

City Council Minutes – May 6, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 6, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -9. Mayor Felker presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

Councilmember Lane asked to pull item B, minutes of the regular meeting of April 22, 2003, for separate discussion.

RE-APPOINTMENT of Doris Kinnett and Peg Chrisman to the Topeka/Shawnee County Public Library Board of Directors for a four-year term that will expire April 30, 2007, 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:

A Knight's Realm Games and Comics
2900 N SW Oakley

Oscor's
1416 SW 15th Street

After Dark Video
903 N Kansas Avenue

Par Three Club
3720 SW 45th Street

Steak-n-Shake
1415 SW Wanamaker Road

The Dugout
1545 SW Fairlawn

Excel Kansas Management, Inc.
4720 SW Topeka Boulevard

Twez Enuff
1465 SE Washington

Topeka Performing Arts Center
214 SE 8th Street

Kelly Express
1001 SW Topeka Boulevard

Kick Start Saloon
2521 N Kansas

Midwest Elk's Lodge #1441
1316 SW Madison

Denny's
1500 Wanamaker Road
3210 SW Topeka Boulevard

Hi Union, Inc.
4732 SW Topeka Boulevard
2315 N Topeka Boulevard

Kwik Shop
746 NE Wabash
1114 NW Topeka
102 W 37th Street
1700 Topeka Boulevard
5954 W 29th Street
801 Topeka Boulevard
2277 W 10th Street
5633 SW 21st Street
2619 SW 21st Street
1414 W 17th Street

Wendy's
1251 SW Gage Boulevard
1820 SW Wanamaker
728 SW Topeka Boulevard
2025 N Topeka Boulevard
3250 S Topeka Boulevard
2027 Fairlawn

Minutes of the regular meeting of April 22, 2003 were presented.

Councilmember Lane stated that page 156 of the minutes concerning the final vote on Resolution No. 7337 is incorrect. The final vote should reflect (7-2-0) Councilmember Alcalá and Lane voting “no”.

Councilmember Pomeroy moved to approve the Consent Agenda with the correction to the minutes. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$900,000 and ORDINANCE NO. 18001 introduced by Mayor Harry Felker, authorizing Park Improvement Project No. 30205, which provides for the design and construction of the Gage Park Greenhouse as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading April 22, 2003 was again presented.

Terry Bertels, Park Superintendent gave the staff presentation. He explained that the new green house would be built in the same location as the old one with the same

square footage. He stated that each fall they take cuttings from 1968 plants to produce over 75,000 annual flowers a year to distribute to over 200 annual beds throughout the city. He continued to explain that the steam heat boiler was permanently lost in February 2003 and the exterior wall is deteriorating in many places.

Councilmember Duffy asked if purchasing plants commercially is more cost effective than a new greenhouse.

Terry Bertels explained that the average cost of an annual commercial plant is 88 cents per plant and the Parks and Recreation Department are currently producing a better quality annual plant for 70 cents per plant. This cost does not include the other types of plants used throughout the city that range from twelve to fourteen dollars per plant, commercially. A new greenhouse would supply them with much needed additional growing space and significantly reduce utility costs allowing the program to run more efficiently.

Councilmember Nave asked what would happen to the old greenhouse.

In response, Terry Bertels explained that the old greenhouse would be torn down in-house to eliminate demolition costs and the head house would remain intact with some renovations.

Several Councilmembers commended staff on their hard work, quality product line, and beautiful flowerbeds throughout the city.

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 Lane, Alcalá, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner, Price -9.

A PROJECT BUDGET in the amount of \$3,525,000 and ORDINANCE NO. 18002 introduced by Mayor Harry Felker, authorizing an amendment to the project budget for Storm Sewer Project No. 50006-06, Phase 2, which provides for the replacement of the undersized Jackson Street Storm Sewer System as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and repealing City of Topeka Ordinance 17882 placed on first reading April 22, 2003 was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

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

RESOLUTION NO. 7338 introduced by Councilmember Lisa Stubbs requesting the City of Topeka Parks and Recreation Department to develop fee structures that more equitably reflect the financial support and costs of Parks and Recreation services activities was presented.

Councilmember Stubbs explained the resolution and suggested that the Parks and Recreation Department and the Chief Administrative Office come up with a fee structure for city residents, and one for those living outside city limits, with a target completion date of January 2004.

Councilmember Alcala inquired on how the fees would be enforced at swimming pools, and suggested researching other areas of recreational revenue within the city.

Dave Graversen explained that this doesn't work well for daily fees, but it does however work very well for classes and programs.

Councilmember Haynes requested that the study include a projected estimate of increase in fees.

Councilmember Alcala moved to amend line 24 of the resolution to add number 3., to read, "Establishing in 90 days a reduced or discounted fee structure and start date to be approved by the City Council." The motion seconded by Councilmember Price carried unanimously. (9-0-0)

John Etzel and Joseph Ledbetter spoke in support of the resolution.

Councilmember Stubbs moved to approve the resolution as amended. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

RESOLUTION NO. 7339 introduced by Councilmember Clark Duffy, setting forth the City of Topeka's policy for the sale of water to rural water districts, repealing Resolution No. 6870 was presented.

