

## City Council Minutes – March 5, 2003

COUNCIL CHAMBER, Topeka, Kansas, Wednesday, March 5, 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, Hill and Price -7. Absent: Councilmembers Duffy and Stubbs -2. Mayor Felker presided -1.

The City Council meeting of March 5, 2003 was rescheduled from Tuesday, March 4, 2003 due to icy weather conditions.

AFTER THE MEETING was called to order, Mayor Felker asked for a moment of silent mediation.

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 February 18, 2003, were presented.

Councilmember Price moved to approve item B, Minutes of the regular meeting of February 18, 2003. The motion seconded by Hill carried unanimously. (7-0-0)

Denial of claim appeal by Jerry Speier in the amount of \$670 for damages sustained to his vehicle on December 15, 2002 at the 9<sup>th</sup> and Quincy parking garage was presented.

Brenden Long, City Attorney gave a brief overview of the claim.

Councilmember Dunn moved to deny the claim. The motion seconded by Councilmember Hill carried. Councilmember Alcalá and Lane voted “no”. (5-2-0)

APPLICATIONS for Dance Hall License bearing the approval of the Chief of Police and City Inspectors for Electric Cowboy, 3249 SW Topeka Boulevard and Jul’s Cocktail Club, 4117 SW Huntoon, were presented.

APPLICATION for Open After Mid-night License bearing the approval of the Chief of Police and City Inspectors for Jul's Cocktail Club, 4117 SW Huntoon, was presented.

Several Councilmembers inquired on the possibility of making certain changes to the licensing process to include; combining the Open After Mid-night License, the 3.2 Cereal Malt Beverage License and the Dance Hall License into one license, the ability to pro-rate a license, and changing the flexibility of the renewal process to reflect an expiration date of exactly one year from date of issuance.

Councilmember Duffy entered the room.

Councilmember Alcalá moved to approve the applications. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Mayor Felker noted that items 5A, Zoning Petition Z02/15 and 5B, Zoning Petition Z02/16 would be withdrawn from the agenda to allow time for development of the Monroe Neighborhood Plan.

A COMMUNICATION from the Planning Department submitting a request by Jerry L. Penner Sr. to operate a salvage yard located on a 1.41-acre parcel at 417 SE 13<sup>th</sup> Street, withdrawn from the meeting of February 18, 2003 was presented.

Barry Beagle, Planning Department gave the staff report and explained why the Planning staff recommended disapproval.

Councilmember Dunn asked if the salvage yard license is denied by the city, would Mr. Penner be able to operate on a state license only.

In response, Brenden Long stated that there are two factors that may cause the facility to close. He explained that the first violation would stem from not obtaining a valid permit from the city to operate, which creates a second violation in zoning.

David Watson, attorney for Jerry Penner stated that his client's desired use for this property is consistent with how the property is zoned.

Councilmember Lane moved to disapprove the communication. The motion was seconded by Alcalá.

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

The motion to disapprove the communication carried. Councilmembers Pomeroy and Alcalá voted "no". (6-2-0)

A RESOLUTION introduced by Mayor Felker, amending the adopted 2003-2004 Capital Budget for the City of Topeka, Kansas and rescinding City of Topeka Resolution No. 7244 was presented.

Mayor Felker stated that the resolution is being withdraw from the agenda and will be brought back as two separate items.

AN ORDINANCE introduced by Mayor Harry Felker amending the uniform traffic manual adoption date, amending City of Topeka Code Section 142-123 and repealing said original section was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker and Councilmember Lisa Stubbs, authorizing Improvement Project No. 14111-00, which provided for the installation of a new pedestrian actuated flasher 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, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District Improvement Project No. 40585, Phase 4, with piping manholes, engineering and all other contingencies needed to complete the Lateral Sanitary Sewer District Improvement Project No. 40585, Phase 4, as defined and described in Resolution No. 7141, adopted and approved March 27, 2001 was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas for the improvement of Street Improvement Project No. 60543, Phase 2, with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60543, Phase 2 as defined and described in Resolution No. 7158, adopted and approved June 5, 2001 was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Betty Dunn and Councilmember Harold Lane, establishing the time and place of Council Meetings, pursuant to City of Topeka Charter Ordinance A2-25 and amending Section 2-27 of the Code of the City of Topeka was withdrawn upon request of Councilmembers Lane and Dunn.

AN ORDINANCE 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 921 SW Buchanan Street in the City of

Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

AN ORDINANCE 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 821 SW Western Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 40-foot platted building setback line along vacated SW Norma Jean Place as dedicated by Baldwin Estates Subdivision for property located at 5915 SW 34<sup>th</sup> Terrace, 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 the northwest corner of SE 29<sup>th</sup> Street and SE Croco Road in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "C-2" Commercial District 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 on the north side of SE 20<sup>th</sup> Street, the centerline of which is approximately 550-feet west of SE Croco Road in the City of Topeka, Kansas from "R-1" Single Family

Dwelling District TO "O & I-2" Office and Institutional District was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Neil Dobler presented a report on street lighting.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Duffy asked if there is a procedure that would enable the city to proceed with implementation of the Open Space Ordinance without the Planning Commission's consent and inquired on the steps the city is taking to prevent House Bill 2043 from becoming a law.

Councilmember Lane requested a report on the Dance Hall Licenses from the Chief of Police.

Councilmember Price requested regular updates on the city's position on important legislative matters.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 6:40 p.m.

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Iris Walker  
City Clerk