

City Council Minutes – July 12, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 12, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Councilmembers Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -7. Councilmembers absent: Kennedy and Preisner -2. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

MINUTES of the Regular Meeting of July 5, 2005 were presented.

Councilmember Alcala moved to approve the minutes. The motion seconded by Councilmember Harmon carried unanimously. (7-0-0)

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

<u>Business</u>	<u>Address</u>
Baloch Mart	1320 SW 6 th Street
Conoco #16004	1531 SW Wanamaker
Mini-Mart Express	1611 SE 29 th

A PROJECT BUDGET in the amount of \$1,035,405 and AN ORDINANCE introduced by acting City Manager Neil Dobler, authorizing the first phase of Grade Separation Project No. 12064, which provides for the design, right-of-way appraisal and utility relocation for construction of a grade separation structure on NW Lower Silver Lake Road as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading May 10, 2005 was again presented. The ordinance was deferred from the meeting of June 14, 2005.

Councilmember Blackburn gave the committee report and stated that the Economic and Community Development Committee recommended “Do Not Pass” by a vote of 3-0-0 on June 1, 2005. He stated that the consensus of the committee was to establish a benefit district for the area.

Councilmember Alcala encouraged the Council to deny the proposal. He stated that staff needs additional time to develop a benefit district and negotiate funding with the Railroad Company and the State.

Councilmember Alcala moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Haynes failed. (0-7-0)

The ordinance was not adopted on roll call vote as follows: Noes: Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -7. Absent: Kennedy and Preisner -2.

ORDINANCE NO. 18477 introduced by Neil Dobler, City Manager, relating to the changes in the code pursuant to Charter Ordinance No. 94, amending City of Topeka Code Sections 18-32, 26-57, 26-139, 34-38, 34-39, 34-92, 34-94, 42-1, 42-2, 42-3, 42-9, 42-10, 50-43, 50-46, 86-118, 86-133, 86-136, 90-28, 110-42, 130-207, 138-96, 142-270, 142-808, 146-28, 146-38, 146-341, 146-379, and sections 1, 2, 3, and 6 of City of Topeka Ordinance No. 18365, and section 28 of City of Topeka Ordinance No. 18382 and specifically repealing said original sections placed on first reading May 3, 2005 was again presented.

Brenden Long, City Attorney gave the staff report. He stated that the changes made to the ordinance were primarily technical. He explained that a number of concerns have been raised in regards to the role of the Neighborhood Improvement Associations (NIA) and the Citizens Advisory Council (CAC). He suggested that the sections that directly relate to the NIA or CAC in Chapter 42, be deleted from the ordinance and dealt with separately.

Councilmember Nave expressed concern with Section 17, regarding the Human Relations Commission and the City's Affirmative Action Plan.

Brenden Long stated that the ordinance does not address policy issues. He suggested that they also review Section 17 separately.

Councilmember Alcala clarified that he does not oppose Chapter 42. He stated that he needs additional time to reach a compromise with staff and NIA members.

Councilmember Alcala moved to delete sections 8 through 13 of Chapter 42. The motion seconded by Councilmember Ortiz carried. Councilmember Duffy voted "no". (6-1-0)

Councilmember Alcala moved to approve the ordinance as amended. The motion seconded by Councilmember Blackburn carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -7. Absent: Kennedy and Preisner -2.

A RESOLUTION introduced by City Manager Neil Dobler authorizing an expenditure not to exceed \$85,000 from the general fund contingency for the purpose of general consulting services for the enterprise resource planning project was presented.

Neil Dobler, City Manager stated that the City is moving forward with a Request For Proposal to acquire an Enterprise Resource Planning (ERP) System to serve the City of Topeka for the next 10 to 15 years. He explained that the City would greatly benefit from contracting a consultant that has experience and expertise in the field. He also stated that hiring a consultant would save money and help ease the implementation process.

Jim Langford, Budget and Finance Director stated that it is extremely important to hire an experienced consultant. He explained that the Government Finance Officers Association

(GFOA) works daily with systems similar to the ERP System. He also stated that GFOA would assist in the process of selecting a vendor, and negotiating a final contract.

Councilmember Alcalá stated that he would not support the resolution because of the cost. He also stated that he believes the City's Information Technology Department is capable of implementing the system.

Neil Dobler stated that in his opinion, a consultant fee should be considered the insurance policy needed for making an informed decision.

Steve Tallen, Information Technology Director stated that he agrees that hiring a consultant would ease the implementation process. He also stated that he believes that \$85,000 is a small investment compared to the amount of money that the City will save each year following implementation. He confirmed that the IT Department is capable of implementing the new system, however, GFOA would smooth the process, save money and time.

Councilmembers Blackburn, Ortiz and Haynes stated that they would not support the resolution because the consulting fee is too expensive and they believe the IT Department is capable of implementing the system.

Councilmember Haynes moved to approve the resolution. The motion seconded by Councilmember Alcalá failed. Councilmembers Alcalá, Ortiz and Blackburn voted "no".

