

City Council Minutes – March 11, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 11, 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. Absent: Mayor Felker -1.

Mayor Felker was in Washington, D.C. attending the National League of Cities.

AFTER THE MEETING was called to order, prayer was offered by Reverend David Fulton, Trinity Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

A Final Plat for Cowdin Subdivision No. 3 (P02/2) on property located on the north side of SE 36th Street and west of California Avenue, in the City of Topeka, Kansas, was presented.

A Final Plat for Mifflin Acres Subdivision No. 10 (P02/43) on property located east of SW Mifflin Road, the centerline of which is approximately 300-feet south of SW 7th Street in the City of Topeka, Kansas, was presented.

Minutes of the regular meeting of March 5, 2003, were presented.

Councilmember Lane moved to suspend the rules to add a resolution regarding the allocation of FY2003 Transient Guest Tax Funds under New Business, item L. The motion seconded by Councilmember Pomeroy carried unanimously. (9-0-0)

Councilmember Pomeroy moved to reinstate the rules. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

Councilmember Alcalá requested that item D, Applications be voted on separately.

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

APPLICATIONS for Open After Mid-night License bearing the approval of the Chief of Police and City Inspectors for the following, were presented:

Chaser's Billiards, L.L.C.	5217 SW 28 th Court
Final Approach	3701 SW Plaza Drive
Jeremiah Bullfrogs Bar & Grill II	4115 SW Huntoon
Josey's Bar & Grill	2008 Gage Boulevard
Stingers	2535 Clay

Councilmember Alcalá asked if there is an Open After Mid-night one-day permit that could be issued to the clubs that have a license pending the signature of the Chief of Police to avoid another weekend of lost revenue.

In response, Brenden Long, City Attorney explained that there are no provisions in place to allow a one-day permit to be issued.

Councilmember Alcalá moved to approve the applications. The motion was seconded by Councilmember Lane.

Councilmember Stubbs commented that Chaser's Billiards, L.L.C., 5217 SW 28th Court is under new ownership and there have not been any issues concerning loud music or criminal activity associated with the club.

Councilmember Lane stated that he has set up a meeting with Chief Klumpp to discuss the licensing issues and what possibilities are available to ease the burden on club owners.

The motion to approve the applications 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, March 11, 2003, at 7:00 P.M., in conjunction with vacation request V03SB/3 by Vaughn D. and Erin E. Kirkland, owners, to vacate a portion of a 40-foot platted building setback line located along the east side of their property.

ORDINANCE NO. 17971 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 34th Terrace, City of Topeka, Shawnee County, Kansas placed on first reading March 5, 2003 was again presented.

Barry Beagle, Planning Department gave the staff report.

Rick Schmidt, Schmidt Engineering appeared to answer questions.

Deputy Mayor Dunn 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 Councilmember Price 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, March 11, 2003, at 7:00 P.M., to consider issuance by the City of Multifamily Housing Revenue Bonds in an aggregate principal amount not to exceed \$1,500,000 for Pioneer Curtis Homes Project.

RESOLUTION NO. 7319 introduced by Mayor Harry Felker, authorizing the City of Topeka, Kansas, to issue its multifamily housing revenue bonds in an aggregate principal amount not to exceed \$1,500,000 for the purpose of financing the rehabilitation,

renovation and construction of a multifamily residential rental housing project and paying certain costs related thereto was presented.

John Myers, Chief Administrative Office gave the staff report.

Rick Kready, Pioneer Group appeared to answer questions.

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

Councilmember Alcalá moved to close the public hearing and adopt the resolution. The motion seconded by Councilmember Price 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, March 11, 2003, at 7:00 P.M., for the purpose of hearing and considering written or oral objections that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Lateral Sanitary Sewer District No. 40585, Phase 4, authorized by Resolution No. 7141, adopted and approved March 7, 2001.

ORDINANCE NO. 17972 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 placed on first reading March 5, 2003 was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

Councilmember Hill 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, March 11, 2003, at 7:00 P.M., for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60543, Phase 2, authorized by Resolution No. 7158, adopted and approved June 5, 2001.

ORDINANCE NO. 17973 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 placed on first reading March 5, 2003 was again presented.

Neil Dobler gave the staff report

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

Councilmember Hill 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.

