

City Council Minutes – January 14, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 14, 2003. 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 Pastor Wally Friedrichs, Prince of Peace Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

A Workers' Compensation claim settlement for Gary McClain in the amount of \$16,641.50 was presented.

A Workers' Compensation claim settlement for Mickey Walker in the amount of \$48,000 was presented.

A Communication recommending the appointment of Dean Yee to fill the unexpired term of Jim McInerney on the Convention and Visitors Bureau, Inc., Board of Directors, for a term that will expire December 31, 2003, was presented.

Minutes of the Regular Meeting of January 7, 2003, were presented.

APPLICATIONS for Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for Godfather's Pizza #17015, 5300 W 17th Street and Godfather's Pizza #17017, 1707 SE 29th Street, were presented.

Councilmember Duffy requested that items A and B be voted on separately.

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

Councilmember Lane moved to approve item A, Workers' Compensation claim settlement for Gary McClain. The motion seconded by Councilmember Dunn carried.

Councilmembers Hecht and Duffy voted "no". (7-2-0)

Councilmember Dunn moved to approve item B, Workers' Compensation claim settlement for Mickey Walker. The motion seconded by Councilmember Lane carried.

Councilmembers Hecht, Duffy, Stubbs and Price voted "no". (5-4-0)

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, January 14, 2003, at 7:00 P.M., in conjunction with vacation request V03S/1 by Adjutant General's Department (Kansas Army National Guard), owners, to vacate a portion of SW Topeka Boulevard right-of-way extending parallel to the Kansas Army National Guard complex at 131 SW 27th Street, in the City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 17937 introduced by Mayor Harry Felker relating to the vacation of a portion of SW Topeka Boulevard right-of-way paralleling the Kansas Army National Guard complex located at 131 SW 27th Street, City of Topeka, Shawnee County, Kansas placed on first reading January 7, 2003, was again presented.

Barry Beagle, Planning Department gave the staff report.

Angela Sharp, Professional Engineering Consultants representative for the applicant appeared to answer 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 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.

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, January 14, 2003, at 7:00 P.M., in conjunction with vacation request V03SB/2 by JDN Realty Corporation, owner, to vacate a portion of the 30-foot platted building setback line along NW Topeka Boulevard and NW Lyman Road for property located at 2060 NW Topeka Boulevard.

ORDINANCE NO. 17938 introduced by Mayor Harry Felker relating to the vacation of a portion of a 30-foot wide platted building setback along NW Topeka Boulevard and NW Lyman Road as dedicated by Bauersfeld's Market Place Subdivision No. 1 for property located at 2060 NW Topeka Boulevard, City of Topeka, Shawnee County, Kansas placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

Rick Schmidt, Schmidt Engineering Company representative for the applicant appeared to answer questions.

Councilmember Dunn moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Hecht 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 ZONING PETITION (HL02/9) by Alfred J. II and Lisa G. Wilson requesting to amend the District Zoning Classification by granting the "HL" Historic Landmark Overlay District to property currently zoned "R-2" Single Family Dwelling District and located at 1132 NW Harrison Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17939 introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned "R-2" Single Family Dwelling District and located at 1132 NW Harrison in the City of

Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

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

Mayor Felker asked if there was any exparte communications. There were none declared.

Councilmember Pomeroy moved to approve the zoning petition 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, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price -9.

A ZONING PETITION (HL02/10) by Mark and Sarah Burenheide 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 513 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17940 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 513 SW Van Buren in the City of Topeka, Kansas pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report and commented on items C, D, E and F, the Ross Row houses.

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

Mayor Felker asked if there was any ex parte communications. There were none declared.

Councilmember Alcalá moved to approve the zoning petition 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.

A ZONING PETITION (HL02/11) by Heartland Orthodox Christian Council, Inc. 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 523 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17941 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 523 SW Van Buren in the City of Topeka, Kansas pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

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

Mayor Felker asked if there was any ex parte communications, besides Councilmember Pomeroy. There were none declared.

Councilmember Lane moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Alcalá 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 ZONING PETITION (HL02/12) by Historic Topeka, Inc., 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 515 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17942 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 515 SW Van Buren in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

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

Mayor Felker asked if there was any exparte communications. There were none declared.

Councilmember Alcalá moved to approve the zoning 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 ZONING PETITION (HL02/13) by Frank and Judith Sabatini 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 521 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17943 introduced by Mayor Harry Felker designating real property more specifically described herein as historic landmark and presently zoned "C-5" Commercial District and located at 521 SW Van Buren in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

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

Mayor Felker asked if there was any exparte communications. There were none declared.

Councilmember Alcalá moved to approve the zoning 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 ZONING PETITION (HL02/14) by Mark Anschutz 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 517 SW Van Buren Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17944 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 517 SW Van Buren in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading January 7, 2003, was again presented.