Councilmember Duffy explained the new provisions of the resolution.

John Etzel spoke in support of the resolution.

Joseph Ledbetter spoke in support of the resolution and suggested an amendment.

Councilmember Duffy moved to amend line 20 of the resolution to strike the word "continuous" and insert "within the 3-mile area". The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Councilmember Duffy moved approve the resolution as amended. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

RESOLUTION NO. 7340 introduced by Councilmember Harold Lane granting the East Topeka Education & Resource Center an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Councilmember Lane read the letter of request from the East Topeka Education & Resource Center.

Councilmember Lane moved to amend line 28 of the resolution to include the words “Friday and Saturday”. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

Councilmember Duffy stated that he believes that an exception should only be granted for specific events and not over a long period of time. He asked what events would violate the noise ordinance because there has not been a specific event discussed that violates the ordinance, and that is the purpose of the resolution.

Andrew Fields spoke in support of the resolution and explained the improvements that have been made to Ripley Park and the occasional concerts that would take place.

Councilmember Stubbs stated that she has toured the area and believes the program will be a great asset to the park.

Councilmember Lane moved to approve the resolution as amended. The motion seconded by Councilmember Alcalá carried. Councilmember Duffy voted “no”. (8-1-0)

RESOLUTION NO. 7341 introduced by Councilmember John Alcala, concerning the consolidation of the Parks and Recreation departments of Shawnee County and the City of Topeka was presented.

Councilmember Alcala explained the resolution.

Councilmember Alcala moved to approve the resolution. The motion was seconded by Councilmember Lane.

Councilmember Haynes made a motion to amend line 23 of the resolution, to include “discuss entering into a plan of consolidation” and on line 25, change “single county agency” to “a single taxing entity”. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Joseph Ledbetter spoke in support of the resolution.

Councilmember Pomeroy stated that he supports the resolution as amended and believes the amendment may be one of the deciding factors in making the consolidation happen.

Rich Eckert, Shawnee County Counselor appeared to answer questions.

Councilmember Haynes suggested that the Deputy Mayor appoint three Councilmembers to meet with the County Commission to discuss the resolution.

The motion to approve the resolution as amended carried. Councilmember Duffy voted “no”. (8-1-0)

CONTRACT NO. 33075 between the City of Topeka and Shawnee County, Kansas providing for the use of a portion of City-owned fiber-optic cable to connect the County Courthouse with other County facilities was presented.

Mark Biswell, Information Technology Department gave the staff report.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 14107-01, which provides for the installation of a traffic signal with left turn lanes on SW 17th Street and Belle 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.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30228-00, which provides for design and development of plans, construction documents, a detailed cost estimate, and construction services for new skate park 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 Improvement Project No. 70150-05, which provides for the installation of a traffic signal with left turn construction for northbound South Topeka Boulevard, 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 relating to the vacation of a 15-foot wide public alley right-of-way on property located 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 relating to the vacation of a portion of a 30-foot wide platted building setback line along SE 23rd Street as dedicated by Jefferson Square Subdivision No. 2 for property located 2244 SE Jeffersen Street, City of Topeka, Shawnee County, Kansas, was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 30-foot wide platted building setback line along SW Randolph Avenue as dedicated by Crestwood Addition for property located at 2540 SW Randolph Avenue, City, 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 SE California Avenue, the centerline which is approximately 260-feet north of SE 21st Street in the City of Topeka, Kansas from "R-1" Single Family Dwelling District TO "C-4" 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 at 125 SW Gage Boulevard in the City of Topeka, Kansas from "C-2" Commercial District TO "C-4" 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 south side of NW Broad Street, the centerline of which is approximately 540-feet west of NW Topeka Boulevard in the City of Topeka, Kansas from “R-1” Single Family Dwelling District and “C-4” Commercial District ALL TO “PUD” Planned Unit Development District was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the weekly Legislative Report and announced that Dennis Taylor is the new ICMA Director of International Programs.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced that the Economic and Development Committee would meet on the second and fourth Fridays of each month at 11:30 a.m. in the City Council Conference Room.

Mayor Felker distributed the 3-month calendar.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane stated he has received complaints on the poor condition of the property at 516 SE 29th Street and asked when it was going to be cleaned up. He also inquired on the annexation of the Dillions Store at SW 29th Street and Urish Road.

Councilmember Pomeroy suggested that they look at alley infrastructure of the city.

Councilmember Alcalá stated that alley infrastructure should be addressed because a trash truck fell thru the alley on NE Wilson Street. He also stated, that a future plan needs to be in place to ensure business accessibility during major city construction projects.

Councilmember Nave stated that there is a need for more sidewalks around schools in District 4.

Councilmember Haynes requested a list of construction project completion dates.

Councilmember Duffy commented on Public Service Recognition Week.

Councilmember Stubbs commended the Governor on her consistency concerning House Bill 2212.

Councilmember Preisner inquired on the City's sidewalk parameters and asked if there are future plans to install sidewalks in the 17th and Belle area.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Dr. Isabel Masters appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:52 p.m.

Iris Walker
City Clerk