

City Council Minutes – June 13, 2006

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 13, 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, Preisner and Harmon -9. Mayor Buntun presided. -1.

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

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

Norton N. Bonaparte, Jr., City Manager stated that item 4G, a communication recommending the re-appointment of Joselito Enriquez to the Topeka Planning Commission be pulled from the agenda for one week by request of the Mayor.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointments of Mike Wilson, 3718 SW Stonebridge Court and Tom Woltkamp, 348 SW Greenwood Avenue to the Board of Building and Fire Appeals was presented.

A COMMUNICATION recommending the appointment of Allen Rathke, 5100 SW 32nd Terrace, and the re-appointments of Jim Grunewald, 908 SW Armagh; Dode Lesser, 5025 SW Brentwood Lane, and D.L. Smith, 3773 SW Clarion Park Drive to the Board of Electrical Appeals was presented.

A COMMUNICATION recommending the re-appointments of Mike Smelter, 5732 SW 13th and Aaron Bisel, 3861 SW Atwood Avenue to the Board of Mechanical Examiner was presented.

A COMMUNICATION recommending the re-appointments of Jeff Romine, 6112 SW 39th and Neil Carlson, 3425 SW Westport Drive, to the Board of Plumbing Examiners was presented.

A COMMUNICATION authorizing the City Manager to execute a consent for construction of a public improvement in the City right-of-way for Garage Project No. 13137-00 previously approved by City of Topeka Ordinance No. 18311, was presented.

A COMMUNICATION recommending the appointment of Jim Fournier, Jr., 3525 SW Willow Brook Lane, to the Golf Course Advisory Board for a term that would expire June 30, 2008 was presented.

RESOLUTION NO. 7813 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 June 6, 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>
KWIK Stop	738 SW Gage Boulevard
Pizza Parlor	1919 NE Seward

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

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, June 13, 2006, at 6:00 P.M. to consider the adoption of a neighborhood revitalization plan.

ORDINANCE NO. 18653 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 placed on first reading June 6, 2006 was again presented.

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

Councilmember Duffy asked if the document presented includes the Neighborhood Element of the Comprehensive Plan.

David Thurbon, Planning Director stated that the neighborhood elements were used in the plan as the basis for determining what areas need to be revitalized.

Councilmember Blackburn asked if the areas shown on the map have to be contiguous to the city, and could other areas be added to the map.

David Thurbon stated that the areas do not have to be contiguous to the city and can be added to the map at anytime. He explained that if an area is added there is a process to follow which includes getting approval of other taxing entities, and holding a public hearing.

Councilmember Blackburn asked the City Manager to start the process to add areas in need of incentives.

JoAnn Peavler spoke in support of adding areas located in the East-End Neighborhood to the revitalization area. She stated that the city would receive more money through taxes if the vacant areas were developed.

Councilmember Preisner moved to close the public hearing and 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.

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 13, 2006, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Street Improvement Project No. 60599-01H, authorized by Resolution No. 7440, adopted and approved February 3, 2004.

ORDINANCE NO. 18654 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 placed on first reading June 6, 2006 was again presented.

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Ortiz 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.

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 13, 2006, at 6:00 P.M. for the purpose of hearing any and all complaints that may be made as to the validity and fairness of the assessments on file in the office of the Clerk, on all lots, parcels and pieces of ground liable for the cost of improvement, same being Lateral Sanitary Sewer District No. 40782-02, authorized by Resolution No. 7516 adopted and approved September 7, 2004.

ORDINANCE NO. 18655 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 placed on first reading June 6, 2006 was again presented.

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

Councilmember Preisner moved to close the public hearing and adopt the ordinance. 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. 18656 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 placed on first reading June 6, 2006 was again presented.

Councilmember Preisner stated that seven percent of the golf course fees are set aside to improve the golf course. He explained that the ordinance would allow the City Manager to use those funds on necessary projects for golf course improvements.

Councilmember Haynes stated that he does not understand why the ordinance is necessary.

Jim Langford, Budget and Finance Director stated that the ordinance would expedite the process.

Councilmember Duffy explained that the fund would be treated like the Crime Stoppers fund in which the City Manager could authorize the expenditures instead of the Council approving the expenditures separately.

Councilmember Alcala questioned the process that is in place. He stated that he believes the process was created so the Council could determine what the funds are being spent on before the fact. He also stated that he supports the use of the funds, but does not support the ordinance.

Councilmember Blackburn stated that he believes the process was initially set up to accommodate the previous form of government by monitoring the spending of funds. He encouraged the Council to allow the City Manager to do his job and manage the spending of certain types of funds.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Blackburn carried. Councilmembers Kennedy, Alcala, Ortiz and Haynes voted "no". (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Nave, Duffy, Blackburn, Preisner and Harmon -5. Noes: Kennedy, Alcala, Ortiz and Haynes -4.

