

City Council Minutes – June 6, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 6, 2006. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9. Mayor Bunten presided. -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.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION requesting authorization to settle a workers' compensation case for more than \$10,000 was presented.

MINUTES of the Regular Meeting of May 23, 2006 were presented.

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>
California Amoco	2740 SE California Avenue
CVS Pharmacy No. 8605	2835 SW Wanamaker Road
The Goose Express	2901 SE Fremont
Lakeview Amoco	3000 SE Croco
Oakmart Amoco	2518 NE Seward

Councilmember Preisner moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried. Councilmember Duffy voted "no". (8-1-0)

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, June 6, 2006, at 6:00 P.M. on the advisability of Sanitary Sewer Improvement Project No. 40933-01.

A REVISED PROJECT BUDGET in the amount of \$211,720 and RESOLUTION NO. 7810 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Sanitary Sewer Improvement Project No. 40933-01 located along the south frontage road of NW US 24 Highway east of NW Furman Road as more specifically described herein, and rescinding City of Topeka Resolution No. 7662 was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Alcalá moved to close the public hearing and approve the revised project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously.

(9-0-0)

ORDINANCE NO. 18649 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 145-679 and specifically repealing said original section placed on first reading May 23, 2006 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

Councilmember Ortiz asked if children would still be able to license their bikes at fire stations.

Howard Giles, Fire Chief stated that nothing would change except there would no longer be a fee.

ORDINANCE NO. 18650 introduced by City Manager Norton N. Bonaparte, Jr., regarding hydrant meters, fire hydrants, and rates and charges, amending Topeka City Code

Chapter 146, Article II, Division 5 and Sections 146-95, 146-105, 146-106, 146-107, 146-119, 146-123, 146-145 and 146-146 specifically repealing said original sections, and specifically repealing the following sections 146-98, 146-104 and 146-118 placed on first reading May 23, 2006 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Mike Teply, Acting Public Works Director appeared to answer questions regarding the ordinance.

Councilmember Duffy made a conceptual amendment to Section 6 of the ordinance directing the Water Superintendent to implement the same commercial rate surcharge for use of hydrant meters outside the city limits as is the current policy. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Blackburn asked if it was an appropriate time to include an amendment that would require backflow prevention devices to be placed on the hydrants by the individual, instead of the City.

Brenden Long, City Attorney stated that because the ordinance deals mainly with rates and charges of hydrant meters the amendment would need to be addressed at a later date.

Mike Teply stated that he would check on Councilmember Blackburn's request and report back to the Council.

Councilmember Preisner moved to adopt the ordinance as amended. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

ORDINANCE NO. 18651 introduced by City Manager Norton N. Bonaparte, Jr., annexing land to the City of Topeka, Kansas, in accordance with K.S.A. 12-520, generally located at the northeast corner of SW Huntoon Street and SW Urish Road, within unincorporated Shawnee County, Kansas and to the City of Topeka corporate limits, and said land being annexed for all City purposes placed on first reading May 23, 2006 was again presented.

(A06/7)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

A DEMOLITION PERMIT request submitted by Brier Development Company for property located at 1021 SW Tyler Street was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Jill Wolters, Elizabeth Taylor and Maura Dingman spoke in opposition to the demolition request. They expressed concerns regarding further erosion of the neighborhood's historic character, distracting from the preservation work in the area, and the importance of preserving the building, neighborhood and community.

Jack Brier, Brier Development Company appeared in support of the demolition request. He explained the proposed project for the Kansas Medical Society expansion and stated that Schwerdt Design Group ruled that in their opinion there is no reasonable or feasible alternative to demolition of the building.

Councilmember Preisner moved to find that there is no reasonable or feasible alternative to demolition of the property. The motion was seconded by Councilmember Alcalá.

Councilmember Duffy asked if the property currently has any code violations and if the Landmarks Commission made a designation of the building.

David Thurbon, Planning Director stated that he believes if the structure was occupied it would have code violations, but since it is vacant it does not. He also stated that the Landmarks Commission has not considered the building. He also noted that the property is located within the environs of Historic Holliday Park, but it is not on the historic register.

Councilmember Duffy stated that he would reluctantly support the motion because it seems to be the best option available for the property. He also stated that he believes it is unfortunate that the Landmarks Commission did not offer their assistance. He expressed concern with losing these types of historical structures for flat surface parking lots and the high probability of these types of changes becoming public policy.

