

City Council Minutes – October 7, 2003

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

AFTER THE MEETING was called to order, prayer was offered by Chaplain Eugene Shoemaker, Topeka Rescue Mission.

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

A FINAL PLAT for Maldonado Subdivision on property located at the southeast corner of the intersection of SE California Avenue and SE 10th Street in the City of Topeka, Kansas was presented. (P03/34)

Minutes of the Regular Meeting of September 23, 2003 were presented.

APPLICATION for an Open After Mid-Night License bearing the approval of the Chief of Police and City Inspectors for The Tool Shed, 921 S. Kansas Avenue, was presented.

Councilmember Haynes moved to approve the Consent Agenda. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

ORDINANCE NO. 18096 introduced by Mayor Felker authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Water System Improvement Project No. 28490-01, approximately located along SW 5th Street and SW 6th Street place on first reading September 26, 2003 was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

ORDINANCE NO. 18097 introduced by Mayor Felker authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Water System Improvement Project No. 28493-00, approximately located on Wanamaker Road, from 10th Street to 17th Street placed on first reading on September 26, 2003 was again presented.

Neil Dobler gave the staff report.

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

A RESOLUTION introduced by Mayor Felker setting forth the City of Topeka's policy regarding the undertaking of street improvement projects and repealing City of Topeka Resolution No. 6846 was presented. This was referred from the Economic and Development Committee on September 26, 2003 without recommendation.

Councilmember Duffy stated that the ordinance is before the Council because the sixty-day window has expired in the Policy and Finance Committee. He suggested referring it to the Committee of the Whole to establish a new policy.

Councilmember Duffy moved to refer the resolution to the Committee of Whole. The motion was seconded by Councilmember Alcala.

Frank Kirtdoll expressed concern with the form and legality of the document.

The motion to refer the resolution to the Committee of the Whole carried unanimously.
(8-0-0)

CONTRACT AMENDMENT NO. 33591 to Contract No. 31968 between the City of Topeka and Local 1294 of the Kansas Public Employee's Union – AFSCME, AFL-CIO was presented.

Kim Austin-Smith, Human Resource Director gave the staff report and explained the changes in the contract.

Miriam Berke, representative for the Development Services Department appeared for questions.

Councilmember Haynes moved to approve the amendment. The motion seconded by Councilmember Duffy carried unanimously. (8-0-0)

RESOLUTION NO. 7396 introduced by Mayor Harry Felker expressing the intent of the City of Topeka, Kansas, to issue its health care revenue bonds in the maximum principal amount of \$17,890,000 to both finance various improvements benefiting Tallgrass Prairie Holdings, L.L.C., a Kansas Limited Liability Company, and promote, stimulate and develop the economic welfare of both the City and the State of Kansas was presented.

John Myers, Economic Development Specialist gave the staff report.

Phil Wolfe, Bond Counsel appeared for questions.

Arlene Clayton stated that this would be a great opportunity for the City of Topeka to extend an invitation to the bioengineering manufacturing companies to become involved in the outstanding health care facilities located in the City of Topeka.

Frank Kirtdoll questioned how the bond money was generated and asked for an explanation of the process to obtain bonds.

Phil Wolfe explained the process and specific requirements that an applicant would need to meet.

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

COMMUNICATION from Mayor Harry Felker submitting recommendations of appointments to the Topeka Planning Commission for Council approval was presented.

Mayor Felker explained the process of selecting the individuals for the Topeka Planning Commission.

Councilmember Preisner moved to approve the communication. The motion was seconded by Councilmember Price.

Frank Kirtdoll asked how citizens could apply to serve on boards or commissions.

Councilmember Duffy commended the Mayor for his recommendations.

