

City Council Minutes – February 21, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 21, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Preisner -1.

AFTER THE MEETING was called to order, Reverend Richard Taylor gave the invocation.

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

A PRESENTATION and report by Jeanne Slusher, Chair of the “P-Card Committee”, was presented regarding the City’s purchasing program through employee’s use of purchasing cards.

Neil Dobler, City Manager withdrew item 7A, a resolution setting a public hearing for consideration of the adoption of Redevelopment Project Plan for the College Hill Redevelopment Plan from the agenda.

Councilmember Duffy requested to pull item 4C, a final plat for Southwest Industrial Plaza No. 3 for separate discussion.

THE CONSENT AGENDA was presented as follows:

MINUTES of the Regular Meeting of February 14, 2006 were presented.

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

A FINAL PLAT for Southwest Industrial Plaza No. 3 located on properties adjacent to the east side of the Kansas Turnpike between SW 53rd Street and SW 57th Street within the Municipal Service Area of the City of Topeka, was presented. (P05/41)

Councilmember Duffy asked about the history of the sewer service for the property. He also asked if a septic tank system would be acceptable for the type of development that is going to occur.

David Thurbon, Planning Director stated that he is not aware of the sewer service history of the property. He also stated that there is already an approved plat for the property and this plat is to realign a road by turning it to the east. He stated that it would reduce the number of lots from six to four. He stated that the Shawnee County Health Department has approved the plat, therefore, the use of a septic system has been approved as well.

Councilmember Duffy asked if there were conditions placed on the plat to impose improvement of the gateway area.

David Thurbon stated that there are no requirements on the plat at this time.

Councilmember Duffy encouraged the developer to incorporate improvements to the gateway as part of the development.

Councilmember Duffy moved to approve the final plat. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

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 21, 2006, at 6:00 P.M. to consider the advisability of Improvement Project No. 12064 which provides for the design, right-of-way, and utility relocation for the construction of a grade separation structure on NW Lower Silver Lake Road.

A PROJECT BUDGET in the amount of \$5,543,451.23 and A RESOLUTION introduced by City Manager Neil Dobler authorizing Improvement Project No. 12064 which provides for the construction of an overpass on NW Lower Silver Lake Road above the Union Pacific Railroad Tracks, located East of NW Saline Street and West of NW Furman Road, was

presented. The West end of the proposed overpass will connect to the planned construction and widening of one mile of NW Lower Silver Lake Road.

Neil Dobler, City Manager gave the staff report.

Councilmember Alcalá stated that he received several letters in support of the project from area business owners. He stated that due to the amount of support by business owners he would like to defer action to see if they are voluntarily willing to participate in the benefit district. He stated that this would create a win-win situation by accommodating residents as well as, business owners.

Councilmember Alcalá moved to defer the public hearing, project budget and resolution for two weeks. The motion was seconded by Councilmember Ortiz.

Councilmember Blackburn suggested that they look at creating the benefit district based on trip generation.

Councilmember Nave emphasized the importance of the public, health and safety aspect of the project. He stated that it is important to allow the citizens the opportunity to voice their concerns about the project.

The motion to defer for two weeks carried unanimously. (8-0-0)

Mayor Bunten stated that everyone who signed up to speak on the item would be allowed to do so in two weeks.

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 21, 2006, at 6:00 P.M. relating to an economic development property tax exemption for River Bottom Group, Inc.

ORDINANCE NO. 18571 introduced by City Manager Neil Dobler, exempting certain property, more specifically property owned by River Bottom Group, 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 placed on first reading February 14, 2006 was again presented.

John Myers, Economic Development Specialist stated that the local manufacturing company currently employs approximately thirty people at an average hourly pay rate of \$14.50, as well as benefits. He explained that the expansion would increase the company's workforce, and overall sales tax revenue for the City.

Councilmember Alcalá moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Haynes carried. Councilmember Harmon abstained.

(7-0-1)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy and Blackburn -7. Abstained: Harmon -1. Absent: Preisner -1.

ORDINANCE NO. 18572 introduced by Councilmembers Bill Haynes, John Alcalá and Richard Harmon establishing a franchise fee refund program for the City of Topeka, amending City of Topeka Ordinance No. 18337 and repealing City of Topeka Ordinance No. 18337 in its entirety placed on first reading February 6, 2006 was again presented. The ordinance was deferred from the meeting of February 14, 2006.

Neil Dobler, City Manager gave the staff report.

Councilmember Haynes gave the committee report. He stated that the Policy and Finance Committee recommended "Do Pass" by a vote of 3-0-0 on February 9, 2006. He noted

that the current ordinance did not include all of the eligibility requirements that were discussed in the committee meeting.

Brenden Long, City Attorney stated that the ordinance being considered is for the current year. He stated that an additional ordinance would be introduced in two weeks that would include all eligibility standards listed under the Kansas Homestead Act, effective January 1, 2007.

Councilmember Alcala moved to adopt the ordinance. The motion was seconded by Councilmember Nave.

Councilmember Haynes expressed concern with the wording of the ordinance. He stated that it was his understanding that the ordinance would include all of the categories eligible under the State of Kansas Homestead Act.