ORDINANCE NO. 17974 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 placed on first reading March 5, 2003 was again presented.

Neil Dobler gave the staff report

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

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

A PROJECT BUDGET in the amount of \$15,000 and ORDINANCE NO. 17975 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 placed on first reading March 5, 2003 was again presented.

Neil Dobler gave the staff report and explained the safety issues surrounding the 37th and Belle intersection.

Councilmember Stubbs noted that this area has become a serious safety issue because of increasing residential growth and accidents that have already occurred.

Stephanie Atwood spoke in support of the project and explained the accident that she was involved in at the intersection. She stressed the importance of a new pedestrian actuated flasher to help avoid future accidents.

Mike Atwood spoke in support of the project and commented on the necessity of a new safety feature at the intersection because of increased pedestrian and vehicle traffic in the area.

Councilmember Stubbs moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

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

A ZONING PETITION (HL02/15) by Kathryn and Michael Hosfelt requesting to amend the District Zoning Classification by granting "HL" Historic Landmark Overlay District to property currently zoned "R-2" Single Family Dwelling District and located at 921 SW Buchanan Street in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17976 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 placed on first reading March 5, 2003 was again presented.

Barry Beagle gave the staff report.

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

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

Councilmember Stubbs moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Price 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 (HL03/1) by Doug Jones and Barbara Quaney 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 821 SW Western Avenue in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17977 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 placed on first reading March 5, 2003 was again presented.

Barry Beagle gave the staff report.

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

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

Councilmember Pomeroy 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 (Z03/10) by Thomas R. Petersen requesting to amend District Zoning Classification from "R-1" Single Family Dwelling District to "C-2" Commercial District on property located at the northwest corner of SE 29th Street and SE Croco Road in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17978 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 29th Street and SE Croco Road in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "C-2" Commercial District placed on first reading March 5, 2003 was again presented.

Barry Beagle gave the staff report.

Councilmember Price expressed concern with the discrepancies of the Planning Department and Zoning and Platting Committee recommendations.

Barry Beagle explained that the Planning Department agrees with the Zoning and Platting Committee concerning appropriate commercial land use for the location. The reason the Planning Department recommended overall disapproval is because improvements need to be made at the intersection of 29th and Croco before additional commercial development is approved.

Councilmember Price stated that he would not support this project because it would be using city residents' money to benefit those county residents who were opposed to annexation.

Barry Beagle explained that the Zoning and Platting Committee recommended approval. They did not want to delay development in this area because the county does not have future plans to upgrade the 29th and Croco intersection.

Areas of concern that were discussed by several Councilmembers included; the County's financial obligations in assisting with the upgrade, the traffic study and the safety issues that are involved due to increased traffic flow, and the lack of city funds available for the project due to budget constraints.

Councilmember Pomeroy stated that he would not vote against this project because of the County's failure to upgrade the intersection.

Councilmember Lane stated that he agrees with Councilmember Pomeroy, voting in favor of this project encourages city growth.

Vern Jarboe, representative of the applicant explained the project and the benefits the development would generate for the area.

Henry McClure and Joseph Ledbetter spoke in support of the project.

David Thurbon, Planning Director stated that he believes that the city does not have the funds available to initiate the necessary upgrades and urban services needed to accommodate the new development.

Ivan Weichart, Planning Commission spoke in opposition of the project.

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

Councilmember Duffy moved to defer one week. The motion was seconded by Councilmember Price.

Councilmember Alcalá made a substitute motion to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Lane carried.

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

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

A ZONING PETITION (Z03/11) by Thomas R. Petersen requesting to amend the District Zoning Classification from "R-1" Single Family Dwelling District to "O&I-2" Office and Industrial District on property located on the north side of SE 29th Street, the centerline of which is approximately 550-feet west of SE Croco Road in the City of Topeka, Kansas, was presented.

ORDINANCE NO. 17979 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 20th 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 placed on first reading March 5, 2003, was again presented.

Frank Meade spoke in support of the project. He stated that he fully supports city growth but is concerned if the city is prepared for it.

Councilmember Alcalá moved to approve the zoning petition and adopt the ordinance. The motion was seconded by Councilmember Lane.

Councilmember Stubbs noted that the City of Topeka is financially strapped because it has not enforced annexation, slowing city development and growth.

