

**City Council Minutes – May 27, 2003**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 27, 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. Councilmember Price requested that items A, B, and C be pulled from the Consent Agenda for separate discussion.

THE CONSENT AGENDA was presented as follows:

A FINAL PLAT for Meier's Place Subdivision on property located at 1951 NW Lyman Road in the City of Topeka, Kansas, was presented.

Minutes of the regular meeting of May 20, 2003 were presented.

APPLICATIONS for Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for Conoco #16004, 1531 SW Wanamaker Road and Phillips 66, 1611 SE 29<sup>th</sup> Street, were presented.

APPLICATION for Open After Mid-Night License bearing the approval of the Chief of Police and City Inspectors for IHOP, 1731 Wanamaker Road, was presented.

Councilmember Alcalá moved to approve the remainder of the Consent Agenda. The motion seconded by Councilmember Price carried unanimously. (9-0-0)

APPROVAL of Workers' Compensation claim settlement for Ralph Longstaff in the amount of \$13,096.69 was presented.

Councilmember Lane moved to approve the Workers' Compensation claim settlement. The motion seconded by Councilmember Preisner carried. Councilmember Duffy voted "no". (8-1-0)

APPROVAL of Worker's Compensation claim settlement for Merle Miller in the amount of \$41,533.20 was presented.

Councilmember Lane moved to approve the Workers' Compensation claim settlement. The motion seconded by Councilmember Preisner carried. Councilmember Duffy and Price voted "no". (7-2-0)

APPROVAL of Worker's Compensation Claim settlement for William Thornton in the amount of \$69,222 was presented.

Councilmember Lane moved to approve the Workers' Compensation claim settlement. The motion seconded by Councilmember Price carried. Councilmember Duffy, Stubbs, Preisner and Price voted "no". (5-4-0)

A FINAL PLAT for Fleming Place Subdivision No. 4 on property located at the southwest corner of SW 10<sup>th</sup> Avenue and SW Gage Boulevard in the City of Topeka, Kansas, was presented. This was deferred from the May 20, 2003 City Council meeting.

Braxton Copley, Assistant City Attorney explained that stipulations could not be placed on a final plat as a condition of approval.

Councilmember Stubbs requested that a copy of the Fleming House relocation contract be sent to the City Council.

Councilmember Price expressed his appreciation for the design of a Walgreens Store that represents the character of the neighborhood.

Councilmember Price moved to approve the final plat. The motion was seconded by Councilmember Lane.

Councilmember Duffy questioned if the nonbuildable green space would be maintained.

Barry Beagle, Planning Department explained that the green space is locked in by the final plat as well as the “PUD” Plan, which also reserves this area as green space.

The motion to approve carried. Councilmember Haynes abstained. (8-0-1)

A FINAL PLAT for Urban Hills Subdivision No. 17 on property located on the west side of NW Lana Court, approximately 325-feet north of NW 53<sup>rd</sup> Street Terrace within unincorporated Shawnee County, Kansas, was presented.

Barry Beagle gave the staff report.

Angela Sharp, Professional Engineering Consultants appeared for questions.

Councilmember Alcala moved to approve the final plat. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount of \$45,000 and RESOLUTION NO. 7343 introduced by Mayor Harry Felker, describing Improvement Project No. 60587-00, which provides for the design phase services for improvements along North and South Kansas Avenue as more specifically described herein and authorizing the same was presented. This item was deferred from the May 20, 2003 City Council meeting.

Neil Dobler, Public Works Director gave the staff report. He explained that the project would be coordinated with the North Topeka Business Alliance Façade Upgrades Project of the businesses along North Kansas Avenue.

Councilmember Duffy inquired on the financial breakdown of the project.

In response, Neil Dobler stated that the cost of the North Kansas Avenue Design Phase is \$41,500 and the remaining \$3,500 is for the South Kansas Avenue Design Phase. The approved 2003 CIP amount of \$450,000 is approved for Streetscape Improvements with the majority of the money going towards the North Kansas Avenue area.

Councilmember Alcalá moved to approve \$41,500 for the North Kansas Avenue Design Phase. The motion was seconded by Councilmember Lane.

Councilmember Stubbs suggested that they seek funding from another source in addition to General Obligation Bonds for the South Kansas Avenue Design Phase and continue to move forward with the North Kansas Avenue Design Phase.

The motion to approve \$41,500 for the North Kansas Avenue Design Phase carried unanimously. (9-0-0)

CHARTER ORDINANCE NO. 89 introduced by Mayor Felker amending Charter Ordinance No. 68, as codified in City of Topeka Code Section A12-1 of the City of Topeka which exempted the City from the provisions of K.S.A. 13-1024a and provided substitute and additional provisions on the same subject in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas placed on first reading May 20, 2003 was again presented.

Braxton Copley gave the staff report.

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

CHARTER ORDINANCE NO. 90 introduced by Mayor Felker amending Charter Ordinance No. 72, as amended and as codified in Topeka City Code Section A2-18,

which allows the City Council to establish redistricting Commission procedures and membership requirements by ordinary ordinance and repealing original said section and provided substitute and additional provisions on the same subject in accordance with the provisions of Article 12, Section 5 of the Constitution of the State of Kansas placed on first reading May 20, 2003 was again presented.

