

City Council Minutes – December 10, 2002

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 10, 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, Councilmember Duffy 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 December 3, 2002, were presented.

APPLICATIONS for a Cereal Malt Beverage License, bearing the approval of the Chief of Police and City Inspectors for Heart of America Food Service, L.L.C., One Expocentre Drive, Topeka, Kansas, was presented.

Councilmember Dunn moved to approve the consent agenda. The motion seconded by Councilmember Hecht 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, December 10, 2002, at 7:00 P.M., in conjunction with vacation request V02A/6 by Stormont-Vail Health Care, Inc., owner, to vacate a 20-foot wide east-west alley right-of-way which extends east side of SW Lane Street, approximately 130 feet north of SW 8th Avenue.

ORDINANCE NO. 17925 introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide alley right-of-way extending east of SW Lane Street, approximately 130 feet north of SW 8th Avenue, as dedicated by the plat of Horne's Addition, City of Topeka, Shawnee County, Kansas, placed on first reading on December 3, 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 was seconded by Councilmember Hill.

Councilmember Duffy inquired on how they plan to address the parking issues in that area.

The motion to close the public hearing and adopt the ordinance 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, December 10, 2002, at 7:00 P.M., in conjunction with vacation request V02A/7 by Stormont-Vail Health Care, Inc., owner, to vacate a 20-foot wide east-west alley right-of-way extending between SW Washburn Avenue and SW Lane Street, approximately 130 feet north of SW 8th Avenue.

ORDINANCE NO. 17926 introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide alley right-of-way extending between SW Washburn Avenue and SW Lane Street, approximately 130 feet north of SW 8th Avenue, as dedicated by the plat of Horne's 2nd Addition, City of Topeka, Shawnee County, Kansas, placed on first reading on December 3, 2002, was again presented.

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 Councilmember Pomeroy 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, December 10, 2002, at 7:00 P.M., in conjunction with CU02/8 by Metropolitan Topeka Airport Authority (on behalf of the City of Topeka) requesting a Conditional Use Permit to establish a public utility structure (pump station) on property currently zoned "R-1" Single Family Dwelling District and located on the east side of NE Strait Street at NE Doran Avenue extended, in the City of Topeka, Kansas.

RESOLUTION NO. 7300 introduced by Mayor Harry Felker in accordance with Section 48-4.02(c)(11) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a public utility structure (pump station) on property currently zoned "R-1" Single Family Dwelling District and located on the east side of NE Strait Street at NE Doran Avenue, extended, in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

The parliamentarian stated that there are several places within the resolution that need to be corrected that reference the pump station as being located on the west side instead of the east side of NE Strait Street.

Councilmember Alcalá moved to amend the site location referenced in the resolution. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

Dave Stremming, Metropolitan Topeka Airport Authority appeared for questions.

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

Councilmember Alcalá moved to close the public hearing and adopt the resolution as amended. The motion seconded by Councilmember Lane 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, December 10, 2002, at 7:00 P.M., in conjunction with CU02/9 by Rod L. Bluma requesting a Conditional Use Permit to establish an automotive service station, type II on property currently zoned "X-1" Mixed Use District and located at 1023 NW Harrison Street in the City of Topeka, Kansas.

RESOLUTION NO. 7301 introduced by Mayor Harry Felker in accordance with Section 48-23a.03(2)(f) of the Code of the City of Topeka, approving a Conditional Use Permit to establish an automobile service station, type II lot on property currently zoned "X-1" Mixed Use District and located at 1023 NW Harrison Street in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

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

Rod Bluma appeared for questions.

Councilmember Pomeroy moved to close the public hearing and adopt the resolution.

The motion seconded by Councilmember Price carried unanimously. (9-0-0)

APPLICATION for a Dance Hall License, bearing the approval of the Chief of Police and City Inspectors for El Rodeo, 1601 SE Seward, Topeka, Kansas, was presented.

Councilmember Dunn gave the committee report.

Councilmember Alcalá asked the City Attorney to read the law regarding the community impact standard when a dance hall license is issued.

Brenden Long read the law and stated the requirements the Council should consider when making a decision.

Councilmember Alcalá stated that there was a large group that spoke in opposition of this establishment at the committee meeting and he has received a huge amount of calls from his constituents concerning this matter. He distributed a handout concerning the numerous

violations that have been sited at this establishment and the complaints that the Police Department has received.

Councilmember Alcalá stated that as a result of the testimony given at the committee meeting he would like to make a motion that the application be denied based on a finding that its issuance would be detrimental to the community in which it is proposed to be located. The motion was seconded by Councilmember Dunn.

Dawn Puff expressed her concerns about the establishment.

Tom Hedges, President of the Oakland NIA spoke in opposition of the license.