Councilmember Pomeroy moved to make an amendment to the ordinance to include a formal request by the Planning Department to upgrade the 29th and Croco Intersection as soon as possible. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Alcalá moved to approve the zoning petition and adopt the ordinance as amended. The motion seconded by Councilmember Lane carried. Councilmembers Hecht, Stubbs and Price voted “no”. (6-3-0)

The ordinance as amended was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Dunn, Duffy and Hill -6. Noes: Councilmembers Hecht, Stubbs and Price -3.

ORDINANCE NO. 17980 introduced by Councilmembers Gary Price, Lisa Stubbs, Lisa Hecht, and Clark Duffy relating to the grounds for mandatory denial of a residential or commercial building permit referred to the Public, Health and Safety Committee from the meeting of February 11, 2002, was again presented.

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

Councilmember Price moved to amend the ordinance on line 30 beginning at “the City of Topeka” and striking through line 32, replacing it with “the premises for which the residential or commercial building permit has been sought.” The motion was seconded by Councilmember Alcalá.

Bill Yanek, Topeka Home Builders Association spoke in support of the ordinance as amended.

Councilmember Duffy expressed concern with landowners that own several properties on one large plot of land. He stated that the way the ordinance is written it would allow a developer to develop one section of land at a time even if the owner is delinquent on property taxes on the other remaining properties of a large plot.

In response, Bill Yanek explained that if a property owner were delinquent on their property taxes, this ordinance would still ensure that the taxes are paid in full on each section of land before it is developed.

Councilmember Price stated that he understands Councilmember Duffy's concerns, however, this amendment offers a starting point for a resolution to the growing delinquent property tax problems.

Councilmember Pomeroy stated that he would oppose the amendment but would support a new document that includes a provision of a tax waiver for the Mayor.

Councilmember Duffy stated that he believes that a developer should have the same provisions as the social service agencies, and would support the amendment if it includes a tax waiver for the Mayor.

Councilmember Dunn stated that the blanket policy included in the ordinance needs to specify standards or provisions concerning the waiver.

The Parliamentarian suggested striking paragraph 3 in its entirety and leave paragraph 1 and 2 addressing just the parcels.

Councilmember Alcalá called the question.

Councilmember Stubbs challenged the call.

Councilmember Alcalá withdrew the call.

Councilmember Alcalá moved to amend the ordinance to strike paragraph 3 in its entirety. The motion seconded by Councilmember Lane carried. Councilmembers Pomeroy, Hecht, Duffy and Stubbs voted “no”. (5-4-0)

Councilmember Pomeroy moved to reinstate paragraph 3 and include language that allows the Mayor to grant tax waivers and report back to the Council when doing so. The motion was seconded by Councilmember Hecht.

Councilmember Alcalá made a substitute motion to approve the ordinance as amended and include a provision that allows the Mayor to grant tax waivers if necessary. The motion seconded by Councilmember Lane failed. Councilmember Pomeroy, Hecht, Duffy, Stubbs, Hill and Price voted “no”. (3-6-0)

Councilmember Pomeroy’s motion to reinstate paragraph 3, and include a conceptual amendment that allows the Mayor to grant tax waivers carried. Councilmembers Alcalá, Lane, Dunn and Hill voted “no”. (5-4-0)

Councilmember Duffy moved to adopt the ordinance as amended. 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.

RESOLUTION NO. 7320 introduced by Mayor Felker relating to the development of street drainage structures in improvement district projects increasing the

amount of stormwater utility fees to be set aside for drainage improvements, and rescinding City of Topeka Resolution No. 3755 was presented.

Neil Dobler gave the staff report and explained that this resolution will allow the stormwater utility to set aside up to 2% of the annual revenue, which is approximately \$80,000 annually, to be applied to large drainage projects within new developments.

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

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

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$389,352 and RESOLUTION NO. 7321 introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60427-02, located at approximately SW Colly Creek Drive and SW Moundview Drive, as more specifically described herein was presented.

Neil Dobler gave the staff report.

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

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

RESOLUTION NO. 7322 introduced by Mayor Felker authorizing initiation of condemnation proceedings for Trafficway Improvement Project No. 70192-00, SW 6th Street between SW Oakley and SW MacVicar was presented.

