

## City Council Minutes – October 21, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 21, 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, Stubbs, Preisner and Price -7. Deputy Mayor Duane Pomeroy Presided -1. Absent: Councilmember Duffy -1.

AFTER THE MEETING was called to order, prayer was offered by Roland Hiel, Optimist Club Chaplain.

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

Councilmember Preisner moved to suspend the Council Rules to add a resolution concerning the responsibilities of the Office of the Mayor, and a Communication regarding the selection of the JEDO Board Chairperson to the agenda under New Business. The motion seconded by Councilmember Haynes carried. Councilmember Alcalá voted "no". (7-1-0)

Brenden Long, City Attorney explained the resolution and communication have been presented due to the recent suspension of Mayor Felker.

Councilmember Stubbs moved to reinstate the Council Rules. The motion seconded by Councilmember Preisner carried unanimously. (8-0-0)

Councilmember Alcalá moved to defer item 4A, a zoning petition (Z68/44D) and an ordinance to November 18, 2003. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

Deputy Mayor Pomeroy noted that the individuals that are signed up to speak under item 4A would be allowed to speak on November 18, 2003.

RESOLUTION NO. 7397 introduced by Councilmember Bill Haynes granting WatKansas Vanaram, a Buddhist Temple, an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

RESOLUTION NO. 7398 introduced by Councilmember Harold Lane granting Treanor Architects an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions, was presented.

Minutes of the Regular Meeting of October 14, 2003 were presented.

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

Hummers Market, L.L.C.  
2836 Fairlawn Road

Hummers Market, L.L.C.  
3300 Gage

Hummers Market, L.L.C.  
600 Fairlawn Road

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

RESOLUTION NO. 7399 introduced by Councilmember Bill Haynes concerning the appointment of Deputy Mayor Duane Pomeroy to carry on the responsibilities of the Office of the Mayor of the City of Topeka was presented.

Councilmember Haynes moved to approve the resolution. The motion was seconded by Councilmember Price.

Councilmember Alcalá questioned why the Deputy Mayor would not have the power to veto.

Brenden Long stated that it was determined that if Deputy Mayor Pomeroy exercised his power to veto it might cause confusion because he is also a voting member of the Council.

Deputy Mayor Pomeroy stated that he would not use the veto power.

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

A COMMUNICATION regarding the selection of the Joint Economic Development Organization Chairperson was presented.

Brenden Long explained that due to the recent suspension of Mayor Felker there is a need to redesignate a new JEDO Board Chairperson.

Councilmember Alcala moved to nominate Councilmember Lisa Stubbs. The motion was seconded by Councilmember Lane.

Councilmember Price moved to close nominations. Hearing no additional nominations the Deputy Mayor closed nominations.

The motion to nominate Councilmember Stubbs carried. Councilmember Haynes voted "no". (7-1-0)

RESOLUTION NO. 7400 introduced by Mayor Felker authorizing initiation of condemnation proceedings for Improvement Project No. 12062-00 was presented.

Neil Dobler, Public Works Director gave the staff report.

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

A FINAL PLAT for Shiloh Ridge Estates Subdivision on property located on the south side of SE 21<sup>st</sup> Street approximately 3,200 feet east of SE Croco Road within unincorporated Shawnee County, Kansas, was presented. (P03/2)

Barry Beagle, Planning Department gave the staff report.

Councilmember Preisner moved to approve the final plat. The motion was seconded by Councilmember Haynes.

Councilmember Stubbs asked if the applicants had agreed to annexation and if the City would supply water service to the area.

In response, Neil Dobler explained that the applicants had agreed to annexation, however, the area does not have the infrastructure to support city water service and there are intervening county properties.

Angela Sharp, Professional Engineering Consultants appeared for questions.

The motion to approve the final plat carried. Councilmember Pomeroy voted "no".

