

City Council Minutes – April 15, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 15, 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, Nave, Duffy, Stubbs, Preisner and Price -8. Absent: Councilmember Haynes –1. Mayor Felker presided -1.

AFTER THE MEETING was called to order, prayer was offered by Reverend Kathryn Timpany, Central Congregational Church.

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

Councilmember Pomeroy moved to make a change in the seating arrangement of the Councilmembers. The motion was seconded by Councilmember Duffy.

Councilmember Pomeroy stated that he believes a change in the seating arrangement would better facilitate his duties as Deputy Mayor.

Councilmember Lane asked if the motion requires an ordinance or a resolution for proper authority.

Councilmember Alcalá called point of order.

In response, Brenden Long, City Attorney stated that it is a proper motion because it is requesting the general consensus of the Council, not establishing a Council rule. However, the Council would have to implement an ordinance or a resolution to formalize the action.

Councilmember Pomeroy moved to suspend the rules to add the discussion concerning seating arrangements to the agenda. The motion was seconded by Councilmember Price.

Councilmember Alcalá called point of order.

The motion to add the discussion carried. Councilmembers Alcalá and Lane voted “no”. (6-2-0)

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

Jack Alexander, Jason Orsterreich, and JoAnn Peavler appeared and expressed their opinion on the discussion of seating arrangement and urged the Council to focus on more important matters.

Following additional comments by the Council, Councilmember Alcalá called the question.

The motion to change the seating arrangement carried. Councilmembers Alcalá and Lane voted “no”. Councilmember Preisner abstained. (5-2-1)

The Mayor asked the Legal Department to draw up the proper documents for a future agenda.

THE CONSENT AGENDA was presented as follows:

Councilmember Alcalá requested to pull item A for separate discussion.

Councilmember Stubbs requested to pull item B for separate discussion.

Minutes of the regular meeting of April 8, 2003 were presented.

APPLICATION for Dance Hall License bearing the approval of the Chief of Police and City Inspectors for Josey’s Bar & Grill, 2008 SW Gage Boulevard, was presented.

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

American Legion Post 400
3029 NW Hwy 24

American Legion Post 1
3800 Michigan

AMF Meadow Lanes
3118 S. Topeka Blvd

Bob's Car Wash
2733 California

Brewsky's Bar & Grill
1415 SW 15th Street

Charlie Browns Club
840 N. Kansas

Cousins
1211 S. Kansas Avenue

Dillon Store #64
5720 W. 21st Street

Fairlawn North 66 #2775
600 Fairlawn

Fraternal Order of Eagles
2941 SE Fremont

Gage Bowl North
200 E. Hwy 24

The Goose One
3203 SW 10th Street

Guerrero Sports Bar
830 N. Kansas Avenue

Jeremiah Bullfrogs Bar & Grille
2940 SW Wanamaker Road

Joletta's
600 NW Paramore Street

Loyal Order of Moose Lodge #555
1901 N. Kansas Avenue

Mr D's
3339 Gage

Antonelli's Italian Ristornte
4109 SW Gage Center Dr

Bob's Car Wash
3162 E. 6th Street

Bennigans #1732
3251 S. Topeka Blvd

Club Cosmos
1421 SW Lane

Des II
1914 N. Topeka Blvd

Electric Cowboy
3249 SW Topeka Blvd

Fat Daddy's
5235 SW 28th Court

Fergies Clubhouse Bar
1414 SW Lane

Gage Center Bowl
4200 SW Huntoon

The Goose Too
5630 SW 29th Street

Hollywood Video
400 SW 29th Street

Joe Sandbar
3839 S. Topeka Blvd

Jordan Patterson Post 319
811 SE 15th Street

The Matinee
633 SE Carnahan Avenue

The Nighthawk
124 W. 8th Street

Philip Billard VFW Post #1950
3110 SW Huntoon

Ruby Tuesday
1625 SW Wanamaker

Shawnee Country Club
913 SE 19th Street

Skate-A-Way
815 Fairlawn

South Gage 66 #29136
3300 Gage

Southwest Bowl
5265 SW 18th Court

Starlite South Skate Center
301 SE 45th Street

Terry's Billiard Club
3919 SW 21st Street

Theatre Club of Topeka
3028 SW 8th Street

Topeka Country Club
2700 SW Buchanan

The 20's
2910 D Oakley

Wal-Mart Supercenter #2131
1301 SW 37th Street

WestRidge Lanes/Family Fun CenterFox
1935 SW Westport Drive

Whitelakes #104
320 SW Crox

Westridge 8 Cinemas #74
1727 SW Wanamaker

Westridge 6 Cinemas #75
1801 Wanamaker

Wood Valley Racquet Club
2909 SW 37th Street

Councilmember Price moved to approve the remainder of the consent agenda.