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

A JOINT SHAWNEE COUNTY RESOLUTION AND CITY OF TOPEKA

ORDINANCE introduced by Mayor Felker relating to X Mixed Use District regulations and specifically amending City of Topeka Code Section 48-31.01, 48-23a.02, 48-23a.03, 48-23a.04, and 48-23a.06 and specifically repealing said original sections was presented for first reading. (ACZR03/01)

AN ORDINANCE introduced by Mayor Harry Felker designating real property more specifically described herein as a historic landmark and presently zoned “R-2” Single Family Dwelling District and located at 807 Western Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading. (HL03/3)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of land taken for right-of-way for levees and borrow pits in an area known as the North Topeka Flood Control Ring Dike and located at 1640 NW Taylor Street, as dedicated by the plat of Gibson’s Subdivision, City of Topeka, Shawnee County, Kansas was presented for first reading. (V03E/3)

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 60-foot wide unimproved street right-of-way on property located west of SW Chatham Place approximately 470-feet south of SW 10th Avenue, as dedicated by the plat of Area Vocational-Technical School Subdivision No. 2, City of Topeka, Shawnee County, Kansas was presented for first reading. (V03S/3)

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 SW 41st Street, the centerline of which is approximately 984-feet west of SW Wanamaker Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "M-1" Two Family Dwelling District was presented for first reading. (Z03/17)

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 east of SE Scorpio Drive, extended, the centerline of which is approximately 1,250-feet north of SE 29th in the City of Topeka, Kansas from "R-1" Single Family Dwelling District and "R-1" Single Family Dwelling District with Resolution of intent to "M-2" Multiple Family Dwelling District ALL TO "M-1" Two Family Dwelling District was presented for first reading. (Z03/35)

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 east side of NW Rochester Road, the centerline of which is approximately 810-feet north of U.S. Highway 24 in

the City of Topeka, Kansas from “R-1” Single Family Dwelling District and “C-4” Commercial District ALL TO “C-4” Commercial District was presented for first reading. (Z03/37)

Councilmember Alcalá stated that there has not been an agreement reached between the City of Topeka and Wal-Mart concerning who will absorb the cost associated with the street improvements needed for the new commercial development.

Councilmember Alcalá moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

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 1271 SW Harrison Street in the City of Topeka, Kansas from “O&I-2” Office and Industrial District TO “R-2” Single Family Dwelling District was presented for first reading. (Z03/44)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER was presented.

Dave Graversen distributed the Topeka Performing Arts Center Quarterly Report.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Duffy announced that there would be an Economic and Development Committee meeting held on October 10, 2003 at 11:30 a.m. in the City Council Office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Lane announced that the Fire Department will be conducting training exercises and will be burning the structures located on the northwest corner of 12th and Quincy.

Councilmember Nave stated that he has received several calls from his constituents concerning the crosswalk at 21st and Hudson and asked that the Public Works Department comment on the traffic study that was conducted for the area.

Neil Dobler stated that he would suggest installing amber flashers for the 21st and Hudson area and would create a cost estimate for equipment and installation and report back to the Council in two weeks.

Councilmember Stubbs commended Topeka Performing Arts Center on their overall debt reduction and asked for an update from David Thurbon on the status of the new Planning Department.

David Thurbon stated that the first Planning Department organizational meeting would be held on October 15, 2003 to elect new officers and conduct new business matters. He stated that the first regularly scheduled meeting will be held on October 20, 2003. He also stated that case processing and current regulations and Comprehensive Plans would remain in effect, including areas within the three-mile extraterritorial boundaries.

Councilmember Price asked if there would be a follow up inspection concerning the replacement of trees lost due to the relocation of the Flemming House Mansion.

Councilmember Haynes asked when they would receive the final ordinance concerning the JEDO Board.

Councilmember Duffy asked if there is a process that has to be followed when there is a separate City and County Planning Department.

Brenden Long explained that there is a process according to state law that has been put into place concerning all regulations and Comprehensive Plans. He continued to explain that the City's three-mile extraterritorial area subdivision regulations would remain in affect until the County chooses to adopt these regulations. If this happens, a joint Planning Commission must be formed to implement and adopt new regulations for the area that both the City and County agree on.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

David Owens, James Bolden, Jr. and Frank Kirtdoll appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:18 p.m.

Iris Walker
City Clerk