

City Council Minutes – February 8, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 8, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcalá, Duffy, Chancler, Nave, Haynes, Stubbs and Muller -8. Mayor James A. McClinton presided -1. Councilmembers absent: Preisner -1.

AFTER THE MEETING was called to order, prayer was offered by Pastor Forest James, El Shaddai Ministries Church of God in Christ.

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

Councilmember Alcalá requested that item 3B, a resolution canceling the Council meetings of March 1, 2005 and April 5, 2005 be pulled for separate discussion.

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 7577 introduced by Mayor James A. McClinton and Councilmembers Lover Chancler, Clark Duffy, Jeff Preisner, Lisa Stubbs and John Nave relating to housing tax credits for rental housing through Market Place Homes, L.L.C., was presented.

CONTRACT NO. 34958 a Memorandum of Understanding between the City of Topeka and Topeka Public Schools specifying the powers of USD 501 police officers (campus police) within the city was presented.

A FINAL PLAT for Kanza Business and Technology Park Subdivision No. 3 located on the west side of SW MacVicar Avenue approximately 1,200 feet north of SW 6th Street in the City of Topeka, Kansas was presented. (P05/3)

Minutes of the Regular Meeting of February 1, 2005 were presented.

A Dance Hall License application bearing the approval of the Chief of Police and City Inspectors for Azteca Club, 1201 SE 6th Avenue was presented.

Councilmember Duffy moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Muller carried unanimously. (8-0-0)

RESOLUTION NO. 7578 introduced by Mayor James A. McClinton, canceling the Council meetings of March 1, 2005, and April 5, 2005 was presented.

Councilmember Duffy moved to approve the resolution. The motion seconded by Councilmember Stubbs carried. Councilmember Alcalá, Chancler and Haynes voted "no". (5-3-0)

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas, held Tuesday, February 8, 2005, at 7:00 P.M. in conjunction with vacation request V04S/5 to vacate all of SE 31st Street from an extension of the west line of Lot 2 in Block "G" to an extension of the east line of said Lot 2, in Shawnee Estates Subdivision.

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of the entire public right-of-way of SE 31st Street from an extension of the West line of Lot 2 in Block "G" to an extension of the East line of said Lot 2, as dedicated by Shawnee Estates Subdivision, in the City of Topeka, Shawnee County, Kansas placed on first reading December 7, 2004 was again presented. (V04S/5)

David Thurbon, Planning Director stated that the application has been withdrawn by request of the applicant.

A PROJECT BUDGET in the amount of \$195,554 and ORDINANCE NO. 18388 introduced by Mayor James A. McClinton, authorizing Improvement Project No. 18025-00, which provides for the removal of the free flow right turn lane on 21st Street to Arrowhead as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading February 1, 2005 was again presented.

Neil Dobler, Public Works Director gave the staff report.

Brenden Long, City Attorney requested that they amend line 29 due to a typographic error. He stated that line 29 should read, "City of Topeka General Obligation Bonds in the amount of \$44,189."

Councilmember Nave moved to approve the project budget and adopt the ordinance as amended. The motion seconded by Councilmember Muller carried unanimously. (8-0-0)

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

ORDINANCE NO. 18389 introduced by Mayor James A. McClinton annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property located at the northwest corner of SW 29th Street and SW Indian Hills Road adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading February 1, 2005 was again presented. (A04/10)

David Thurbon gave the staff report.

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

A ZONING PETITION and ORDINANCE NO. 18390 introduced by Mayor James A. McClinton 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 commonly known as Alexander Place Subdivision, located at the southeast corner of SW 45th Street and SW Cambridge Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District placed on first reading February 1, 2005 was again presented. (Z05/1)

David Thurbon gave the staff report.

Mayor McClinton asked if there were any exparte communications. There were none declared.

Councilmember Duffy moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Stubbs carried unanimously. (8-0-0).

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

A ZONING PETITION and ORDINANCE NO. 18391 introduced by Mayor James A. McClinton 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 commonly known as River Hill Residential, located at the northwest corner of SW 6th Avenue and SW Wanamaker Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District placed on first reading February 1, 2005 was again presented. (Z05/2)

David Thurbon gave the staff report.

Mayor McClinton asked if there were any exparte communications. There were none declared.

Councilmember Duffy moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember Chancler carried unanimously. (8-0-0)

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

A RESOLUTION introduced by Councilmember Lover Chancler relating to the installation of a traffic signal at the intersection of SE 6th Street and SE Deer Creek Trafficway was presented.

Councilmember Chancler suggested that the resolution be placed in the Economic and Community Development Committee. She requested that a traffic study be conducted on the area to determine how the increase in economic development is going to affect the area. She also stated that the area business owners are currently out of town and would like the opportunity to speak on the issue.

Councilmember Chancler moved to refer the resolution to the Economic and Community Development Committee. The motion seconded by Councilmember Nave carried unanimously. (8-0-0)

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40595-03 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40595-03 as defined and described in Resolution No. 7371, adopted and approved August 5, 2003 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Lateral Sanitary Sewer District No. 40886-02 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40886-02 as defined and described in Resolution No. 7259, adopted and approved September 3, 2002 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60427-02 with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 60427-02 as defined and described in Resolution No. 7321, adopted and approved March 11, 2003 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, apportioning and levying a special assessment on certain lots and pieces of ground in the City of Topeka, Shawnee County, Kansas, for the improvement of Street Improvement Project No. 60561-02 with pavement, curb and gutter, and all other contingencies needed to complete Street Improvement Project No. 60561-02 as defined and described in Resolution No. 7260, adopted and approved September 3, 2002 was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Improvement Project No. 30252-00, which provides for improvements to the Discovering Apes building and the Tropical Rain Forest 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 Councilmember Clark Duffy relating to historical preservation, specifically creating a City of Topeka Code Chapter 80 and Sections 80-1, 80-2, 80-3, 80-4, 80-5, 80-6, 80-7, 80-8, 80-9, 80-10, 80-11, 80-12, 80-13, 80-14, 80-15, 80-16, and 80-17 and repealing the original sections was presented for first reading.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed the Weekly Legislative Report.

Mayor McClinton stated that he presented the proposed tax equity bill to the House Taxation Committee for consideration.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Chancler submitted a resolution for a future agenda relating to the distribution of money and financial assistance administered through the City of Topeka and rescinding Resolution 7306.

JoAnn Peavler and John Moyer appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:50 p.m.

Iris Walker
City Clerk