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

Mayor Felker asked if there was any ex parte communications. There were none declared.

Councilmember Alcalá moved to approve the zoning petition 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, Alcalá, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price -9.

A ZONING PETITION (Z02/31) by Rose Marie Schmidt requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "I-1" Light Industrial District on property located at the northeast corner of NW Lower Silver Lake Road and NW Furman Road in the City of Topeka, Kansas, was presented.

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 on the northeast corner of NW Lower Silver Lake Road and NW Furman Road in the City of Topeka, from "R-1" Single Family Dwelling District to "I-1" Light Industrial District placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

Councilmember Stubbs asked for a brief overview of the Planning staff's findings.

Barry Beagle explained that there are several reasons why the Planning staff did not recommend approval of the zoning change. He stated that there are several other Light Industrial Districts to accommodate economical growth in Topeka, this particular area has great potential to establish moderate-income housing, and it does not follow the 2010 Growth Plan.

Councilmember Price expressed concern with the Planning Commission's recommendations. He explained that their recommendation goes directly against the 2010 Growth Plan, it would increase traffic flow, and cause rapid property depreciation in that area.

Councilmember Duffy inquired on consent to annex from the areas that are plotted as successful industrial growth areas.

Councilmember Alcalá asked for a brief explanation of what types of businesses would be allowed in the "I-1" Light Industrial District.

Mike Engler, Bartlett & West Engineers, representative for the applicant stated that he supports the 2010 Growth Plan. However, he feels that the plan has a flaw in it by not including this particular property because the Comprehensive Plan stated that this property should be industrial, and it has been for the last twenty-six years. He continued to explain that this property is directly connected to Furman Road, a direct access to Highway 24 and all of the utilities that are needed are already in this area.

Councilmember Pomeroy inquired on the residential development possibilities of the area.

Henry McClure, Shawnee County Planning Commissioner stated that the proposal is consistent with the 2030 Growth Plan and he supports the petition.

Councilmember Stubbs stated that she would like the Planning Commission to provide the City Council with more written documentation to support their decisions.

Tony Myers, JJ Myers Produce Market stated that he has lived in the area his whole life, and only two houses have been built in the area in the last twenty years. He

supports the petition because the area is surrounded by industrial development and, therefore, no one will build houses in the area.

Sylvester Myers spoke in support of the petition. He explained that he has been a lifetime resident and in order for the area to be utilized it should be zoned industrial. The smell of the dog food plant and the sewage plant will prevent further residential development.

Dawn Cramer spoke in opposition to the petition. She stated that they have lived on Furman Road for nine years and they want to continue to raise their children there and retire there. She continued to explain the condition of the road and that it is not equipped to handle large vehicles and increased traffic.

Don Cramer spoke in opposition to the petition and asked the City Council if they would want to live and raise their children near an industrial district.

Alisha, Ashley and Kris Cramer spoke in opposition to the petition and stated that if the area is rezoned it will change the neighborhood drastically.

David King, 3226 NW Lower Silver Lake Road spoke in opposition to the petition. He stated that he feels that all of the various plans that have been presented are only used to accommodate what is needed for each individual case and expressed concern on the increased traffic on Frontage Road.

Each Councilmember declared exparte communications of telephone calls, emails, and discussion with area residents in opposition of the petition.

Councilmember Pomeroy moved to concur with the Planning staff's recommendation and overturn the Planning Commission vote. The motion seconded by Councilmember Dunn carried unanimously. (9-0-0)

A ZONING PETITION (Z02/36) by Stormont-Vail Health Care, Inc., requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District, "M-1" Two Family Dwelling District/ROI to "D&O" Multiple Family Dwelling and Office District, "M-S" Medical Services District ALL TO "O&I-2" Office and Institutional District was presented.

ORDINANCE NO. 17945 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 northwest corner of SW 8th Avenue and SW Lane Avenue in the City of Topeka, from "M-1" Two Family Dwelling District with Resolution of Intent "D&O" Multiple Family Dwelling and Office District and "M-S" Medical Services District ALL TO "O&I-2" Office and Institutional District placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

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

Mayor Felker asked if there were any exparte communications. There were none declared.

Councilmember Price moved to approve the zoning petition 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.

A ZONING PETITION (Z02/37) by Stormont-Vail Health Care, Inc., requesting to amend the District Zoning Classification from "M-1" Two Family Dwelling District to

"O&I-2" Office and Institutional District on property located at the northeast corner of SW 8th Avenue and SW Lane Avenue was presented.