Brenden Long stated that the eligibility sections of both ordinances reference state statute because if the state law changes, then the ordinances change with it without requiring an amendment.

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Duffy, Blackburn and Harmon -7. Noes: Haynes -1. Absent: Preisner -1.

RESOLUTION NO. 7755 introduced by City Manager Neil Dobler authorizing expenditures from the Crime Prevention Fund was presented.

Neil Dobler, City Manager gave the staff report.

Councilmember Blackburn asked if they have asked for private sponsorship of the program.

John Sidwell, Police Department stated that the Police Athletic League fund fell short this year. He also stated that they are currently trying to find private sponsors to help build the fund.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Alcala.

Councilmember Duffy asked for a list of expenditures from the Crime Prevention Fund.

The motion to approve the resolution carried unanimously. (8-0-0)

RESOLUTION NO. 7756 introduced by City Manager Neil Dobler concerning state legislation and the timing and type of elections in the City of Topeka was presented.

Neil Dobler, City Manager stated that the resolution would allow City staff to introduce and support legislation that would remove the part of House Bill 2083 that declares Shawnee County as an urban area.

Councilmember Duffy suggested that they remove the entire statute concerning City/County consolidation because he believes that House Bill 2083 is specific to the City of Topeka and Shawnee County consolidation issue.

Brenden Long, City Attorney confirmed that House Bill 2083 directly relates to the consolidation of Topeka-Shawnee County, Kansas.

Councilmember Duffy moved to amend the resolution to repeal the section of the law relating to consolidation of Topeka and Shawnee County. The motion was seconded by Councilmember Blackburn.

Councilmember Blackburn stated that he concurs with Councilmember Duffy and believes that House Bill 2083 should be repealed. He also expressed concern with the change in the election procedure if the house bill is approved.

Brenden Long, City Attorney stated that city elections would be partisan, and take place in August instead of April.

Councilmember Haynes asked if the amendment would eliminate all of the issues related to House Bill 2083.

Brenden Long stated that the amendment would only eliminate the consolidation issue.

The motion to amend the resolution carried. Councilmembers Kennedy, Alcala and Ortiz voted "no". (5-3-0)

Councilmember Duffy moved to approve the resolution as amended. The motion seconded by Councilmember Haynes carried. Councilmembers Kennedy, Alcala and Ortiz voted "no". (5-3-0)

A COMMUNICATION requesting approval of the proposal to rename the Highland-Crest Park to the Betty Phillips Park, located at 3303 SE Irvingham, was presented.

Neil Dobler, City Manager gave the staff report.

Councilmember Blackburn questioned if the request is an appropriate use of provisions in Resolution No. 7698 relating to naming a facility. He stated that he believes there are other things that can be done to recognize community volunteers without setting a precedence that would be difficult for the Council to follow.

Councilmember Blackburn moved to refer the communication to the Committee of the Whole. The motion was seconded by Councilmember Duffy.

Councilmember Ortiz made a substitute motion to approve the communication. The motion seconded by Councilmember Alcala failed. Councilmembers Nave, Haynes, Duffy, Blackburn and Harmon voted "no". (3-5-0)

Councilmember Ortiz stated that she believes Ms. Phillips has done an outstanding job relating to community service and fits all of the criteria necessary for recognition.

The motion to refer the communication to the Committee of the Whole carried.

Councilmembers Alcalá and Ortiz voted "no". (6-2-0)

AN ORDINANCE introduced by City Manager Neil Dobler, 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. 40906-01 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40906-01, as defined and described in Resolution No. 7352, adopted and approved June 17, 2003 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler, 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. 40906-02 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40906-02, as defined and described in Resolution No. 7517, adopted and approved September 7, 2004 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler, 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. 60468-05 with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60468-05 as defined and described in Resolution No. 7386, adopted and approved September 2, 2003 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler, 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. 60575, Phase 2, with pavement,

curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60575, Phase 2, as defined and described in Resolution No. 7522, adopted and approved September 14, 2004 was presented for first reading.

AN ORDINANCE introduced by City Manager Neil Dobler authorizing Improvement Project No. 12053-03 which provides for the removal and replacement of the Topeka Boulevard Bridge over the Kansas River, 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 City Council of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 12-195 *et. seq.*, and all amendments thereto was presented for first reading.

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, generally located at the corner of SW 43rd Terrace and SW Shenandoah Road within unincorporated 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. (A06/1)

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, generally located at 6446 SW Huntoon Street within unincorporated 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. (A06/4)

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

Neil Dobler, City Manager announced that the Financial Services Department received the distinguished Budget Presentation Award from the Government Finance Officers Association. He commended Jim Langford, Budget and Finance Director for his hard work and contributions to the department. He also introduced and congratulated Shawn Bruns, the newly appointed City Engineer.

Councilmember Ortiz commended the Mayor and staff for their prompt response in removing graffiti from Council District No 3.

Councilmember Nave asked if the City takes precautionary measures to help control mosquitoes.

Neil Dobler stated that the Shawnee County Health Department manages insect control for the City of Topeka.

Councilmember Blackburn stated that people could also direct their concerns regarding insect problems to the City of Topeka Code Compliance Department for assistance.

Frank Kirtdoll appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:35 p.m.

Iris Walker
City Clerk