

City Council Minutes – November 12, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 12, 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, Stubbs, Hill and Price -8. Mayor Felker presided -1. Absent: Councilmember Duffy -1.

AFTER THE MEETING was called to order, Councilmember Hecht asked for a moment of silent meditation.

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

THE CONSENT AGENDA was presented as follows:

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

Councilmember Stubbs requested that Item A be pulled for separate discussion.

Councilmember Hill moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

A Final Plat for Hidden Valley Subdivision No. 3 on property extending west of SW Urish Road at SW 18th Street (proposed) within unincorporated Shawnee County, Kansas, was presented. (P02/40)

Barry Beagle, Planning Department gave the staff report.

Councilmember Stubbs stated that this document is a good example of how we can bring forward a final plat and in a short amount of time following approval of that plat, act upon or consent to annexation through development.

Councilmember Stubbs moved to approve the final plat. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

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, November 12, 2002, at 7:00 P.M., in conjunction with vacation request V02S/3 by Dickinson Theatres, Inc. and Community National Bank, owners, to vacate a portion of Old K-172 Highway which adjoins the Cloverleaf Addition and their property.

ORDINANCE NO. 17914 introduced by Mayor Harry Felker to the vacation of a portion of Old K-172 Highway right-of-way adjoining the north side of U.S. Highway 24 and west of NW Rochester Road, City of Topeka, Shawnee County, Kansas, placed on first reading November 5, 2002 was again presented.

Barry Beagle gave the staff report.

Councilmember Pomeroy stated that this was a very important project because of the safety issues involved.

Sam Mallenoski, Kaw Valley Engineering appeared for 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 Alcala carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Hecht, Stubbs, Hill and Price -8. Absent: Councilmember Duffy -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, November 12, 2002, at 7:00 P.M., in conjunction with vacation request V02S/4 by Penelope Lumpkin, Polly Brunkhardt and Gray Horse Farms, L.L.C., owners, to vacate a 1-foot strip of right-of-way adjacent to 718 S, Kansas Avenue.

ORDINANCE NO. 17915 introduced by Mayor Harry Felker relating to the vacation of a 1-foot wide strip of right-of-way along S. Kansas Avenue as dedicated by Original Town, on property located on the east side of S. Kansas Avenue between SE 7th Street and SE 8th Avenue in the City of Topeka, Shawnee County, Kansas, placed on first reading November 5, 2002 was again presented. (V02S/4)

Barry Beagle 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 Alcala carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Hecht, Stubbs, Hill and Price -8. Absent: Councilmember Duffy -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, November 12, 2002, at 7:00 P.M., in conjunction with vacation request V02S/5 by Stephen D. Etzel, Diann K. Etzel and Amelia Farnum Evans, owners, to vacate SW 28th Street, and unimproved 50-foot wide public right-of-way extending west of SW Fairway Drive between Lots 9 and 10, Country Club Heights Subdivision, and terminating at the Topeka Country Club.

ORDINANCE NO. 17916 introduced by Mayor Harry Felker relating to the vacation of SW 28th Street, a 50-foot wide public right-of-way as dedicated by Country Club Heights, on property located on the west side of SW Fairway Drive between Lots 9 and 10 in the City of Topeka, Shawnee County, Kansas, placed on first reading November 5, 2002 was again presented. (V02S/5).

Barry Beagle gave the staff report.

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

Councilmember Lane moved to close the public hearing and adopt the ordinance. The motion seconded by Hill carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Hecht, Stubbs, Hill and Price -8. Absent: Councilmember Duffy -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, November 12, 2002, at 7:00 P.M. in conjunction with Conditional Use Permit request CU02/7 by The Salvation Army to establish a surface parking lot on property currently zoned "R-2" Single Family Dwelling District and located on the east side of SE Lawrence Street, the centerline of which is approximately 225-feet north of SE 6th Avenue in the City of Topeka, Kansas.

RESOLUTION NO. 7294 introduced by Mayor Harry Felker in accordance with Section 48-5.02 (c) (2) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a vehicle surface parking lot on property currently zoned "R-2" Single Family Dwelling District and located on the east side of SE Lawrence Street, the centerline of which is approximately 225 feet north of SE 6th Avenue in the City of Topeka, Kansas, was presented. (CU02/7)

Barry Beagle gave the staff report.

Councilmember Stubbs stated that she is very impressed with this particular plan because it incorporates green space area and trees.

Captain Paul Duskin, Salvation Army appeared for questions.

Hans Heineman spoke in support of the ordinance.

Councilmember Alcala moved to close the public hearing and adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

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

ORDINANCE NO. 17917 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 about 3325 SW Gage Boulevard from "PUD" Planned Unit Development District to "C-4" Commercial District AND "C-2" Commercial District placed on first reading November 5, 2002 was again presented.

Barry Beagle gave the staff report.

Councilmember Stubbs asked what kind of expansion is planned.

Pastor Paul Varney, Light of the World Church explained that they are planning to build a new sanctuary and parking lot.

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

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

A PROJECT BUDGET in the amount of \$1,852,200 and ORDINANCE NO. 17918 introduced by Mayor Harry Felker, authorizing Sewer Improvement Project No. 29007-02, which provides for the rehabilitation of the Furman Road Interceptor Sewer and appurtenances as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading November 5, 2002, was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

Councilmember Price moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Dunn, Hecht, Stubbs, Hill and Price -8. Absent: Councilmember Duffy.

A PROJECT BUDGET in the amount of \$200,000 and ORDINANCE NO. 17919 introduced by Mayor Harry Felker, authorizing Improvement Project No. 30067-03, which provides for improvements to Gage Park by upgrading the electrical service to the facilities as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading November 5, 2002 was again presented.

