

City Council Minutes – March 25, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 25, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Lane, Dunn, Hecht, Duffy, Stubbs, Hill and Price -8. Absent: Councilmember Alcalá -1. Mayor Felker presided -1.

Councilmember Alcalá was absent because he was ill.

AFTER THE MEETING was called to order, prayer was offered by Councilmember Price.

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

Councilmember Lane moved to suspend the rules to add an ordinance concerning a zoning change under First Readings, item F. The motion seconded by Councilmember Dunn carried unanimously. (8-0-0)

Councilmember Dunn moved to reinstate the rules. The motion seconded by Councilmember Hill carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of March 11, 2003, and March 18, 2003, were presented.

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

ORDINANCE NO. 17982 introduced by Mayor Harry Felker and Councilmember Gary Price amending the way the monetary penalty is administered, amending City of Topeka Code Section 118-12 and repealing said original section placed on first reading March 18, 2003, was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Lane, Hecht, Duffy, Stubbs, Hill and Price –7. Noes: Councilmember Dunn -1. Absent: Councilmember Alcala -1.

A PROJECT BUDGET in the amount of \$1,107,241 and ORDINANCE NO. 17983 introduced by Mayor Harry Felker, authorizing Improvement Project No. 15055, Phase III, which provides for the creation of a wetland in the Old Soldier Creek Channel in Garfield Park, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading March 18, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report and explained that the project will provide treatment of stormwater discharged from the North Topeka Stormwater Basin and will be funded through the stormwater utility. In addition, the project will contribute to youth education by providing an outdoor recreational area for wildlife viewing.

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

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

A PROJECT BUDGET in the amount of \$30,250,000 and ORDINANCE NO. 17984 introduced by Mayor Harry Felker, authorizing Improvement Project No. 29091-5, which provides for the replacement of the aeration basins at the Oakland Wastewater

Treatment Plant (WWTP) as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading March 18, 2003, was again presented.

Neil Dobler gave the staff report.

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

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

ORDINANCE NO. 17985 introduced by Mayor Harry Felker relating to utilities, specifically, amending Chapter 146, Article 1, authorizing the creation of a combined water, water pollution control and stormwater utility of the City of Topeka, Kansas, repealing Topeka City Code Section 146-38, Combined water and water pollution control utility and amending Topeka City Code Section 146-377 and repealing said original section placed on first reading March 18, 2003, was again presented.

Neil Dobler gave the staff report.

Councilmember Dunn requested information on whether there has been an increase in stormwater utility funds.

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

A COMMUNICATION to authorize Mayor Harry Felker to sign the necessary documents to complete the sale of the Management Agreement for Heartland Park, was presented. This was deferred from the meeting of March 18, 2003.

Brenden Long, City Attorney explained the transfer of management for Heartland Park and the city's liability.

Mayor Felker stated that the agreement would allow the city to maintain the ownership of Heartland Park while protecting the public's interest.

Councilmember Stubbs stated that she believes when negotiations take place that there needs to be additional accountability from the new Management Company.

Ed White, former Heartland Park employee expressed his concerns about the management of the track, and the employees that have not been paid.

Councilmember Hecht expressed concerns with the eight employees who have not been paid and asked if the city could express their desire that the debt be settled.

In response, Brenden Long stated that it is possible to request that the debt is settled prior to completion of sale but he is unsure how it might render the transaction. He continued to explain that it was his understanding that the former Management Company will remain in business, therefore, they would be responsible as an employer, to settle any debt owed.

Councilmember Dunn requested that the Council be presented with a brief overview of the final contract upon finalization of the agreement.

Councilmember Hill moved to accept the communication. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

Mayor Felker noted that upon completion of the contract he would arrange a work session to brief the Council on the details of the agreement.

RESOLUTION NO. 7330 introduced by Councilmembers Lisa Hecht, Lisa Stubbs, and Clark Duffy, sitting as the Topeka City Council Public, Health and Safety Committee and Councilmember Gary Price, supporting the efforts of the Topeka Redevelopment Project Review Process (TRPRP) as developed and affirming the use of the process defined herein was presented.

Councilmember Duffy gave the committee report.

Councilmember Duffy moved to adopt the resolution. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

RESOLUTION NO. 7331 introduced by Mayor Harry Felker setting the public hearing for Main and Lateral Sanitary Sewer District No. 40906 was presented.

Neil Dobler gave the staff report.

Councilmember Dunn moved to adopt the resolution. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Water Main Project No. 28489-00, which provides for a transmission main installation from the intersection of Eveningside Drive and Shunga Drive west and south to the booster pump station at Fairlawn Road and SW 37th Street 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 Water Main Project No. 28493-00, which provides for a transmission main installation from the

intersection of Wanamaker Road and SW 10th Avenue south and west to west of Arvonnia Place and SW 17th Street 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 Felker authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Trafficway Improvement Project No. 70192-00, in the area of SW 6th Street between SW Oakley and SW MacVicar was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, relating to, amending Topeka City Code 142-266, pertaining to abandoned and junk vehicles 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 south side of US 24 Highway, the centerline of which is approximately 1,370-feet east of NE Meridan Road in the City of Topeka, from “R-1” Single Family Dwelling District to “I-2” Heavy Industrial District was presented for first reading.

(Z77/30)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative Report.

Ed Klumpp, Chief of Police gave a report on the Police Department’s accreditation.

Mayor Felker gave a brief update on Homeland Security Funds and Go Fourth Celebration costs.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane stated that there have been two fatalities at the intersection of Vail and Silver Lake and requested that a traffic control device be installed to help prevent future accidents.

Councilmember Pomeroy requested that the intersection of Topeka Boulevard and Paramore also be considered for a new traffic signal.

Councilmember Dunn noted that the funds relating to low-income housing needs would be increased by 10 million dollars this year.

Councilmember Hill requested a report on the CVB lawsuit.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Greg Inkman, Arlene Clayton, and Robert Gillmore appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:15 p.m.

Iris Walker
City Clerk