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

Mayor Felker noted that the applicant requested that item 4F and 5A concerning the Woodglen Subvision annexation and final plat be deferred for one week.

David Thurbon distributed a financial handout and explained the cost breakdown of the subdivision.

Councilmember Stubbs moved to defer item 4F and 5A for one week. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

ORDINANCE NO. 18017 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 northeast corner of SW 45<sup>th</sup> Street and SW Gage Boulevard in the City of Topeka from "R-1" Single Family Dwelling District to "C-4" Commercial District placed on first reading May 20, 2003 was again presented. (Z87/39)

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

ORDINANCE NO. 18018 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 southeast corner of SW Edson Drive and SW Moundview Drive in the City of Topeka, Kansas from "R-1" Single Family Dwelling District to "M-1" Two Family Dwelling District placed on first reading May 20, 2003 was presented. (Z87/43)

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

ORDINANCE NO. 18019 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 southeast corner of SE 11<sup>th</sup> Street and SE California Avenue in the City of Topeka, Kansas, from "E" Multiple Family Dwelling District to "C-4" Commercial District placed on first reading May 20, 2003 was presented. (Z88/10)

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

ORDINANCE NO. 18020 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 east side of SE Croco Road between SE 29<sup>th</sup> Street and SE 30<sup>th</sup> Terrace in the City of Topeka from "R-1" Single Family Dwelling District to "C-2" Commercial District placed on first reading May 20, 2003 was presented. (Z89/5)

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

ORDINANCE NO. 18021 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 SE 30<sup>th</sup> Terrace, the centerline of which is approximately 170-feet west of SE Peck Road in the City of Topeka, Kansas, from "R-1" Single Family Dwelling District to "M-2" Multiple Family Dwelling District placed on first reading May 20, 2003 was again presented. (Z89/6)

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

A PROJECT BUDGET in the amount of \$1,030,000 and ORDINANCE NO. 18022 introduced by Mayor Harry Felker, authorizing Improvement Project No. 30182, which provides for the construction of the education and administration building, elephant exhibit, and the jungle cat exhibit at the Topeka Zoo, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading May 20, 2003 was again presented.

Mayor Felker gave a brief overview of the past and present improvements that have been made to the Topeka Zoo and the steps that have been taken to restore accreditation.

Rich Wells, Friends of the Zoo representative appeared to answer questions and explained the positive direction the project provides towards American Association of Zoos and Aquarists (AZA) guidelines.

Joseph Ledbetter appeared in support of the project and questioned the financial accountability of the Friends of the Zoo Program.

Councilmember Duffy requested a breakdown of the financial recommendations to address future budget issues, and stated that the Master Plan has been updated to include this project.

Councilmember Duffy moved to approve the project budget 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: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -9.

A PROJECT BUDGET in the amount of \$478,000 and ORDINANCE NO. 18023 introduced by Mayor Harry Felker, authorizing Project No. 30236-00, which provides for the purchase of a tub grinder, high loader and loader buckets to be used at the forestry disposal site, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading May 20, 2003 was presented.

Terry Bertels, Parks and Recreation Department gave the staff report.

Councilmember Duffy commented on the financial outcome and benefits of the project.

Councilmember Stubbs commended staff on the project.

Joseph Ledbetter spoke in support of the project.

Councilmember Alcala 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: Lane, Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner, and Price -9.



RESOLUTION NO. 7344 introduced by Mayor Felker, setting forth the City of Topeka's intention to acquire one (1) light and air rescue truck, pursuant to K.S.A. 12-110c was presented.

Dennis Phillips, Fire Chief appeared for questions.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 29098, which provides for the construction services for the improvements to the Roosevelt Interceptor sewer, as more specifically described herein, all pursuant to Section A12-1 of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 40-foot wide platted building setback along SW 29<sup>th</sup> Street as dedicated by Mission Center Subdivision for property located at 2900 SW Lincolnshire Road, City of Topeka, Shawnee County, Kansas was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Pomeroy inquired on the Filmore Street Home Invasion Report.

Councilmember Duffy gave a brief overview of the topics covered at the May 23, 2003, Economic Development Committee meeting.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane requested that an ordinance relating to the refunding of business license fees be placed on a future agenda.

Councilmember Alcala announced that on May 28, 2003 at 9:00 a.m. there will be a County Commission Meeting concerning the underwriting of the Kansas Avenue Flyoff Project, and encouraged his colleagues to show their support.

Councilmember Pomeroy expressed concern with the City's email system, inquired on the status of the Public Building Commission, and requested that a list of approved Council items be distributed to the City Council for tracking purposes.

Councilmember Duffy requested a report on the Advisory Committee. He also requested that an ordinance relating to auctions held in residential neighborhoods and an ordinance relating to public sites and open spaces be placed on a future agenda.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Joseph Ledbetter and Raymond Martinez appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:58 p.m.

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Iris Walker  
City Clerk