Ron Cathey, Parks and Recreation Department explained the project and answered the questions that were raised at the November 5, 2002 City Council Meeting. He stated that the additional cost of putting all of the electrical lines underground is \$122,000. He explained Western Resources involvement in the project and their requirements. The primary objection the Parks and Recreation Department have with the proposal is the thirty-foot easement requirement throughout the entire park.

Councilmember Stubbs asked if there is a benefit to having all of the electrical wires underground and inquired on the areas involved.

In response, Ron Cathey stated that underground lines would improve the aesthetics of the park and enhance safety.

Councilmember Stubbs asked how much it would cost to include the Helen Hocker Theater area in the project.

Ron Cathey stated that it would cost an additional \$25,000 to incorporate the theater area.

Councilmember Lane made a motion to amend line 30 to increase the amount to \$322,000. The motion was seconded by Councilmember Alcala.

Councilmember Hecht stated that she would not support this project because she does not have enough information to make an informed decision.

Several Councilmembers inquired on the financial impact the increased amount would cause and how long the new electrical system would last.

Councilmember Dunn stated that she could not justify spending that amount of money arbitrarily when the Topeka Zoo needs so many improvements.

The motion to amend line 30 carried. Councilmembers Dunn and Hecht voted "no". (6-2-0)

Councilmember Price moved to adopt the ordinance as amended. The motion seconded by Councilmember Lane carried. Councilmembers Dunn and Hecht voted "no". (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Lane, Stubbs, Hill and Price -6. Noes: Councilmembers Dunn and Hecht -2. Absent: Councilmember Duffy -1.

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA
ORDINANCE introduced by Councilmember Clark Duffy pertaining to the Topeka-Shawnee County Metropolitan Planning Commission amending City of Topeka Code Sections 110-27, 110-28, 110-33, 110-39, 110-42, 110-43, 110-44, 110-45, 110-72, 110-73, and repealing Topeka City Code Sections 110-74 and 110-75 and repealing said original sections placed on first reading September 22, 2002 was again presented.

Councilmember Price stated that since Councilmember Duffy is absent he would like to make a motion to defer for one week. The motion seconded by Councilmember Stubbs failed. Councilmembers Alcala, Lane, Dunn and Hill voted "no". (4-4-0)

Councilmember Price stated that his biggest concern is that we have the expertise on staff for consulting on annexation issues and we are unable to utilize them.

Councilmember Stubbs suggested that the document be sent to the County Planning Commission for their review.

Councilmember Stubbs moved to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Price failed. Councilmembers Alcala, Lane, Dunn and Hill voted "no". (4-4-0)

The ordinance was not adopted on roll call vote as follows: Noes: Councilmembers Alcala, Lane, Dunn, Hecht and Hill -5. Ayes: Councilmembers Pomeroy, Stubbs and Price -3. Absent: Councilmember Duffy -1.

AN ORDINANCE introduced by Mayor Harry Felker concerning the re-establishment of the City Council district boundaries as recommended by the commission of electors appointed by the Council, all pursuant to the provisions of Section A2-18 of the Code of the City of Topeka, amending City of Topeka Ordinance No. 16517 and specifically repealing said original ordinance was presented for first reading.

The parliamentarian stated that the original document has some typographical and drafting errors in it and he has distributed a corrected document.

Councilmember Alcala made a motion to defer one week. The motion was seconded by Lane.

Several Councilmembers stated that they feel this is a time sensitive issue and the amendments should be voted on at this time.

The motion to defer one week failed. Councilmembers Pomeroy, Dunn, Hecht, Stubbs and Price voted "no". (3-5-0)

Councilmember Price made a motion to approve the amendments to the ordinance. The motion seconded by Councilmember Stubbs carried. Councilmembers Lane voted "no". (7-1-0)

AN ORDINANCE introduced by Councilmembers Duane Pomeroy and Lisa Stubbs, concerning the re-establishment of the City Council district boundaries, pursuant to the provisions of Section A2-18 of the Code of the City of Topeka, amending City of Topeka Ordinance No. 16517 and specifically repealing said original ordinance was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker authorizing the Mayor to appoint associate municipal court judges, amending City of Topeka Code Section 2-145 and repealing said original section was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Alcala announced that both of the Bed Tax items would be discussed at the regular scheduled Policy Committee meeting, and the issues concerning the Dance Hall License for a club located in the 1600 block of Seward will be resolved by the deadline date requested.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcala stated that he has received several calls from his constituents concerning the excessive overgrowth of vegetation in the 400 block of Iowa and Sumner. He stated that he would also like to see improved speed enforcement in several Oakland areas. He

stated that he would like to see the staff more involved with the Channel 4 programming, because he feels that this would enhance community involvement and improve the quality of public announcements.

Councilmember Lane received several calls from his constituents concerning sidewalk repair and asked what the status is on property located at 3033 SE Kentucky. He also stated that there is a large stack of tires at 17th and Kansas that needs to be removed.

Councilmember Dunn inquired on streetlight replacement in several areas and asked if Western Resources, Inc. is assisting the city with this problem.

Councilmember Stubbs thanked the Public Works Department for their speedy response to traffic light repair. She stated that she would like to see the programming on Channel 4 become more proactive and show the progress of current city projects.

Councilmember Hill stated that she has noticed several diet signs displayed in her district and requested that they be checked out. She commended the Public Works Department on the new, left turn traffic light signal at 14th and Kansas.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Hans Heinemen and Ted Mize appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:25 p.m.

Iris Walker
City Clerk