Neil Dobler gave the staff report.

Councilmember Price inquired on how the fair market value price is obtained for the businesses in question.

In response, Neil Dobler explained that the city hires an appraiser that sets the price of the property, which is followed by negotiations. If an agreement cannot be met and it goes to condemnation, then the court appoints three property appraisers that view the property and sets a value that is offered to the owner. At that point, if they do not agree to a price the property owner has the option to file with district court.

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

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

RESOLUTION NO. 7323 introduced by Mayor Harry Felker in accordance with Section 48-19.02(c)(2) of the Code of the City of Topeka, approving a Conditional Use Permit to establish an automobile service station, type III, on property currently zoned “C-5” Commercial District and located at 1001 SE Monroe Street in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

Councilmember Lane moved to adopt the resolution. The motion was seconded by Councilmember Hill.

Frank Meade appeared to answer questions and spoke in support of the project.

The motion to adopt the resolution carried unanimously. (9-0-0)

RESOLUTION NO. 7324 introduced by Mayor Harry Felker in accordance with Section 48-19.02(c)(2) of the Code of the City of Topeka, approving a Conditional Use

Permit to establish a bed and breakfast inn, type II on property currently zoned “R-2” Single Family Dwelling District and located at 829 SW Buchanan Street in the City of Topeka, Kansas, was presented.

Barry Beagle gave the staff report.

Councilmember Pomeroy moved to adopt the resolution. The motion was seconded by Councilmember Price.

Kathryn Hosfelt, Tennessee Town resident spoke in opposition of the resolution.

Discussion continued by several Councilmembers on the need to define “short-term stay” in the resolution; the number of guests the house can accommodate; if there is an expiration date on the permit; if it transfers with a change of property owner; and the importance of having a 24 hour caretaker on site.

In response, Rodge Moore, applicant explained the proposed use of the bed and breakfast. He stated that the establishment would be used for extended family visits or corporate retreats at \$400 a night. Due to the rate charged per night, extended stays would be doubtful. He continued to explain that he understood the concerns expressed by Councilmembers and neighbors, however, this property is a large investment and he would be taking a huge financial risk by accommodating rowdy parties. He pointed out that he has arranged for a neighbor to watch the property and notify him or the police of any problems.

Councilmember Pomeroy stated that he supports the project because it is located between the Ronald McDonald House and the Buchanan Place and it would discourage a single-family buyer.

Barry Beagle explained that there is not an expiration date on the Conditional Use Permit and it would transfer with the sale of the property.

The motion to adopt the resolution carried. Councilmember Alcalá voted “no”.
(8-1-0)

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

Councilmember Duffy requested to withdraw the resolution.

RESOLUTION NO. 7325 introduced by Mayor Harry Felker amending the adopted 2003-2004 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7244 was presented.

Rogers Brazier, Parks and Recreation Director gave the staff report.

Councilmember Duffy moved to amend the resolution to remove \$100,000 from the Grant Fund and the remaining \$378,000 from the Water Pollution Control Fund. The motion was seconded by Councilmember Pomeroy.

Councilmember Stubbs asked if the tub grinder could be purchased for \$240,000, with \$100,000 from the Grant Fund and \$140,000 from the Water Pollution Control Fund.

In response, Rogers Brazier explained that the cost of the tub grinder is \$350,000. He stated that the storm season is approaching and if they are not able to purchase the tub grinder the Rolling Meadows site would most likely be filled up with storm debris and have to be shut down.

Deputy Mayor Dunn noted that the time was near 11:00 p.m.

Councilmember Price moved to extend the meeting through the end of the agenda. The motion seconded by Councilmember Lane carried. Councilmembers Hecht and Duffy voted “no”. (7-2-0)

Councilmember Hecht stated that she understands that this is an important project, however, she cannot support spending tax dollars on nonessential items until the proposed budget cuts to the Police and Fire Departments are resolved.

Joe Ledbetter spoke in support of the project.

Councilmember Lane made a substitute motion to approve the resolution as written. The motion was seconded by Councilmember Alcala.

Councilmember Duffy stated that he opposes using tax dollars to fund the project when a revenue source is available.

