

## City Council Minutes – September 6, 2005

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 6, 2005. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Duffy -1.

AFTER THE MEETING was called to order, Councilmember Alcalá gave the invocation.

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

RESOLUTION NO. 7678 introduced by Councilmember John Alcalá granting Downtown Topeka, Incorporated an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Councilmember Alcalá noted that the location referenced in the resolution was incorrect. He stated that the event would be held on Jackson Street between 8<sup>th</sup> and 10<sup>th</sup> Streets during the hours of 6:00 p.m. and 11:00 p.m.

RESOLUTION NO. 7679 introduced by Councilmember Lana Kennedy granting Downtown Topeka, Inc., and Cumulus Broadcasting an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the Regular Meeting of August 23, 2005 were presented.

Councilmember Haynes moved to defer the minutes one week. The motion seconded by Councilmember Nave carried. Councilmember Preisner voted "no". (7-1-0)

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

AN ORDINANCE introduced by City Manager Neil Dobler, authorizing Improvement Project No. 14116-00, which provides for the purchase of twenty-nine (29) new traffic signal controllers 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 Brett Blackburn relating to annexation and funding of sewer service and extensions, amending City of Topeka Code Section 146-256, and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmembers Jeff Preisner, John Nave and Clark Duffy, amending Topeka City Code Section 30-77 and 154-103 concerning the licensing of taxicab drivers, including the establishment of a drug and alcohol testing requirement and criminal record standards for taxicab driver licensure, and specifically repealing said original sections was presented for first reading.

AN ORDINANCE authorizing the execution of a loan agreement between the City of Topeka, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement was presented for first reading.

AN ORDINANCE introduced by Councilmember Lana Kennedy authorizing the purchase, possession and consumption of cereal malt beverages during the “Burnin Downtown” event, at specified locations and times was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 606130, public park purposes for the Washburn Lane Parkway was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the purchase, possession and consumption of cereal malt beverages during the “Mexican Independence Day” event was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler authorizing Improvement Project No. 29091-05, which provides for the replacement of the aeration basins and secondary clarifiers at the Oakland Wastewater Treatment Plant (WWTP) along with other necessary improvements as more specifically described herein which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay part of the cost thereof pursuant to City of Topeka Code Section A12-1 and pursuant to K.S.A. 10-101 and 10-1201, *et. seq.*, and all amendments thereto and repealing City of Topeka Ordinance No. 17984 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler 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 at 3635 SW Chelsea Drive in the City of Topeka, Kansas from “R-1” Single Family Dwelling District with

Resolution of Intent for “PUD” Planned Unit Development (M-2 use group) TO “R-1” Single Family Dwelling District was presented for first reading. (Z05/30)

AN ORDINANCE introduced by City Manager Neil Dobler 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 at 1800 SW Stone Avenue in the City of Topeka, Kansas from “M-2” Multiple Family Dwelling District with Resolution of Intent for “M-3” Multiple Family Dwelling District TO “M-2” Multiple Family Dwelling District was presented for first reading. (Z05/31)

AN ORDINANCE introduced by City Manager Neil Dobler relating to the vacation of a portion of a public alley located between SE 5<sup>th</sup> Street and SE 6<sup>th</sup> Avenue and between SE Adams Street and SE Jefferson Street, City of Topeka, Shawnee County, Kansas was presented for first reading. (V05A/1)

AN ORDINANCE introduced by City Manager Neil Dobler relating to the vacation of a ten-foot wide public alley located on the east side of SW Fillmore Street, the centerline of which is approximately 110-feet south of SW Munson Avenue, City of Topeka, Shawnee County, Kansas was presented for first reading. (V05A/2)

AN ORDINANCE introduced by City Manager Neil Dobler, relating to the vacation of a 20-foot wide drainage easement on property located on the east side of SW Lincolnshire Road, the centerline of which is approximately 530-feet south of SW 44<sup>th</sup> Street, City of Topeka, Shawnee County, Kansas was presented for first reading. (V05E/9)

AN ORDINANCE introduced by City Manager Neil Dobler annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property located on the north side of SW 29<sup>th</sup> Street approximately 2,000-feet east of SW Auburn Road and adjacent to

the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading. (A05/3)

AN ORDINANCE introduced by City Manager Neil Dobler annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, as amended, on property located on the northeast corner of SW Topeka Boulevard and SW 53<sup>rd</sup> Street adjacent to the City of Topeka corporate limits, and said land being annexed for all City purposes was presented for first reading. (A05/4)

AN ORDINANCE introduced by City Manager Neil Dobler, amending Ordinance 18319, authorizing Project No. 60580, Phase 3, which provides for completion of the renovation of the paddock and pit area and construction of buildings located at Heartland Park of Topeka as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and repealing City of Topeka Ordinance No. 18319 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler relating to fire protection lines, amending City of Topeka Section 146-83 and repealing said original code section was presented for first reading.

AN ORDINANCE introduced by Councilmember Brett Blackburn, to readopt City of Topeka Ordinance No. 18449 Section 1 to limit the extension of the City of Topeka building code and permit process outside the City's boundaries to the City's Municipal Service Area was presented for first reading.

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

Neil Dobler, City Manager gave a brief update on the City's role in assisting with Hurricane Katrina's relief efforts. He stated that the three main issues that need to be addressed

include; the influx of misplaced persons into the city, economic impact on the community, and Public Works personnel matters. He explained that although the Public Works Department has a limited number of staff that could assist with clean up and repair efforts they would attempt to help out as much as possible. He stated that all personnel costs would be covered by FEMA. He also thanked State, County and City officials for their combined efforts in assisting with local hurricane relief efforts.

Mayor Bunten thanked all State, County and City officials, personnel and agencies for their help with the hurricane relief efforts. He stated that he has met with State officials to discuss possible improvements to a number of downtown areas. He also stated that he is in the process of trying to implement a Shawnee County prisoners work release program to help clean up the City for a minimal cost. He stated that the City would receive the Business Friendly Report on Thursday, September 8, 2005 at 5:30 p.m. He stated that the Clean Up Topeka Report recommendations would be finalized by end of the month.

Councilmember Alcalá requested a copy of the Animal Control Department Standard Operating Procedure.

Councilmember Nave commended Councilmembers on their consolidated efforts in assisting with the hurricane relief effort.

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

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Iris Walker  
City Clerk