The motion stating that there is no reasonable or feasible alternative to demolition of the property carried unanimously. (9-0-0)

A PETITION, PROJECT BUDGET in the amount of \$216,523 and RESOLUTION NO. 7811 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 40947-00 as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

A PROJECT BUDGET in the amount \$4,765,625 and RESOLUTION NO. 7812 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No.

28566-01, Part B which provides for the construction of a new 42" water transmission main as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the petition, project budget and resolution.

The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

ORDINANCE NO. 18652 introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of May 8, 2006, through May 14, 2006, and enumerating said expenditures herein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Duffy, Blackburn, Preisner and Harmon -9.

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., designating real property more specifically described herein as a historic landmark and presently zoned "M-2" Multiple Family Dwelling District and located at 1116 SE Madison Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 was presented for first reading.

(HL05/2)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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 the northeast corner of SE 8th Street and SE Jefferson Street in the City of Topeka, Kansas from "M-

2" Multiple Family Dwelling District TO "D-1" Downtown District was presented for first reading. (Z06/13)

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code Section 2-333 concerning the golf course improvement reserve fund and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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 420 SE 6th Street in the City of Topeka Kansas from "I-1" Light Industrial District with "HL" Historic Landmark Overlay District TO "D-1" Downtown District with "HL" Historic Landmark Overlay District was presented for first reading. (Z06/12)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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 210, 220, 230, 240 and 250 SE 29th Street in the City of Topeka, Kansas from "PUD" Planned Unit Development District (C-4 use group) TO "I-1" Light Industrial District was presented for first reading. (Z06/9)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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 Project No. 40782-02 with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer District No. 40782-02, as defined and described in Resolution No. 7516, adopted and approved September 7, 2004 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., adopting a neighborhood revitalization plan and designating a revitalization area, all as provided for in K.S.A. 12-17, 114 *et. seq.*, Neighborhood Revitalization Act was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. 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. 60599-01H with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60599-01H as defined and described in Resolution No. 7440, adopted and approved February 3, 2004 was presented for first reading.

AN ORDINANCE introduced by Councilmember Lana Kennedy concerning the muzzling of vicious animals, amending Section 18-8 of the Code of the City of Topeka, Kansas and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka, and specifically rescinding City of Topeka Resolution No. 7765 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., 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 west side of SW Clare Avenue, approximately 150 feet south of SW 32nd Terrace and the parcel located on the southwest corner of SW 32nd Terrace and SW Clare Avenue in the City of

Topeka, Kansas from "PUD" Planned Unit Development District (M-2 use group) and "R-1" Single Family Dwelling District ALL TO "M-1" Two Family Dwelling District was presented for first reading. (Z06/4)

A FINAL PLAT for Northland Christian Church Subdivision located at 3102 N. Topeka Boulevard contiguous to the corporate limits of the City of Topeka, within unincorporated Shawnee County, Kansas was presented. (P06/12)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the final plat. The motion seconded by Councilmember Nave carried unanimously. (9-0-0)

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

Norton N. Bonaparte, Jr., reported on the information requested by Councilmember Haynes relating to code compliance violations. He also gave an update on the forestry fire and stated that it would take about one week before the fire is put out completely. He stated that staff met with Shawnee County Emergency Management and Health Agency on Continuity of Operations Planning for a pandemic flu exercise.

Mayor Bunten stated that he did not sign the resolution relating to extending health care to non-city employees. He stated that he checked with Mr. Moler at the League of Kansas Municipalities and he did not find any instances of this practice in Kansas. He also stated that he did sign the Charter Ordinance relating to the governing body with reluctance because he does not believe the language is clear in Section 3.

Councilmember Blackburn stated that nothing in the resolution stated that the City would offer free health insurance to individuals. He asked that the City Manager check on providing health insurance to non-city employees at no cost to the taxpayers.

Councilmember Ortiz commented on the new electronic agenda process. She stated that she would have like to been trained on the new process this week.

Councilmember Alcalá asked for an update on potential changes in the structure of various departments. Councilmember Nave announced that there would be an Economic and Community Development Committee meeting held on June 12, 2006 at 1:00 p.m. in the City Council Office.

Councilmember Blackburn announced that on Saturday, June 10, 2006 the Kansas Coyotes would be playing the Wichita Aviators. He encouraged citizens to support the team.

Michael Bradley, JoAnn Peavler and David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:07 p.m.

Iris Walker
City Clerk