(7-1-0)

A FINAL PLAT for River Hill Residential Subdivision on a 74.79-acre parcel extending west of SW Wanamaker Road, approximately 1200 feet north of SW 6<sup>th</sup> Street, within unincorporated Shawnee County, Kansas, was presented. (P03/38)

Barry Beagle gave the staff report.

Mike Engler, Bartlett & West Engineers appeared for questions.

Councilmember Alcalá moved to approve the final plat. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

RESOLUTION NO. 7401 introduced by Deputy Mayor Duane Pomeroy naming banks and savings institutions that are designated as depositories for all City of Topeka accounts and authorizing signatures and rescinding City of Topeka Resolution No. 7145 was presented.

Councilmember Alcalá questioned the absence of signatures by Deputy Mayor Duane Pomeroy and Accounting Manager Dave Nelson.

Brenden Long explained that the signatures are not a requirement prior to approving the resolution, however, the signatures will be required before the document is sent to the banks.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Haynes. Councilmember Alcala voted "no". (7-1-0)

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 14113-00, which provides for new traffic signal controllers and communication devices 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 relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Drainage Improvement Project No. 15055-02 which provides for the construction of certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Stormwater Improvement Project No. 15059-00 which provides for the construction of certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Water Main Project No. 28531-00 which provides for the construction of certain water main improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Water Main Project No. 28537-00 which provides for the construction of certain water main improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Sanitary Sewer Improvement Project No. 29096-02 which provides for the construction of certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing

body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker relating to improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, authorizing Sanitary Sewer Improvement Project No. 29102-00 which provides for the construction of certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker approving cost estimates of the proposed improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, by constructing and otherwise completing certain stormwater collection improvements and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof was presented for first reading.

AN ORDINANCE introduced by Mayor Harry Felker, authorizing Improvement Project No. 30202-02, which provides for the repairs to Lakewood Shelter House to meet ADA standards 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, relating to the rules and regulations regarding private security licenses, repealing City of Topeka Code Section 30-399,

30-419, and 30-427, amending City of Topeka Code Section 30-66, 30-396, 30-397, 30-398, 30-400, 30-401, 30-402, 30-403, 30-416, 30-417, 30-418, 30-420, 30-421, 30-422, 30-423, and 30-424 and repealing said original sections was presented for first reading.

Following public comment, Councilmember Haynes stated that he would like to give Terry Breese the opportunity to meet with Police Chief Ed Klumpp to resolve any issues concerning the new ordinance regarding private security licenses.

Councilmember Haynes moved to defer the ordinance until November 4, 2003. The motion seconded by Councilmember Lane carried unanimously. (8-0-0)

AN ORDINANCE introduced by Councilmember Jeff Preisner establishing the permitted days and hours for the retail sale of alcoholic liquor, amending City of Topeka Code Section 10-117, and repealing said original sections was presented for first reading.

Councilmember Alcalá stated that before the ordinance is voted on he would like to know what the outcome of the State's decision will be concerning this issue. He explained that if they wait to vote on the ordinance it would give the City the opportunity to mirror State regulations.

Councilmember Alcalá moved to refer the ordinance to the Policy and Finance Committee. The motion seconded by Councilmember Lane carried. Councilmembers Preisner and Price voted "no". (6-2-0)

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Randy Bailes, Director of Finance gave a brief report on the upcoming bond and note sale. He also stated that Moody's Financial Service would be in Topeka on October 22, 2003 to meet with the City's administrative leaders concerning their financial policies and procedures and address Topeka's current and future economic state.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.



Councilmember Haynes inquired on the status of the P-Card Resolution and asked when the revised resolution would be presented to the Council.

Councilmember Stubbs submitted a request to place a resolution amending Topeka City Council Rules and Procedures, specifically rule 2.12 on a future agenda.

PUBLIC COMMUNICATIONS AND COMMENTS, were presented.

Terry Breese, Dr. Isabelle Masters and Arlene Clayton appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent at 8:07 p.m.

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Iris Walker  
City Clerk