

City Council Minutes – March 8, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, March 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, Preisner and Muller -9. Mayor James A. McClinton presided -1.

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

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

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 18398 introduced by Councilmembers Jeff Preisner, John Nave, John Alcalá, Lisa Stubbs, Clark Duffy, Bill Haynes, Duane Pomeroy, Lover Chancler and Tiffany Muller authorizing the St. Patrick's Day Committee to hold the St. Patrick's Day Street Fair on March 17, 2005 placed on first reading February 22, 2005 was again presented.

A PROJECT BUDGET in the amount of \$1,628,600 and RESOLUTION NO. 7591 introduced by Mayor James A. McClinton, describing Water Main Project No. 28509-01 which provides for the installation of two, twenty (20) inch waterlines on the new Topeka Boulevard Bridge over the Kansas River and authorizing the same was presented.

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$103,110 and RESOLUTION NO. 7592 introduced by Mayor James A. McClinton authorizing Sanitary Sewer Improvement Project No. 40915-02 as more specifically described herein was presented.

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$504,109 and RESOLUTION NO. 7593 introduced by Mayor James A. McClinton authorizing Street Improvement Project No. 60598-02 as more specifically described herein was presented.

A REAL ESTATE REPORT for the disposal of real property located in the 1100 block of Madison Street, north of the Ritchie House site at 1116 SE Madison Street, was presented.

CONTRACT NO. 35043 between the Shawnee County Historical Society, Inc., and the City of Topeka for the donation and transfer of title of real estate for property located in the 1100 block of SE Madison Street, north of the Ritchie House site at 1116 SE Madison Street, was presented.

Minutes of the Regular Meeting of February 22, 2005 were presented.

An Open After Mid-Night License application bearing the approval of the Chief of Police and City Inspectors for Green Parrot Downtown, 705 S. Kansas Avenue, was presented.

Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors for the following were presented:

The Celtic Fox Pub & Restaurant	118 SW 8 th Street
Conoco Food Mart	2121 SW Wanamaker Road
Conoco Food Mart	2201 SW 6 th Street
The Pub	826 N. Kansas Avenue

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

Councilmember Duffy moved to suspend the Council Rules to add two resolutions to the agenda. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Duffy moved to add a resolution relating to the development of the Kansas Riverfront to the agenda. The motion seconded by Councilmember Stubbs carried unanimously. (9-0-0)

Councilmember Pomeroy moved to add a resolution to the agenda regarding the sale of the Cypress Ridge Golf Course to Shawnee County, Kansas. The motion was seconded by Councilmember Alcalá.

Mayor McClinton asked what the implications would be regarding negotiations on the existing request for proposal (RFP) process if Shawnee County chose to become a participant.

Brenden Long, City Attorney stated that it could possibly impact the response of other bidders if they knew that the City was trying to negotiate the sale of the golf course with Shawnee County. He also stated that the RFP specifies that any person who places a bid cannot discuss the golf course with any City employee or official except at designated times. He stated that they would have to decide if Shawnee County has violated that specific stipulation of the RFP.

Councilmember Stubbs stated that there is nothing that would prohibit Shawnee County from following the same RFP process as other bidders. She stated that they could include additional information in the RFP regarding the plan to purchase the golf course.

Councilmember Haynes expressed concern with the language of the resolution. He stated that he believes it should specify only one option to “sell” the property or to “transfer” the property, not both.

Councilmember Preisner stated that he would like to utilize the time line that has been set to review each RFP presented by various management companies. He stated that in the event that they do not receive an offer that would accommodate their needs then he would completely support the sale of the property.

Mayor McClinton noted that if they allow a private company to manage the golf course it would generate revenue for the City, if released to the County the City would lose revenue and place a tax burden on Topeka Shawnee County residents.

Councilmember Chancler stated that she believes the resolution is premature. She explained that the decision was made to allow a private company to manage the golf course with the anticipation of making a profit. She stated that if they allow Shawnee County to manage or purchase the golf course it would not generate enough revenue by the end of the year to alleviate the property tax burden of the citizens of Topeka, but Shawnee County residents as well.

The motion to add the resolution to the agenda failed. Councilmembers Chancler, Duffy, Nave, Haynes, Stubbs, Preisner and Muller voted "no". (2-7-0)

Councilmember Duffy moved to reinstate the Council Rules. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

RESOLUTION NO. 7594 introduced by Mayor James A. McClinton expressing the support of the City of Topeka for the development of the Kansas Riverfront was presented.

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

AN ORDINANCE introduced by Mayor James A. McClinton, relating to water service to owners of real property outside city limits, amending Topeka City Code Section 146-37 and specifically repealing said original section 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 between SE 23rd Terrace and K-4 Highway (Kansas Turnpike), approximately 1320-feet west of SE Croco Road within unincorporated Shawnee County, Kansas and adjacent to the City of Topeka

corporate limits, and said land being annexed for all City purposes and specifically repealing City of Topeka Ordinance 18387 was presented for first reading. *(A05/1)*

AN ORDINANCE 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 located on the south side of SW 29th Street approximately 1,150 feet west of SW Urish Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District with County Resolution of Intent for "O&I-2" Office and Institutional District ALL TO "PUD" Planned Unit Development ("C-2" use group) was presented for first reading. *(PUD05/1)*

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a portion of a north/south and east/west utility easement located at 4317 SW Drury Lane, City of Topeka, Shawnee County, Kansas was presented for first reading. *(V05E/2)*

AN ORDINANCE 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 Capricorn Woods Subdivision No. 1 and No. 2, located approximately 600 feet south of the Kansas Turnpike and 1,300 feet west of SE Croco Road in the City of Topeka, Kansas from "RR-1" Residential Reserve District TO "R-1" Single Family Dwelling District was presented for first reading. *(Z05/3)*

AN ORDINANCE 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 Clarion Lakes Subdivision No. 1, located east of SW Wanamaker Road, the centerline of which

is approximately 950 feet south of SW 41st Street in the City of Topeka, Kansas from “RR-1” Residential Reserve District TO “R-1” Single Family Dwelling District was presented for first reading. (Z05/4)

AN ORDINANCE introduced by Mayor James A. McClinton, pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan was presented for first reading. (CPA05/01)

AN ORDINANCE introduced by Mayor James A. McClinton, exempting certain property more specifically property owned by Reser’s Fine Foods, Inc. from property 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 3167 SE 10th Street, Topeka, Shawnee County, Kansas was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, exempting certain property, more specifically property owned by River Bottom, Inc., from property 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 3801 NW 14th Street, Topeka, Shawnee County, Kansas was presented for first reading.

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Trafficway Improvement Project No. 70142-01, which provides for the reconstruction of SE California Avenue from I-70 to SE 21st Street as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

REPORTS OF COMMITTEES AND OFFICERS, were presented.

Councilmember Stubbs announced that there would be an Economic and Community Development Committee meeting held on March 15, 2005 at 12:00 noon in the City Council Office.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

Dave Graversen distributed a communication regarding the City of Topeka's indebtedness.

Mayor McClinton stated that he would like to clarify that they have not yet received a final draft of the annexation study. He stated that the final study would be available for public review very soon.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented.

Councilmember Duffy encouraged all Councilmembers to participate in the St. Patrick's Day Parade on March 17, 2005.

Willia Mae Anderson appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:42 p.m.

Iris Walker
City Clerk