ORDINANCE NO. 17946 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 northwest corner of SW 8th Avenue and SW Lane Avenue in the City of Topeka, from "M-1" Two Family Dwelling District to "O&I-2" Office and Institutional District was placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

Mike Engler, representative for the applicant appeared to answer questions.

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

Mayor Felker asked if there were any exparte communications. There were none declared.

Councilmember Price moved to approve the zoning petition 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.

A ZONING PETITION (Z02/38) by Thomas R. Petersen requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "C-2" Commercial District on property located on the south side of SE 29th Street, east of Croco Road in the City of Topeka, Kansas, was presented.

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 two tracts of property: the first being located on the East side of SE Croco Road, the centerline of which is approximately 400-feet South of SE 29th Street and the second, being located on the South side of SE 19th Street, the centerline of which is approximately 330-feet East of SE Croco Road in the City of Topeka, from "R-1" Single Family Dwelling District to "C-2" Commercial District placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report.

Councilmember Price asked if the rezoning would effect the current green space.

In response, Barry Beagle explained that the only buffer area that would be affected is the area along Croco Road.

Councilmember Duffy stated that he understands the 29th Street changes but feels there is no justification to eliminate the Croco Road buffer.

Councilmember Duffy moved to refer the item to the Platting and Zoning Committee and bring it back as two separate items. The motion was seconded by Councilmember Dunn.

Angela Sharp, Professional Engineer Consultants stated that it was not the applicant's intent to eliminate the green space, just to access Croco Road.

Mayor Felker asked if there was any exparte communications. There was none declared.

The motion to refer to the Platting and Zoning Committee carried.

Councilmembers Alcalá, Lane and Dunn voted "no". (6-3-0)

ORDINANCE NO. 17947 introduced by Mayor Harry Felker relating 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, and specifically repealing City of Topeka Ordinance 17914 placed on first reading January 7, 2003, was again presented.

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. 17948 introduced by Mayor Harry Felker amending the Master PUD Plan of Glad Tidings Assembly of God Church by providing for a church and associated parking on property located on the south side of I-470 and extending west of SW Burlingame Road in the City of Topeka, Kansas, placed on first reading January 7, 2003, was again presented.

Barry Beagle 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.

ORDINANCE NO. 17949 introduced by Mayor Harry Felker, relating to the designation of street names, more specifically changing the name of SE 34th Street to SE Crestwater Drive placed on first reading January 7, 2003, was again presented.

Barry Beagle gave the staff report and explained that this name change would not effect the current addresses.

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. 17950 introduced by Councilmember Clark Duffy relating to the approval procedure for City-Financed developer projects request for project petition,

amending City of Topeka Code Section 126-66 and repealing said original sections placed on first reading January 7, 2003, was again presented.

Councilmember Duffy explained the ordinance and stated that it would give developers the same advantages the county does when building inside city limits.

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

ORDINANCE NO. 17951 introduced by Councilmembers Vanessa Hill, Lisa Stubbs and Clark Duffy sitting as the Public Health and Safety Committee, regarding building codes, extending the City of Topeka building codes and permit process to the three (3) mile area adjacent to the City of Topeka boundaries placed on first reading October 23, 2001, was again presented.

Councilmember Stubbs gave the committee report.

Councilmember Stubbs moved to accept the committee report. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Duffy gave the background on why the ordinance is before them.

Bill Yanek, Topeka Builders Coalition appeared in opposition. He stated that this ordinance would add another layer of regulation for builders and believes that a unified development code would be the answer.

Councilmember Pomeroy stated that he believes that this ordinance would expand the area of city code enforcement and in time, encourage the county to initiate uniform building codes.

Councilmember Stubbs stated that this ordinance gives regulatory control clarification to homebuyers and addresses urban sprawl by enforcing city building codes in areas that may be annexed in the future.

Jerry Whitman, Topeka Home Builders Association stated that they are not opposed to building codes and normally build the same in the county as they do in the city. He believes the city does not realize the additional burden this would have on the issuance of permits and increased inspections to the developers. He stated that they are generally left out of the loop, and would like to be included as part of the process.

Neil Dobler, Public Works Director addressed the impact it would have on the Inspection Division, the need for increased staff and explained the twenty-five percent increase in surcharge.

Councilmember Lane asked for a financial report on the amount of money that has been generated from building permit fees for the past two years.

Councilmember Alcalá inquired on how the cost of increasing the Inspection Division would be covered.

Councilmember Alcalá moved to refer back to Public, Health and Safety Committee to ensure proper feedback from the industries involved. The motion was seconded by Councilmember Lane.

Councilmember Dunn stated that she would not support the ordinance and believes this action is premature because of the financial difficulties the city is currently facing and will be facing in the next few years.

Mayor Felker noted the amount of time that has been spent on this issue and the importance of moving forward.