The motion to deny carried unanimously. (9-0-0)

A COMMUNICATION by Greg and Shaela Murray requesting a waiver to the provisions of the Shawnee County Wastewater Management Plan for a proposed 10-acre parcel located at 1836 SW 65th Street in unincorporated Shawnee County, was presented.

Barry Beagle gave the staff report.

Councilmember Dunn inquired on how soon the area would be annexed.

Councilmember Stubbs inquired on the financial break down of the process.

Councilmember Duffy stated that based on the information that has been distributed, in his opinion the city has no choice but to do what the county wants at this point.

Tony Barry, representative for the applicant stated that the cost of a sewer system is \$122,000, the same cost to construct a building and it is not feasible at this time. He stated that his client is only trying to comply with city and county regulations and would like this matter resolved as soon as possible.

Ivan Wiechert, Planning Commission explained why they approved the waiver.

Councilmember Stubbs moved to approve the communication. The motion was seconded by Councilmember Lane.

Councilmember Duffy asked if he has an option to abstain from vote because he feels that he has not received enough information to make an informed decision.

The motion to approve carried. Councilmember Price voted "no". Councilmembers Hecht and Duffy abstained. (6-1-2)

A COMMUNICATION to elect a person to Chair the Joint Economic Development Organization (JEDO) during 2003, was presented.

Brenden Long explained the make up of the board.

Councilmember Lane moved to add Mayor Felker to the list of nominees and nominate him as chair. The motion seconded by Councilmember Hecht carried unanimously. (9-0-0)

Councilmember Pomeroy moved to cast a unanimous vote for Mayor Felker. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

RESOLUTION NO. 7302 introduced by Mayor Harry Felker, declaring the entire boundary of the City of Topeka, was presented.

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

RESOLUTION NO. 7303 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60468, Phase 4.

Neil Dobler, Public Works gave the staff report.

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

AN ORDINANCE introduced by Mayor Harry Felker, concerning the reestablishment 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. 17920 and specifically repealing said original ordinance was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the powers and duties of the municipal judge, amending City of Topeka Code Section 50-41, 50-48, 50-58, and 142-429 and repealing said original sections was presented for first reading.

Councilmember Duffy stated that they have established a regressive parking policy in downtown Topeka and stated that this issue needs to be addressed and suggested putting parking meters back on Kansas Avenue.

Mayor Felker stated that he would like to organize a meeting with the people involved to discuss the parking problems.

Councilmember Dunn stated that she has not received the report she requested concerning meter revenue loss and asked for data on the parking garage at 9th and Kansas.

Councilmember Lane inquired on the cost of putting back the meters on Kansas Avenue.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 29096, which provides for the replacement of the Ash Street Pump Station Bar Screen as 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 Mayor Harry Felker relating to the vacation of 5 utility easements on property located at 3200 SW Westover Road, as dedicated by the plat of Westboro and addition to the City of Topeka, Shawnee County, Kansas was presented for first reading.

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 325 SW Frazier Street in the City of Topeka, from "O & I-2" Office and Institutional District to "O & I-3" Office and Institutional District was placed on first reading.

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 the northeast corner of SW 37th Street and SW Gage Boulevard in the City of Topeka, from "R-1" Single Family Dwelling District and "PUD" Planned Unit Development District ("M-2" use group) ALL TO "PUD" Planned Unit Development District ("M-1a" use group) was presented for first reading.

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 the southwest corner of SW 10th Avenue and SW Gage Boulevard in the City of Topeka, from "R-1" Single Family Dwelling District and "PUD" Planned Unit Development District ("O&I-2" use group and "C-4" use group) ALL TO "PUD" Planned Unit Development District ("C-4" use group and "OS-1" use group) was placed on first reading.

Mayor Felker noted that the applicant asked that consideration of the petition be moved to the first meeting in January 2003.

Joanne Proctor spoke in opposition of the petition and stated that she received a letter from H.T. Paul that they will have a meeting with the neighbors Monday and final action by the Council in January.

Mayor Felker scheduled the final action on the petition for January 7, 2003.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Mayor Felker reported on his visit with the Target representatives and Opus Construction Company.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane asked if the traffic light at 12th and Kansas could be checked, west bound lane going west on 12th Street needs adjustment.

Councilmember Alcalá thanked the Public Works Department for picking up leaves in Oakland.

Councilmember Pomeroy stated Sargent Landeros, the recipient of one of the Military awards also teaches ROTC at Topeka High.

Councilmember Dunn stated that they interviewed candidates for Lobbyists during the work session and thanked Public Works for repairing the light at 37th and Kentucky.

Councilmember Stubbs suggested that Parks and Recreation charge higher rates for their programs to people living outside the city limits.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Bob Sherbourne, Reverend Kirkdoll, Janice King and L.S. Wheeler appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 11:00 p.m.

Iris Walker
City Clerk

12-10-02
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