The motion to adopt the resolution carried. Councilmembers Pomeroy, Hecht and Duffy voted “no”. (6-3-0)

RESOLUTION NO. 7326 introduced by Mayor Harry Felker, authorizing the filing of a petition with the Board of Commissioners of Shawnee County, Kansas to consider the annexation of certain territory as provided by K.S.A. 12-521 was presented.

Neil Dobler gave a staff presentation on the two proposed areas of annexation; 21st and Urish Road and 57th and Topeka, or the Target Distribution Center. He explained that they would be using the county annexation process and gave a brief overview of annexation cost analysis and the benefits of the county approval process. He stated that the process saves the city time and money, simplifies the process for the annexation of multiple parcels of land and affords affected landowners certain protections.

Councilmember Lane inquired on what options the County has available to them concerning voting on the proposed annexation areas.

In response, Brenden Long explained the County has the option to accept the entire areas or split them up. The City does have the option to oppose their decision.

Councilmember Lane moved to adopt the resolution. The motion was seconded by Councilmember Stubbs.

Councilmember Duffy complimented the Public Works Department on the report presented to the Council, but would like to see a definition as to why an area was chosen for annexation and the tax equity that is involved to be included in future reports.

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

A FINAL PLAT for Woodland Heights Subdivision No. 3 (P01/42) on property located at 6058 SW 46th Street within the unincorporated Shawnee County, Kansas, was presented.

Barry Beagle gave the staff report.

Councilmember Duffy inquired on subdivision regulations concerning sanitary sewer disposal systems.

Councilmember Hill moved to approve the final plat. The motion seconded by Councilmember Lane carried. Councilmember Duffy voted “no”. (8-1-0)

A FINAL PLAT for Woodland Heights Subdivision No. 4 (P01/43) on property located at 4615 SW Shenandoah Road within the unincorporated Shawnee County, Kansas, was presented.

Barry Beagle gave the staff report.

Councilmember Lane moved to approve the final plat. The motion seconded by Councilmember Stubbs carried. Councilmember Duffy voted “no”. (8-1-0)

APPLICATIONS for Dance Hall License bearing the approval of the Chief of Police and City Inspectors for El Rodeo, 1601 SE Seward Avenue, was presented.

Councilmember Lane moved to place the application in the Policy Committee. The motion was seconded by Councilmember Alcalá.

Ed Klumpp, Chief of Police explained the negative impact the noise from the business has had on the neighborhood and why he recommended denial.

Jonathan Phelps, representative for the applicant requested that the Council approve the application for a reasonable period of time or place it in the Policy Committee so that they can review the specifics of the Police Chief’s concern.

The motion to place the application in the Policy Committee carried unanimously. (9-0-0)

RESOLUTION NO. 7327 introduced by Councilmember Harold Lane regarding the allocation of FY2003 Transient Guest Tax Funds was presented.

Councilmember Lane explained the resolution.

Councilmember Lane moved to adopt the resolution. The motion was seconded by Councilmember Hill.

Councilmember Stubbs stated that she disagrees with allocating the \$12,000 to the Tourism Opportunity Grant fund because future applicants should be given the opportunity to apply for the money, or it should be carried over into next year’s Tourism Opportunity Grant fund.

Jim Langford, Budget Director suggested that the \$12,000 be allocated to the Tourism Opportunity Grant fund and leave the \$17,000 allocated for the Sunflower State Games as a buffer.

The motion to adopt the resolution carried. Councilmembers Hecht and Price voted “no”. (7-2-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30181-03, which provides for the construction of a ring road around the Rueger Park sports complex as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative Report.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced that there would be a Public, Health and Safety Committee meeting held on March 14, 2003 at 7:30 a.m. in the City Council Conference Room.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane noted that the Shawnee County Commission adopted a Capital Improvement Plan on March 6, 2003 and that the 29th and Croco intersection upgrade is not scheduled until 2008.

Councilmember Stubbs expressed concern with the County’s share compared to the City’s share of the total cost of the 29th and Croco intersection upgrade.

Councilmember Alcalá inquired on a sewer back up claim in the Seward area.

Councilmember Pomeroy expressed concern with the amount of money that the County has allocated for future bridge projects in the Shawnee County CIP.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 12:15 a.m.

Iris Walker
City Clerk