

City Council Minutes – December 30, 2003

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 30, 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 Reverend Dave Fulton, Trinity Lutheran Church.

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

THE CONSENT AGENDA was presented as follows:

Denial of Claim Appeal for Cathy Conn alleging that on July 10, 2003 she was crowded off the Shunga Trail by three Topeka police officers while riding her bike, and seeking damages in the amount of \$2,000 was presented.

RESOLUTION NO. 7428 of the Governing Body of the City of Topeka, Kansas acknowledging the removal of the Trustee named in a certain Trust Indenture between the City and said Trustee relating to the City's Leasehold Revenue Bonds Series 1994A and taxable Leasehold Revenue Bonds Series 1994B (League of Kansas Municipalities Office Building Project), dated July 1, 1994, and appointing UMB Bank, N.A., Kansas City, Missouri as successor Trustee, was presented.

A communication recommending the appointment of Joyce Romero to the Topeka Planning Commission to fill the un-expired term of Jim Hunt who has resigned, was presented. This term expires October 31, 2004.

A Final Plat for Hanrahan Subdivision No. 2 on property located at the northeast corner of NW Walker Street and NW MacVicar Avenue in the City of Topeka, Kansas, was presented. (P03/29)

A Final Plat for Morrison Court Subdivision No. 3 located at the northwest corner of SE 22nd Street and SE Indiana Avenue in the City of Topeka, Kansas, was presented. (P03/51)

A Final Plat for Mission Ridge on property located at the southwest corner of SW 41st Street and SW Wanamaker Road within unincorporated Shawnee County, Kansas, was presented. (P03/23)

Minutes of the Special Called Meeting of December 15, 2003 and the Regular Meeting of December 16, 2003, were presented.

APPLICATIONS for Cereal Malt Beverage Licenses bearing the approval of the Chief of Police and City Inspectors from New China Restaurant, 201 SW 29th Street, and Kwik Stop, 738 W. Gage, were presented.

APPLICATIONS for Dance Hall Licenses bearing the approval of the Chief of Police and City Inspectors from Kansas Expocentre, One Expocentre Drive, and The Tool Shed TAP, 921 S. Kansas, were presented.

APPLICATIONS for Open After Midnight permits bearing the approval of the Chief of Police from Doll House, 5235 SW 28th Court and Ichabod Laundra Bar, Inc., 1501 W. 21st Street, Room 109, were presented.

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

A PROJECT BUDGET in the amount of \$159,438 and ORDINANCE NO. 18150 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 17th Street and Kansas Avenue as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading December 16, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report.

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

A PROJECT BUDGET in the amount of \$207,400 and ORDINANCE NO. 18151 introduced by Deputy Mayor Duane F. Pomeroy, authorizing Water Main Project No. 28546-00, which provides for the water main installation along SW 6th 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 placed on first reading December 16, 2003, was again presented.

Neil Dobler, Public Works Director gave the staff report and stated that the project would be funded with Water Utility funds.

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

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan, was presented for first reading. (CPA03/03)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “C-4” Commercial District, “C-2” Commercial District, “M-3” Multiple-

Family Dwelling District, and “M-2” Multiple-Family Dwelling District, TO “C-5” Commercial District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/38)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “M-3” Multiple-Family Dwelling District, and “M-2” Multiple-Family Dwelling District, “E” Multiple-Family Dwelling District, and “I-1” Light Industrial District TO “M-1a” Limited Multiple-Family Dwelling District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/39)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “M-1” Two-Family Dwelling District, “M-2” Multiple-Family Dwelling District, “O&I-1” Office and Institutional District, “C-4” Commercial District, and “I-1” Light Industrial District TO “R-2” Single-Family Dwelling District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/40)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning

Classification from “C-4” Commercial District, and “I-1” Light Industrial District, “M-2” Multiple-Family Dwelling District, and “M-1” Two-Family Dwelling District, TO “X-1” Mixed-Use District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/41)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “I-1” Light Industrial District, “I-2” Heavy Industrial District, and “M-1” Two-Family Dwelling District, TO “X-2” Mixed-Use District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/42)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy 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 within the Monroe neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from “I-1” Light Industrial District, “I-2” Heavy Industrial District, and “R-1” Single-Family Dwelling District, TO “OS-1” Open Space District, in an area of irregular boundary as reflected on the attached vicinity map, was presented for first reading. (Z03/43)

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy, relating to the licensing of alarm businesses and amending City of Topeka Code Chapter 30 and Chapter 30, Article II, Division 2 and specifically repealing said original sections, was presented for first reading.

RESOLUTION NO. 7429 introduced by Councilmember John Alcala granting a exemption from the annexation requirements of City of Topeka Code § 146-37, as amended, for the provision of water to certain specified property located in Shawnee County, Kansas, was presented.

Neil Dobler, Public Works Director stated that the applicant would still have to go through the regular process to pay the fees, and sign a consent to annexation with approval of this resolution.

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

Councilmember Haynes moved to refer 5A through 5G, the Monroe Neighborhood Plan and downzonings to the Committee of the Whole for further study. The motion was seconded by Councilmember Nave.

Councilmember Lane moved to amend the motion to delete 5A, the Monroe Neighborhood Plan. The motion seconded by Councilmember Pomeroy carried. Councilmembers Nave, Duffy and Price voted “no”. (6-3-0)

Councilmember Alcala made a substitute motion to defer 5B through 5G, the Monroe downzoning cases until February 10, 2004. The motion seconded by Councilmember Lane carried. Councilmembers Nave, Duffy and Price voted “no”. (6-3-0)

SELECTION of the Mayor for the City of Topeka was presented.

Deputy Mayor Pomeroy stated that there was no need for nominations because everyone listed on the ballot before them was a candidate. He stated that the Councilmembers should cast their ballot from the numbered ballots that was distributed and pass them down to the City Clerk.

He stated that the first candidate to receive five votes would be selected to fill the mayoral vacancy.

Councilmember Lane stated that he would vote for Jack Alexander who was the winner in his district.

Following the second round of ballots, Deputy Mayor Pomeroy announced that James McClinton received five votes of the Council and would fill the mayoral vacancy until the next election in April of 2005.

REPORTS OF COMMITTEES AND OFFICERS were presented.

Councilmember Stubbs announced a Public Health and Safety Committee meeting scheduled for Monday, January 5, 2004 at 3:00 p.m. in the Council office.

PRESENTATIONS BY MEMBERS OF THE COUNCIL were presented.

Councilmember Duffy asked that annexation of Mission Ridge Subdivision be placed on the pending requests.

Ted Mize and Charles Criqui appeared to speak under public comments.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:47 p.m.

Iris Walker
City Clerk