(4-3-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$350,920 and RESOLUTION NO. 7660 introduced by City Manager Neil Dobler authorizing Sanitary Sewer Project No. 40917-02 as more specifically described herein was presented.

Neil Dobler, City Manager gave the staff report.

Councilmember Nave moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Blackburn carried unanimously.

(7-0-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$555,860 and RESOLUTION NO. 7661 introduced by City Manager Neil Dobler authorizing Street Improvement Project No. 60599-02 as more specifically described herein was presented.

Neil Dobler, City Manager gave the staff report.

Councilmember Nave moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Haynes carried unanimously. (7-0-0)

A PUBLIC IMPROVEMENT PETITION, A PROJECT BUDGET in the amount of \$152,571 and RESOLUTION NO. 7662 introduced by City Manager Neil Dobler authorizing Project No. 40933-01 as more specifically described herein was presented. The public improvement petition, project budget and resolution were deferred from the meeting of July 5, 2005.

Neil Dobler, City Manager gave the staff report. He stated that he received a memorandum on July 13, 2005 from the developer stating that they would absorb a portion of the cost of the assessment.

Derek Dummermuth, Heritage Tractor confirmed that they would pay a portion of the assessment cost to each property owner in the amount of \$2,500. He stated that this is their final offer and believe it is fair. He also stated that all but one of the property owners have accepted the offer.

Robert Meier, area property owner requested that they delay the proposal until a solution is reached. He stated that he owns 10-acres of area farmland, and only half of the acreage can be

developed. He also stated that he believes the assessment is unfair and they should assess each property based on the usage.

Henry McClure stated that he believes the final offer from the developer is generous. He encouraged the Council to approve the proposal to allow the area to grow.

Gary Fusseneger, area resident spoke in opposition of the proposal. He stated that the Council should analyze closely who would benefit from the project. He also stated that the assessment process must be clarified to avoid the same problem in the future.

Vern Jarboe, attorney for area property owners distributed a handout showing alternative methods for a fair assessment. He encouraged the Council to assess the property based on the benefits each property owner would receive from the project.

Brenden Long, City Attorney confirmed that the method to assess a property is regulated by State Statute, and he is not aware of any ruling that proves one assessment method is better than another.

Councilmember Haynes moved to approve the project with the stipulation that the applicants who accepted the offer from Heritage Tractor would not appeal the decision of the Council. The motion died due to a lack of a second.

Brenden Long stated that the Council is limited to deciding the size of the benefit district, and the formula for assessment.

Councilmember Blackburn stated that he would support the project because it would benefit the entire area.

Councilmember Duffy stated that he would support the project because it contributes to the City's economic and community development. He also stated that the applicant followed

standard procedure and should be allowed to move forward with the project. He encouraged the developer to follow through with their offer in assisting area residents.

Councilmember Alcalá stated that he would support the project because of the economic impact it would have on the area.

Councilmember Nave moved to approve the public improvement petition, project budget and resolution. The motion seconded by Councilmember Blackburn carried unanimously. (7-0-0)

AN EXPENDITURE ORDINANCE introduced by City Manager Neil Dobler allowing and approving city expenditures for the period of June 27, 2005, through July 3, 2005, and enumerating said expenditures herein placed on first and final reading.

Neil Dobler, City Manager gave the staff report.

Several Councilmembers questioned a number of procurement card expenditures.

Brenden Long, City Attorney stated that he would review alternative methods for approving the expenditures.

Councilmember Duffy moved to defer the ordinance for one week. The motion seconded by Councilmember Alcalá carried unanimously. (7-0-0)

AN ORDINANCE introduced by Councilmember Lana Kennedy amending City of Topeka Code Section 18-157 to require owners, keepers and harborers of Pit Bull dogs to obtain and maintain certain specific types and amounts of insurance and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager, Neil Dobler, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas to pay the cost for sewage

collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-631k was presented for first reading.

A RESOLUTION introduced by City Manager Neil Dobler amending City Council Rule of Procedure 5.2 concerning the order of business for city council meetings was presented for first reading.

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL, were presented.

Neil Dobler distributed a memorandum concerning the procurement card policy. He stated that there are a number of factors that would be considered prior to establishing a new policy including: (1) the number of cards issued (2) justifying the necessity of each card, and (3) revising the disciplinary, food and travel policies.

Councilmember Haynes asked if the Organizational Assessment and Optimization Study recommendations made by the Management Partners, Inc., were included in the proposed 2006 Operating Budget.

Councilmember Ortiz asked staff to establish a new hotel policy for city employees.

David Owen appeared to speak under public comment.

Councilmember Alcala left the meeting.

Councilmember Duffy moved to adjourn into executive session for a period not to exceed ten minutes to discuss personnel matters. The motion seconded by Councilmember Nave carried unanimously. (6-0-0)

Councilmember Nave moved to extent the executive session an additional ten-minutes. The motion seconded by Councilmember Ortiz carried unanimously. (6-0-0)

Following a twenty-minute time period the Council reconvened into open session and Mayor Bunten stated that no action had been taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:32 p.m.

Iris Walker
City Clerk