

**City Council Minutes – December 16, 2003**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 16, 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, Preisner and Price -8. Deputy Mayor Duane Pomeroy Presided -1.

AFTER THE MEETING was called to order, prayer was offered by Dave Fulton, 190<sup>th</sup> Wing Chaplain.

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

Councilmember Haynes moved to suspend the rules and add a resolution relating to designation of depositories for City of Topeka accounts to the consent agenda. The motion seconded by Councilmember Duffy carried unanimously. (9-0-0)

Councilmember Duffy moved to reinstate the rules. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

THE CONSENT AGENDA was presented as follows:

A Final Plat for B & M Subdivision No. 2 by B & M Inc. on property located at 3000 SE Croco Road in the City of Topeka, Kansas was presented. (P03/44)

Minutes of the Regular Meeting of December 9, 2003 were presented.

APPLICATIONS for Cereal Malt Beverage Licenses bearing the approval of the Chief of Police and City Inspectors were presented from the following:

Kwik Shop #781	4500 SW Topeka Boulevard
Food 4 Less #65	4015 SW 10 <sup>th</sup> Street
The Chatterbox Tavern	2121 SE 6 <sup>th</sup> Street
El Coyote	1405 SW 6 <sup>th</sup> Avenue
Heart of America Food Services LLC	One Expocentre Drive
Lupita's Mexican Restaurant	732 Kansas
North Topeka Golf Center	350 NE Highway 24
Our Lady of Guadalupe	1008 NE Atchison

Pizza Parlor	1919 NE Seward
Seabrook Tavern	2105 SW Mission
The Spot Tavern	2202 Buchanan
Tequila's Family Mexican Restaurant	1525 SW Lane

APPLICATIONS for Dance Hall Licenses bearing the approval of the Chief of Police and City Inspectors were presented from the following:

American Legion Post 400	3029 NW HWY 24
Kansas Expocentre	One Expocentre Drive
Our Lady of Guadalupe	201 NE Chandler Street

RESOLUTION NO. 7426 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. 7401, was presented.

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, December 16, 2003, at 7:00 P.M. to obtain citizen comment and review of a property tax exemption ordinance for improvements to real and personal property on behalf of PTMW, Inc., located at approximately 3501 NW Highway 24, Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18144 introduced by Deputy Mayor Duane F. Pomeroy, exempting certain property, more specifically property owned by PTMW, Inc. from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 3501 NW Highway 24, Topeka, Shawnee County, Kansas, placed on first reading December 9, 2003 was again presented.

John Myers, Economic Development Specialist gave the staff report and explained that this was previously approved by the Council but was back before them to correct a technical error in publication. He stated that Phil Wolfe, Bond Counsel was present to answer questions.

Councilmember Haynes moved to close the public hearing and adopt the ordinance. The

motion seconded by Councilmember Nave carried unanimously. (9-0-0)

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 \$15,000 and ORDINANCE NO. 18145 introduced by Deputy Mayor Duane F. Pomeroy, authorizing Improvement Project No. 14114-00, which provides for the installation of a new pedestrian actuated flasher at SE 21<sup>st</sup> Street and Hudson Boulevard as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 9, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report.

Councilmember Nave moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Lane carried unanimously. (9-0-0)

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 \$715,320 and ORDINANCE NO. 18146 introduced by Deputy Mayor Duane F. Pomeroy, authorizing Trafficway Improvement Project No. 70197-02, which provides for the street expansion of SW Wenger Drive into the new commerce park as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 9, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report and stated that funding for the project is being provided through a grant from the Department of Housing and Urban Development (HUD).

Councilmember Nave moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Haynes 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.

ORDINANCE NO. 18147 introduced by Deputy Mayor Duane F. Pomeroy authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 12062-00, in the area of the Kansas Avenue Bridge placed on first reading December 9, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report. He stated that staff was still negotiating on one parcel and were at a standstill on two others that would probably go to condemnation. He also explained the process for paying for land taken by condemnation.

Councilmember Duffy asked about the proposed park in the original resolution and stated that he did not see it on the concept plan distributed this evening.

Jan McKenzie, Executive Director of the Great Overland Station explained the plan and where the park would be located. She stated that they are still in the planning process of the park with Parks and Recreations staff.

Councilmember Duffy expressed his concerns that the design and location of the park had changed and requested additional information.

Neil Dobler explained that the condemnation is time sensitive and stated that they would hold the bid process until all questions are answered.

Councilmember Alcala moved to 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.

ORDINANCE NO. 18148 introduced by Councilmember John Alcala relating to the extension of water service outside the city limits and establishing criteria therefore, amending City of Topeka Code § 146-37 and specifically repealing said original section placed on first reading December 9, 2003, was again presented.

Councilmember Alcala stated that this amendment would allow extension of water service outside the city limits on a case-by-case basis.

Councilmember Haynes moved to amend the ordinance in Section B by adding a paragraph (8) to read: “The City has by contract agreed to provide the water service to the property owner.” The motion was seconded by Councilmember Lane.

Brenden Long, City Attorney suggested an amendment to line 25 to insert “an individual” before “a rural water district”, and stated that would accomplish what Mr. Haynes wanted.

Councilmember Lane withdrew his second to the amendment.

Councilmember Haynes moved to amend the ordinance as suggested by the City Attorney. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

Dan Wurtz appeared and stated that they purchased property outside the city limits and started getting the land ready to build their home. He stated that they were ready to have the waterline installed and were told they could not because they were not in the city. He stated that he got caught up in the system, and it has created a hardship for his family because they thought they would be in their home in November and their apartment was rented at that time to someone else. He stated that as a result his family is living with relatives.

Councilmember Alcala moved to adopt the ordinance as amended. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

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

ORDINANCE NO. 18149 introduced by Deputy Mayor Duane F. Pomeroy concerning the terms of city board and commission members, repealing City of Topeka Code §§ 2-182, 142-636, 142-637, 142-638, 142-639, 142-640, 142-641, 142-642, 142-643, 142-644, and 142-645 and amending City of Topeka Code §§ 2-185, 2-186, 2-187, 2-188, 2-189, 2-190, 2-191, 2-193, 2-194, 2-197, 26-67, 26-138, 26-221, 42-4, 42-39, 86-27, 102-54, 102-198, and 106-41 and specifically repealing said original sections placed on first reading December 9, 2003, was again presented.

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

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to the waivers and variances from the stream buffer requirements, amending Topeka City Code § 66-158, and repealing said original section placed on first reading December 9, 2003, was again presented.

Councilmember Duffy moved to refer the ordinance to the Public Health and Safety Committee. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

RESOLUTION NO. 7427 introduced by Deputy Mayor Duane F. Pomeroy declaring the entire boundary of the City of Topeka, was presented.

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

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, authorizing Improvement Project No. 14104-00, which provides for the installation of a new traffic signal

system at SE/SW 17<sup>th</sup> Street and Kansas Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, authorizing Water Main Project No. 28546-00, which provides for the water main installation along SW 6<sup>th</sup> Street from Oakley Avenue to Gage Boulevard as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, was presented for first reading.

Deputy Mayor Pomeroy moved to adjourn the meeting so that the Council could continue the Mayoral interviews. The motion seconded by Councilmember Stubbs carried.

Councilmember Preisner was out of the room. (8-1-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:40 p.m.

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Iris Walker  
City Clerk