

City Council Minutes – August 26, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, August 26, 2003. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -8. Mayor Felker presided -1. Absent: Lane -1.

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

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

The Consent Agenda was presented as follows:

A COMMUNICATION requesting to transfer \$15,840 from the Softball Trust Account to the Topeka Parks and Recreation Foundation, Softball Improvement Account.

Minutes of the Regular Meeting of August 19, 2003 were presented.

APPLICATION for a Cereal Malt Beverage License bearing the approval of the Chief of Police and City Inspectors for I-70 BP AMOCO, 1000 SW Wanamaker, was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Price carried unanimously. (8-0-0)

ORDINANCE NO. 18073 introduced by Mayor Felker, attesting to the increase in taxes levied for budget year 2004 necessary to finance public services for the City of Topeka placed on first reading August 19, 2003 was again presented.

Councilmember Duffy submitted suggestions for amendments to the ordinance. The suggested amendments are as follows:

- 1) Insert on line 14 following the word “deliberations” and ending on line 17 before the word “it”, “it has been determined that the State of Kansas did not transfer approximately \$2,041,311 or the equivalent of approximately 2.3 mills to the City of Topeka from the Local Ad Valorem Tax Reduction Fund and the County/City Revenue Sharing Fund as required by State Statute. Since the State of Kansas failed to provide these funds,”.
- 2) Continue line 23, following the word “2003” with “by approximately \$88,752 or approximately .1 mills.”
- 3) Insert a new Section 3, stating, “A copy of this Ordinance shall be forwarded to the Governor and members of the Kansas Legislature.”

Councilmember Duffy moved to approve the amendments. The motion was seconded by Councilmember Price carried. Councilmember Haynes voted "no". (7-1-0)

Councilmember Stubbs asked if they had received a response from the Governor last year to the amendments.

Councilmember Duffy explained that they did not forward a copy to the Governor last year.

Councilmember Haynes stated that he voted “no” because he believes if they would raise the cost of public service fees another 1% there would not be a need for this amendment.

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Pomeroy, Nave, Duffy, Stubbs, Preisner and Price -7. Noes: Haynes -1. Absent: Lane -1.

A PROJECT BUDGET in the amount of \$828,720 and ORDINANCE NO. 18074 introduced by Mayor Harry Felker, authorizing Stormwater Project No. 50218-00, which provides for the construction of two detention basins that will detain stormwater during large rain events and serve as community green space as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka placed on first reading August 19, 2003 was again presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

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

ORDINANCE NO. 18075 introduced by Mayor Felker, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631K placed on first reading August 19, 2003 was again presented.

Neil Dobler gave the staff report.

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

A REVISED PROJECT BUDGET in the amount of \$1,385,000 and ORDINANCE NO. 18076 introduced by Mayor Harry Felker, authorizing Improvement Project No. 30182-00, which provides for the construction of the education and administration building, elephant exhibit, hippo 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, and specifically repealing City of Topeka Ordinance No. 18022 placed on first reading August 19, 2003 was again presented.

Dave Graversen, Chief Administrative Officer explained the ordinance.

Councilmember Price moved to approve the revised project budget and adopt the ordinance. The motion seconded by Councilmember Preisner carried. Councilmember Haynes voted "no".

(7-1-0)

Councilmember Haynes stated that he voted "no" because he would like to be informed each time they vote on a project that is going to increase the total indebtedness of the City.

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Pomeroy, Nave, Duffy, Stubbs, Preisner and Price -7. Noes: Haynes -1. Absent: Lane -1.

CHARTER ORDINANCE NO. 92 introduced by the City Council Policy and Finance Committee amending Charter Ordinance No. 90, as amended and as codified in the Topeka City Code Section A2-18, concerning the establishment of council district boundaries, repealing original said section and provide 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 August 19, 2003 was again presented.

Councilmember Pomeroy explained the ordinance.

Hans Heinemann spoke in opposition of the ordinance.

Councilmember Preisner moved to adopt the charter ordinance. The motion was seconded by Councilmember Duffy.

Councilmember Haynes moved to amend the ordinance to begin line 94, 97, 99, and 101 with the word "shall". The motion seconded by Councilmember Nave failed. Councilmembers Duffy, Stubbs, Preisner and Price voted "no". (4-4-0)

The charter ordinance was adopted on roll call vote as follows: Ayes: Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -7. Noes: Councilmember Haynes -1. Absent: Lane -1.

A CHARTER ORDINANCE introduced by Mayor Harry Felker, amending Charter Ordinance No. 75, as codified in Topeka City Code Section A2-16, allowing councilmembers

who lose their residency status due to redistricting to complete their elected terms, 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. This was referred to the Policy and Finance Committee on May 20, 2003.

