topeka from "R-1" Single Family Dwelling District to "C-2" Commercial District was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced a Public, Health and Safety Committee meeting on October 18, 2002, at 7:30 a.m. in the City Council Conference Room.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Duffy introduced a resolution for the City of Topeka to establish Economic Development priorities. He attended the Minority Women Owned Business Awards Ceremony and stated that four women from the State of Kansas received an award.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Tom Stanley and Bill Stump appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:00 p.m.

Iris Walker
City Clerk