The motion seconded by Councilmember Alcalá carried unanimously. (8-0-0)

APPOINTMENT of Mary Feighnay to the Topeka/Shawnee County Public Library Board of Directors for a term that will expire April 30, 2007, was presented.

Councilmember Alcalá questioned the diversity of the board and requested a geographical and minority make-up of the board.

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

A FINAL PLAT for Southboro Subdivision No. 9 on property located on the north side of SE 45th Street, 1400 feet west of SE California Avenue, in the City of Topeka, was presented.

Councilmember Stubbs commended staff for the park space.

Councilmember Duffy inquired on the size of the area and the amount of timber on the land in relation to developing a park that could accommodate the large body of residential development surrounding the open space.

Barry Beagle, Planning Department explained that several years ago the area was designated as a park in the original final plat for the Southboro Subdivision. It is not a typical park, however it does provide an open space area with some scenic value to the subdivision residents.

Councilmember Duffy moved to approve the final plat. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

A ZONING PETITION requesting to amend the District Zoning Classification from “C 4” Commercial District to “PUD” Planned Unit Development District (“I-1” use group) on property located on the west side of SW Westport Drive, the centerline of which is approximately 800-feet south of the SW 17th Street in the City of Topeka, was presented.

ORDINANCE 17992 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) placed on first reading April 8, 2003 was again presented.

Barry Beagle gave the staff report.

Sam Malinowsky, Kaw Valley Engineers appeared for questions.

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

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

Councilmember Duffy moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

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

ORDINANCE 17993 introduced by Mayor Harry Felker, establishing a schedule of city council meeting times for the next two years, as provided for by City of Topeka Charter Ordinance A2-21, and repealing the original of City of Topeka Code Section 2-27 placed on first reading April 8, 2003 was again presented.

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

CONTRACT NO. 32976 providing for a lease agreement between the City of Topeka and James L. Gentry for approximately 117 acres located on the south side of NW 17th and NW Landon Road for agricultural purposes was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Duffy moved to approve the lease agreement. The motion seconded by Councilmember Alcala carried unanimously. (8-0-0)

RESOLUTION NO. 7333 introduced by Mayor Harry Felker amending the Topeka City Council Rules and Procedures to allow the City Council to take action to defer items before the City Council for up to six months was presented.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Water Main Project No. 28490-01, which provides for the transmission main installation from Oakley Avenue and SW 5th Street west and south to Yorkshire Road and SW 6th Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Neil Dobler, Public Works Director and Don Rankin, Water Department Superintendent gave a history of water service in and surrounding the city, and explained the importance of the project.

AN ORDINANCE introduced by Mayor Harry Felker relating to the extension of water service outside the city limits and establishing criteria therefore, amending City of Topeka Code Section 146-37 and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Water Main Project No. 28494-00, which provides for the water transmission main installation along Indian Hills Road from Southwest 29th Street South to Southwest 33rd 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 Councilmember Duane Pomeroy authorizing Downtown Topeka, Inc. to hold “Downtown Live – Meet Me Downtown” events at certain times in 2003 was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the process for granting exceptions from noise prohibitions, amending City of Topeka Code Section 54-148, prohibition generally, and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located west of SW Indian Hills Road and south of SW 21st Street and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located on the North side of SW 45th Street approximately 2800’ east of SW Gage Boulevard in Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading.

AN ORDINANCE introduced by Councilmember Harold Lane regarding building codes, specifically repealing the extension of the City of Topeka building codes and permit process in the three (3) mile area adjacent to the City of Topeka boundaries and repealing City of Topeka Ordinance No. 17951 in its entirety was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy suggested implementing a procedure to improve the handling of future and pending Council requests. He also announced the new Council Committee assignments. The Public Health and Safety Committee members are Councilmembers Stubbs, Alcalá, and Preisner; the Community Economic Development Committee members are Councilmembers Duffy, Price and Haynes; and the Policy and Finance Committee members are Councilmembers Pomeroy, Lane and Nave.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane requested that annexation proceedings begin in the area of SW 29th Street and Urish Road.

Councilmember Alcalá inquired on the process of consolidating the City and County Parks and Recreation Departments.

Councilmember Stubbs announced that the Horticultural Department has planned a burn between April 21st and May 5th, 2003 on Burnett's Mound and anyone that has questions or concerns can contact Thomas Hammer, Park Naturalist at 272-5900.

Councilmember Price requested that a resolution relating to a change in procedure concerning persons desiring to address the City Council be placed on next week's agenda. He stated that the amendment would state that no person shall address the

Council during a Council meeting unless they have notified the City Clerk by 3:00 p.m. on the day of any Council meeting of their desire to speak on a specific matter on the meeting agenda or during the public comment portion of the Council meeting. He stated that the City Council may grant exceptions to this rule by majority vote.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Lisa Smith and Carrie Doty-Ward appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:00 p.m.

Iris Walker
City Clerk