

City Council Minutes – December 21, 2004

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, December 21, 2004. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Chancler, Duffy, Nave, Haynes, Stubbs, Preisner and Muller -9. Mayor James A. McClinton presided -1.

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

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

SWEARING IN of Deborah Purce, Associate Municipal Court Judge by Mayor James A. McClinton.

THE CONSENT AGENDA was presented as follows:

APPROVAL of Workers' Compensation Claim in the amount of \$13,544.77 for Joy Foy was presented

FINAL PLAT for Kuhn-Smith Subdivision located at the southwest corner of SW 10th Avenue and SW Chatham Place within the City of Topeka was presented. (P04/31)

A COMMUNICATION recommending the appointment of Frank S. Henderson, Jr., to the Topeka Planning Commission for a three-year term that would expire on October 31, 2007 was presented.

Minutes of the Regular Meeting of December 14, 2004, were presented.

Dance Hall License applications bearing the approval of the Chief of Police and City Inspectors for the Kansas Expocentre, One Expocentre Drive; and Our Lady of Guadalupe Church, 201 NE Chandler, were presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police

and City Inspectors for Heart of America Food Service, One Expocentre Drive; Our Lady of Guadalupe Church, 1008 NE Atchison; and Doc Holliday's, 425 SW 30th Street, were presented.

Open After Mid-Night License applications bearing the approval of the Chief of Police and City Inspectors for Double Deuce, 3701 SW Plaza Drive; and Varsity Blues Bar & Bar-B-Que, 1616 SW 17th Street, were presented.

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

ORDINANCE NO. 18365 introduced by the City Council Economic and Community Development Committee, amending City of Topeka Code Sections 138-77, 138-78, 138-79, 138-84, 138-86 and 138-87 concerning economic development tax exemptions, and repealing the original of said code sections place on first reading December 14, 2004 was again presented.

RESOLUTION NO. 7363 introduced by the City Council Economic and Community Development Committee relating to the issuance of industrial revenue bonds, providing procedures for review of Industrial Revenue Bond applications and rescinding City of Topeka Resolution No. 6876 was presented.

Councilmember Stubbs moved to adopt the ordinance and approve the resolution. The motion seconded by Councilmember Haynes carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Pomeroy, Alcalá, Chancler, Nave, Haynes, Duffy, Stubbs, Preisner and Muller -9.

RESOLUTION NO. 7562 introduced by Mayor James A. McClinton, declaring the entire boundary of the City of Topeka was presented.

Neil Dobler, Public Works Director gave the staff report.

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

RESOLUTION NO. 7564 introduced by Mayor James A. McClinton, adopting the 2004-2005 Capital Budget for the City of Topeka, Kansas, and rescinding City of Topeka Resolution No. 7524 was presented.

Jim Langford, Budget Director gave the staff report.

Councilmember Muller moved to approve the resolution. The motion seconded by Councilmember Stubbs carried. Councilmembers Alcalá and Chancler voted "no". (7-2-0)

FINAL PLAT located on the north side of NW 46th Street, the centerline of which is approximately 2,106 feet west of NE Indian Creek Road within unincorporated Shawnee County, Kansas was presented. (P04/32)

Bill Fiander, Planning Department gave the staff report.

Councilmember Preisner moved to approve the final plat. The motion seconded by Councilmember Muller carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 13144-01, which provides for improvements to the Law Enforcement Center 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 Mayor James A. McClinton annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, generally located on the North side of SW 43rd Street approximately 2800' east of SW Gage Boulevard in Shawnee County, Kansas and adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading. (A04/11)

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Preisner announced that there would be a Public, Health and Safety Committee meeting held on January 3, 2004 at 12:00 p.m. in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed a report regarding an update on the Management Partners Optimization Study. He stated that they would begin providing quarterly reports to the Council for review.

Mayor McClinton stated that they recently met with representatives from Shawnee County regarding the possible change in State annexation statutes. He stated that he believes the outlook regarding City-County government consolidation and future annexation is positive and encouraged the Council to remain proactive.

Councilmember Stubbs expressed concern with the possible change in annexation laws. She stated that because they have passed laws that require annexation prior to approving new development a change in the law would have a detrimental affect on the City.

Councilmember Pomeroy stated that he believes they should continue with unilateral annexation.

Councilmember Alcala stated that it was his understanding that the new annexation laws only addressed unilateral annexation.

Councilmember Duffy stated that it is very important for the entire Council to vigorously oppose legislature regarding any type of annexation restrictions. He stated that they should continue to prepare for annexation and aggressively pursue the urban service area.

Councilmember Muller stated that it is extremely important that they communicate to legislature the importance of annexation and the vital role it plays in City development.

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

Iris Walker
City Clerk