

## City Council Minutes - June 17, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 17, 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 Reverend Don Anderson, East Topeka Methodist Church.

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

THE CONSENT AGENDA was presented as follows:

Councilmember Duffy moved to suspend the Council Rules to add a resolution to the agenda concerning noise prohibitions for University United Methodist Church, item 6D, under New Business. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Duffy moved to reinstate the Council Rules. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Pomeroy requested that item F, Applications be pulled off the Consent Agenda for separate discussion.

A FINAL PLAT by Bennett Plaza Subdivision No. 2 on property located on the north side of SW 29<sup>th</sup> Street and SW Arnold Street, extended, in the City of Topeka, Kansas, was presented. (P03/20)

A FINAL PLAT by Dalton Subdivision on property located at the southeast corner of US Highway 24 Frontage Road and NE Lyman Road right-of-way in the City of Topeka, Kansas, was presented. (P03/26)

RESOLUTION NO. 7350 introduced by Councilmember Jeff Preisner granting the First Annual Wheatstock Bluegrass Music Festival an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 7351 introduced by Councilmember Lisa Stubbs granting Capital Title Insurance Company an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Minutes of the regular meeting of June 10, 2003 were presented.

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

APPLICATIONS for Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for Devlin's One Stop, 5943 SW 29<sup>th</sup> Street, was presented.

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

The Carwash  
1814 SW 10<sup>th</sup> Street

The Carwash  
720 SW Gage

Councilmember Price moved to approve the applications. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

ORDINANCE NO. 18036 introduced by Mayor Harry Felker relating to multiple violations of unlawfully parked vehicles in parking meter spaces placed on first reading June 10, 2003 was again presented.

Brenden Long, City Attorney gave the staff report.

Councilmember Duffy expressed concern with the effect it would have on the businesses in the downtown area.

The ordinance was adopted on roll call vote as follows: Ayes: Lane, Alcalá, Stubbs, Preisner and Price -5. Noes: Pomeroy, Nave, Haynes and Duffy -4.

ORDINANCE NO. 18037 introduced by Mayor Harry Felker amending the “District Map” referred to and made a part of the Zoning Ordinances Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property generally located at the southwest corner of the intersection of SW Summerfield Drive and SW Fairlawn Road in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “O&I-1” Office and Institutional District placed on first reading June 10, 2003 was again presented.

Barry Beagle, Planning Department gave the staff report.

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

ORDINANCE NO. 18038 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 generally located at the southwest corner of the intersection of SW Summerfield Drive and SW Fairlawn Road in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District with Resolution of Intent for “PUD” Planned Unit Development District to “O&I-1” Office and Institutional District placed on first reading June 10, 2003 was again presented. (Z91/32)

Barry Beagle gave the staff report.

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

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$112,278 and RESOLUTION NO. 7352 introduced by Mayor Harry Felker authorizing Lateral Sanitary Sewer District No. 40906-01 as more specifically described herein was presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Haynes moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$108,778 and RESOLUTION NO. 7353 introduced by Mayor Harry Felker authorizing Lateral Sanitary Sewer District No. 40907-01 as more specifically described herein was presented.

Councilmember Haynes moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember price carried unanimously. (9-0-0)

RESOLUTION NO. 7354 introduced by Mayor Felker, pursuant to City of Topeka Code Section 130-377 concerning sidewalk repairs at locations more specifically described herein was presented.

Neil Dobler gave the staff report.

Councilmember Alcalá encouraged those that have been issued a letter of repair and cannot afford the repairs to contact Housing and Neighborhood Development or the City Council office to apply for financial assistance.

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

RESOLUTION NO. 7355 introduced by Councilmember Clark Duffy granting University United Methodist Church an exception to the provisions of the City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

AN ORDINANCE introduced by Mayor Harry Felker, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Cloverleaf Subdivision with piping, manholes, engineering, and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40887-H, as defined and described in Resolution No. 7085, adopted and approved September 12, 2000 was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60560-H with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 60560-H as defined and described in Resolution No. 7086, adopted and approved September 12, 2000 was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60563-H, Phase 1 with pavement, curb and gutter, and all other contingencies needed to complete Street

Improvement Project No. 60563-H, Phase 1 as defined and described in Resolution No. 7097, adopted and approved November 7, 2000 was presented for first reading.

AN ORDINANCE introduced by Mayor Felker, authorizing Project No. 12062-00, which provides for the construction of a Kansas Avenue fly-off ramp: west alignment which will require the construction of a bridge and ramp adjoining the Kansas Avenue to Curtis Street at more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and K.S.A. 12-685, *et seq.*, was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Mayor Felker stated that he wanted to clarify that the City of Topeka does not own the Topeka Cemetery and clean up of the cemetery is the responsibility of the owner. He also addressed the parking issues at Santa Fe Park.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane asked the Police Department to frequently check on Ripley Park to help prevent vandalism.

Councilmember Alcalá thanked Neil Dobler and staff for installing the traffic light at the Silverlake and Vail intersection.

Councilmember Price asked if the city has the ability to regulate pornographic material in video stores within city limits.

Councilmember Stubbs inquired on the City's ability to limit the access to pornographic material.

Councilmember Duffy expressed concern with the false testimony given by OPUS during the discussion of the zoning for the Menninger property at last week's

meeting, lack of communication between Housing and Neighborhood Development and the Monroe NIA, establishment of a Planning Commission task force, and response time of questions and concerns presented by constituents to the administration. He submitted a resolution concerning the U.S. Department of Housing and Urban Development Economic Development Initiative Grant Funds and he also thanked the individuals involved with the Elmhurst Neighborhood improvements.

Councilmember Pomeroy expressed concern with the length of time items are in the Policy Committee and he also suggested pursuing ownership, or use of the Wetlands owned by Menninger's.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Nancy LaCore, John Huffman, Bob Hunter, Brain Treadwell, Bob Sherburne, JoAnn Peavler, and Dr. Isabelle Masters appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 9:18 p.m.

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Iris Walker  
City Clerk