

City Council Minutes – April 8, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 8, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M.

AFTER THE MEETING was called to order, prayer was offered by Rabbi Lawrence Karol, Temple Beth Sholom.

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

FAREWELL TO PAST COUNCILMEMBERS Betty Dunn, Lisa Hecht and Vanessa Hill was held.

SWEARING IN CEREMONY for newly elected Councilmembers John Nave, Bill Haynes and Jeff Preisner, was held.

Mayor Felker called the meeting to order and the following Councilmembers were present: Councilmembers Pomeroy, Alcalá, Lane, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -9. Mayor Felker presided –1.

Councilmember Stubbs moved to suspend the rules to add a resolution concerning opposition of House Bill 2212 under Unfinished Business, item G. The motion seconded by Councilmember Price carried. Councilmember Haynes abstained. (8-0-1)

Councilmember Stubbs moved to reinstate the rules. The motion seconded by Councilmember Price carried. Councilmember Alcalá was out of the room. Councilmember Haynes abstained. (7-1-1)

ELECTION OF DEPUTY MAYOR, was held.

Councilmember Stubbs moved to nominate Councilmember Pomeroy. The motion was seconded by Councilmember Price.

Councilmember Alcala moved to have a unanimous vote for Councilmember Pomeroy. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

ELECTION OF VOTING BOARD MEMBERS of the Joint Economic Development Organization (JEDO), was held.

Councilmember Duffy moved to nominate Councilmember Price as a voting member.

Councilmember Lane moved to nominate Councilmember Nave as a voting member.

Councilmember Pomeroy moved to nominate Councilmember Stubbs as a voting member.

The parliamentarian noted that each Councilmember must vote for two of the nominees.

After one ballot Councilmember Stubbs and Councilmember Price were elected to serve as voting members of the JEDO Board.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for True Light Subdivison on property located at the southeast corner of SE 32nd Street and SE Indiana Avenue in the City of Topeka, Kansas, was presented. (P03/17)

Minutes of the regular meeting of March 25, 2003, were presented.

APPLICATIONS for Dance Hall License bearing the approval of the Chief of Police and City Inspectors for American Legion Post 400, 3029 NW Highway 24 and Skinny's Sports Bar and Grill, 4016 SW Huntoon, were presented.

Councilmember Lane noted that the ordinance concerning Zoning Change Z77/30, item F, under First Readings was not included in the Minutes of the regular meeting of March 25, 2003.

Councilmember Price moved to approve the minutes as corrected. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

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

ORDINANCE NO. 17986 introduced by Mayor Felker, relating to, amending Topeka City Code 142-266, pertaining to abandoned and junk vehicles placed on first reading March 25, 2003 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Alcalá, Lane, Nave, Haynes, Duffy, Stubbs, Preisner and Price -8. Noes: Councilmember Pomeroy -1.

A PROJECT BUDGET in the amount \$3,117,320 and ORDINANCE NO. 17987 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, placed on first reading March 25, 2003 was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

A PROJECT BUDGET in the amount \$1,490,465 and ORDINANCE NO. 17988 introduced by Mayor Harry Felker, authorizing Water Main Project No. 28491-00, which provides for a transmission main installation from the intersection of Vail Avenue and Lower Silver Lake Road south and east to North Topeka Avenue and Laurent Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, placed on first reading March 25, 2003 was again presented.

Neil Dobler gave the staff report

Councilmember Preisner expressed concern with how long the area along Tyler Street would be closed and the accessibility of the businesses in the area.

In response, Neil Dobler explained that usually a project of this size extends through the entire construction season and closes one small area at time, he would however, check on the estimated time frame of the project and report back at a later date.

Councilmember Alcalá stated that there are several alternate routes to the businesses located in the area.

Councilmember Alcalá moved to approve the project budget 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, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

A PROJECT BUDGET in the amount of \$2,413,900 and ORDINANCE NO. 17989 introduced by Mayor Harry Felker, authorizing Water Main Project No. 28493-00, which provides for 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, placed on first reading March 25, 2003 was again presented.

Neil Dobler gave the staff report.

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

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

ORDINANCE NO. 17990 introduced by Mayor Harry 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 placed on first reading March 25, 2003 was again presented.

Neil Dobler gave the staff report.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcalá, Lane, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

ORDINANCE NO. 17991 introduced by Mayor Harry Felker amending the “District Map” referred to 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 Meriden Road in the City of Topeka, from “R-1” Single Family

Dwelling District to “I-2” Heavy Industrial District, placed on first reading March 25, 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.

Councilmember Alcalá moved to 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, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

RESOLUTION NO. 7332 introduced by Councilmembers Lisa Stubbs, Gary Price, Clark Duffy and Duane Pomeroy stating the City of Topeka’s opposition to House Bill 2212 relating to the City’s ability to annex property unilaterally and its intent to request Governor Kathleen Sebelius to veto this Bill, was presented.

Councilmember Stubbs moved to amend the introduction of the resolution by adding Councilmember Nave and Councilmember Preisner. The motion was seconded by Councilmember Price.

Councilmember Alcalá stated that he would oppose the resolution because he has not has an opportunity to visit with the Senators that support House Bill 2212.

The motion to amend the resolution carried. Councilmember Haynes abstained. (8-0-1)

Councilmember Stubbs explained the resolution.

Several Councilmembers expressed concerns with why House Bill 2212 pertains only to the City of Topeka and not the entire State of Kansas and the affect it will have on City growth.

Councilmember Lane stated that he would oppose the resolution because he believes that everyone has a right to representation by an elected official on important issues such as annexation.

Councilmember Haynes stated he would abstain from voting because he has not seen the opinion of the Kansas League of Municipalities.

Councilmember Price noted that the Kansas League of Municipalities has expressed concern with House Bill 2212 being unconstitutional.

Vic Miller, Chairman of the Shawnee County Commission read his testimony from the Meeting of March 18, 2003 of the Senate Local Government and explained why he supports House Bill 2212.

Joseph Ledbetter spoke in support of the resolution.

Councilmember Stubbs moved to approve the resolution as amended. The motion seconded by Councilmember Price carried. Councilmembers Alcalá and Lane voted “no”. Councilmember Haynes abstained. (6-2-1)

AN ORDINANCE introduced by Mayor Harry Felker, establishing a schedule of city council meeting times for the next two years, as provided by City of Topeka Charter Ordinance A2-21, and repealing the original of City of Topeka Code Section 2.27 was presented for first reading.

Councilmember Alcalá requested a clarification of “session” in the final document.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 15-foot wide public alley right-of-way on property located at 1101 SW Mulvane Street, as dedicated by the plat of Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 5-foot wide public utility easement on property located at 1906 SW Belle Avenue, as dedicated by the plat of The Village Subdivision 'A', 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 on the west side of SW Westport Drive, the centerline of which is approximately 800-feet south of SW 17th Street in the City of Topeka, Kansas from "C-4" Commercial District ALL TO PUD Planned Unit Development District ("I-1" use group) was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen congratulated the newly elected Councilmembers.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy stated that a request form would be distributed to each Councilmember later this week concerning selection of new committee members and suggested changes in committee structure.

Mayor Felker inquired on when the new Councilmembers would like to schedule orientation and noted that April 29th is a fifth Tuesday and there is not a Council Meeting scheduled for that evening.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane noted that the new Council District Boundaries are now in effect and anyone with questions concerning this matter can contact the City Council Office at 368-3710.

Councilmember Preisner stated that he is glad to be on the City Council and looks forward to working with everyone.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Vic Miller, Joseph Ledbetter, Robert Gilmore and Bob Sherburne appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:16 p.m.

Iris Walker
City Clerk