The charter ordinance was not adopted on roll call vote as follows: Noes: Alcala, Pomeroy, Nave, Haynes, Duffy, Stubbs, Preisner and Price -8. Absent: Lane -1.

A PUBLIC IMPROVEMENT PETITION, PROJECT BUDGET in the amount of \$283,939 and A RESOLUTION introduced by Mayor Harry Felker authorizing Street Improvement Project No. 60468-05 as more specifically described herein was presented.

Neil Dobler gave the staff report and explained that the City share in the project is \$15,000.

Councilmember Haynes asked how the project would be funded.

Neil Dobler explained that he is not sure at this point what operating budget would be used but believes the best funding option would be to use General Obligation Bonds.

Mayor Felker asked if the project would be effected if it was delayed a week.

Karl Capps, KC Builders appeared to answer questions and stated that he would appreciate a decision on the project as soon as possible because it has already taken several weeks to get to this point. He continued to explain that if the project is approved it would reduce the overall cost of specials on each lot making it more economical for buyers.

Councilmember Nave stated that he supports the project and believes that projects such as this would encourage other outside builders to invest in the Topeka area.

Councilmember Haynes moved to approve that the City pay the \$15,000 from existing funds or issue general obligation bonds. The motion died due to lack of second.

Councilmember Duffy and Councilmember Stubbs expressed concern with absorbing the cost of the project.

Neil Dobler suggested that an additional option would be to reduce the boundaries of the benefit district and spread the cost of the specials throughout the remaining lots.

Braxton Copley, Assistant City Attorney explained that reducing the boundaries would be an option that would require further research.

Councilmember Nave moved to defer for one week. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0)

CONTRACT AMENDMENT NO. 33444 to Contract No. 31540, Article 17 between the City of Topeka and Street Section Teamsters Union was presented.

Kim Austin-Smith, Human Resource Director gave the staff report.

Janet Robinson, Deputy Human Resource Director explained the new 18-step pay plan matrix and how it relates to the market study.

Several questions that were raised by Councilmembers included; what are the basis of the steps and how they relate to the cost of living raise, how quickly can employees move through the step system, what is the overall percentage of increase in pay, if the new pay rates are negotiable, and why was the 18-step pay plan matrix chosen.

In response to the questions, Janet Robison explained that the steps are based on merit, longevity or competency and how quickly employees move through the step plan will be determined in the 2004 wage re-opener negotiations. She continued to explain that the average

overall increase was 7% and rates can only be negotiated due to a cost of living raise. She also stated that the 18-step pay plan matrix was chosen because of budgetary restraints.

Councilmember Alcalá moved to approve the amendment. The motion was seconded by Councilmember Price.

Doug Stuewe, Business Representative for Teamsters Local 696 appeared to answer questions.

Councilmember Stubbs requested a comparison study of the old and new pay plan matrix.

The motion to approve carried unanimously. (8-0-0)

A COMMUNICATION regarding the creation of a Special Committee of three (3) City Councilmembers to serve on the Oversight Committee relating to the operational assessment and study of selected departments and divisions to optimize and improve City services was presented.

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

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Project No. 30127, Phase 10, which provided for the extension of the existing Shunga Trail system as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Project No. 30238-00, which provides for the construction of a multipurpose trail beginning at the SE 15th Street as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Project No. 30239-00, which provides for the construction of a multipurpose trail beginning at the Golden Avenue Bridge as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Project No. 30240-00, which provides for the construction of a multipurpose trail beginning at the Garfield Park as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Street Improvement Project No. 60594, which provides for the improvement to the infrastructure in the vicinity of the Monroe School as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Trafficway Project No. 70200-01, which provides for the preliminary design and engineering work for reconstruction and widening of the existing Wanamaker Road from SW 37th Street to SW 41st Street as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

Councilmember Haynes moved to defer until the CIP Budget is finalized. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 86235-03, which provides for the lighting improvements to the Washburn/Lane Parkway as more specifically described herein, all pursuant to Charter Ordinance No. 89 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by Duane Pomeroy, Jeff Preisner and Bill Haynes authorizing Downtown Topeka, Inc. to hold the Celebration of Mexican Independence Day on September 16, 2003 was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced that there would be an Economic and Development Committee meeting on August 29, 2003 at 11:30 a.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Alcalá requested that a resolution relating to the City's Procurement Program be placed on a future agenda. He also stated that he received a petition from his constituents concerning the ATV Regulations in the Oakland area and planned to reintroduce the ordinance with an amendment that includes hour restrictions.

Councilmember Haynes stated that he has received several phone calls from constituents in the Briarwood area concerning sewage odor and asked if the problem could be taken care of as soon as possible. He also stated that he has received complaints concerning the new ATV regulations in the Oakland area.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

David Price and David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:48 p.m.

Iris Walker
City Clerk