Councilmember Hecht stated that everyone has had ample opportunity to be involved in this process and a decision needs to be made.

Councilmember Price stated that this ordinance is long overdue.

Councilmember Alcalá stated that this ordinance does not go into effect until January 1, 2004 and the industries should be given another chance to present their case.

Councilmember Stubbs stated that a decision needs to be made so that they can move forward with the issue, allowing the industries to be involved in the procedural transition.

Councilmember Duffy stated that he is opposed to the motion to defer. This is a simple policy question that would help manage not eliminate building codes in the 3-mile area.

Councilmember Pomeroy stated that he opposes the motion to defer because of the amount of time that has already been spent on this issue.

Councilmember Pomeroy moved to extend the meeting one hour. The motion was seconded by Councilmember Hill.

Councilmember Alcalá made a substitute motion to finish the agenda. The motion seconded by Councilmember Lane carried. Councilmembers Pomeroy, Duffy, Stubbs and Price voted "no". (5-4-0)

Councilmember Duffy made a substitute motion to adopt the ordinance. The motion seconded by Councilmember Price carried. Councilmembers Alcalá, Lane, Dunn and Hill voted "no". (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Hecht, Duffy, Stubbs, and Price -5. Noes: Councilmembers Alcalá, Lane, Dunn and Hill -4.

AN ORDINANCE introduced by Councilmember Clark Duffy, amending Section 134-143 of the Code of the City of Topeka relating to dedication, reservation and acquisition of public sites and open spaces, specifically repealing said original section placed on first reading June 12, 2001, was again presented.

Councilmember Duffy moved to approve the committee report. The motion seconded by Councilmember Hill carried unanimously. (9-0-0)

Councilmember Duffy moved to amend the ordinance on page 9, line 208, to insert the statement, "located within the 3-mile area adjacent to Topeka boundaries" after the word "land" and before the word "shall" and beginning on line 218, strike all of section 3 renumbering accordingly. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Duffy moved to refer the ordinance to the appropriate Policy Planning Committee for their review. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Harry Felker decreasing the number of cars to be operated by a taxicab business, amending City of Topeka Code Section 154-87 and repealing said original ordinance placed on first reading October 22, 2002, was again presented.

Councilmember Stubbs gave the committee report and explained why they recommended disapproval.

Larry Cobler explained the operation of the taxi cab companies.

Hans Heinemann expressed his concerns about the taxi cab service in Topeka.

Councilmember Price moved to accept the committee report and disapprove the ordinance. The motion seconded by Councilmember Stubbs carried. Councilmembers Pomeroy and Duffy voted "no". (7-2-0)

RESOLUTION NO. 7305 introduced by Mayor Felker, establishing a water main connection charge for a water main extension along the north and south side of Southwest 45th Street beginning 450 feet east of the east right-of-way of Southwest Stone Avenue and Southwest 45th Street, thence east 890 feet was presented.

Neil Dobler gave the staff report.

Councilmember Duffy inquired on annexation of the property.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Park Improvement Project No. 30233-00, which provides for the replacement and maintenance of existing park equipment and fixtures 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, authorizing Improvement Project No. 30225-00, which provides for the design and installation of a new cushioned wood gymnasium floor at Crestview Community Center 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, authorizing Storm Sewer Project No. 50006-06, which provides for the replacement of the undersized Jackson Street Storm Sewer System 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 Clark Duffy, Lisa Stubbs, and Lisa Hecht, sitting as the Public Health and Safety Committee, relating to permit fees, amending City of Topeka Code Section 25-139 and Section 107.2 of the Uniform Building Code and Section R109 of the CABO One and Two-Family Dwelling Code and specifically repealing said original sections was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced a Public, Health and Safety Committee meeting on January 17, 2003 at 7:30 a.m. in the City Council Conference Room.

Mayor Felker noted that the deadline to file for City Council is January 21, 2003 at 12:00 p.m. and reminded everyone that City Hall would be closed on Monday in observance of the Martin Luther King Holiday.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Price submitted two resolutions for a future agenda relating to the application process for Transient Guest Tax funds and distribution of money administered through HND.

Councilmember Pomeroy inquired on the consent to annex by the department heads that live outside city limits.

Councilmember Alcala inquired on the legality of advertisement on bus benches located in the city right-of-way, and expressed concern on the amount of graffiti in the NE Atchison area.

Councilmember Duffy requested to add F&L Enterprises, the industrial area of northwest Topeka, and the Oakland Expressway to the Council Committee pending requests concerning annexation.

Councilmember Hecht expressed her appreciation for the "Living the Dream" events, and expressed concerns with the cuts to the SRS program and how the community will be affected.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Hans Heinemann appeared to speak for public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 12:00 a.m.

Iris Walker
City Clerk