ORDINANCE NO. 18657 introduced by Councilmembers Clark Duffy, John Nave and Jeff Preisner amending the City of Topeka Code Section 26-325 to include as amended Appendix F, "Radon Control Methods" of the International Residential Code for One and Two Family Dwellings, 2003 placed on first reading March 28, 2006 was again presented.

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

Councilmember Nave gave the committee report and stated that the Economic and Community Development Committee recommended "Do Pass" by a vote of 2-0-0 on May 31, 2005.

Bill Yanek, Topeka Builder Realtor Coalition spoke in support of the ordinance.

Councilmember Nave moved to approve the committee report to adopt the ordinance. The motion seconded by Councilmember Haynes 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. 18658 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 placed on first reading June 6, 2006 was again presented.

Councilmember Kennedy stated that the amendment to the ordinance adds the requirement that a caged muzzle be used to allow the animal to pant.

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Preisner 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.

A PROJECT BUDGET in the amount of \$5,543,451.23 and ORDINANCE NO. 18659 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 placed on first reading June 6, 2006 was again presented.

RESOLUTION NO. 7814 introduced by City Manager Norton N. Bonaparte, Jr., rescinding Resolution No. 7765 which relates to the authorization of 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.

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

Mayor Bunten spoke in opposition to the project. He stated that he believes there is not a problem in the area and the project is being proposed only because of participation of state funding. He also stated that he believes the funds could be better utilized elsewhere.

Mike Teply, Acting Public Works Director stated that the project is a direct result of area traffic and safety issues.

Councilmember Preisner stated that there is a number of a tax paying companies in the area that would benefit from the overpass.

Councilmember Alcalá expressed the same concerns as the Mayor. He stated that he would not support the project. He also noted that the majority of the businesses in the area refused to participate in the benefit district.

Councilmember Haynes stated that he believes the Union Pacific Railroad should contribute a larger percent of funding towards the project.

Mike Teply stated that originally the Union Pacific Railroad were not participating in the project, but have recently agreed to the set amount based on the formula provided by the State.

Councilmember Haynes stated that he would not support the project because he does not know why the railroad is only participating in four percent of the project cost. He also asked who would be responsible for the maintenance of the bridge.

Bernie Cosby, Engineering Department stated that the maintenance would be the responsibility of the City.

Councilmember Preisner moved to approve the project budget, ordinance and resolution. The motion seconded by Councilmember Alcalá carried. Councilmembers Kennedy, Alcalá, Ortiz and Haynes voted "no". (5-4-0)

The ordinance was adopted on roll call vote as follows: Ayes: Nave, Duffy, Blackburn, Preisner and Harmon -5. Noes: Kennedy, Alcalá, Ortiz and Haynes voted "no". -4

A RESOLUTION introduced by Councilmembers Clark Duffy, Jeff Preisner and John Nave amending City of Topeka Personnel Code relating to ethical standards was presented.

Councilmember Nave 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 May 17, 2006. He noted that there were certain sections of the resolution that need to be reworked by the Legal Department.

Councilmember Nave moved to refer the resolution back to the Economic and Community Development Committee. The motion was seconded by Councilmember Alcalá.

Councilmember Haynes asked why the standards would not apply to members of a collective bargaining unit.

Brenden Long, City Attorney explained that because disciplinary action could be taken, the rules could not be imposed on bargaining unit employees unless it was negotiated.

The motion to refer the resolution back to the Economic and Community Development Committee carried. Councilmembers Alcalá and Ortiz voted "no". (7-2-0)

A PROJECT BUDGET in the amount of \$341,000 and RESOLUTION NO. 7815 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget for Improvement Project No. 28580-00 which provides for the design and right-of-way acquisition to install a new 24" water transmission main along Highway 75 as more specifically described

herein and authorizing the same, and rescinding City of Topeka Resolution No. 7589 was presented.

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 15, 2006, through May 21, 2006, and enumerating said expenditures herein was presented for first and final reading.

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

Councilmember Alcalá moved to defer the ordinance for one week. The motion was seconded by Councilmember Ortiz.

Councilmember Alcalá explained that he has periodically been reviewing the purchases and have found some questionable expenditures. He questioned expenditures relating to an employee dental bill, purchase of donuts, punch and cake, Bath & Body Works products, bottled water and a retirement dinner purchase made outside the City of Topeka. He asked that these expenditures, and others be reviewed by the City Manager. He stated that he believes the purchases are violations of City policy.

Norton N. Bonaparte, Jr., stated that he would check into the concerns and report back to the Council.

The motion to defer the ordinance one week carried. Councilmember Preisner voted "no". (8-1-0)

A FINAL PLAT for Berkshire Subdivision located at 3720 SW 45th Street in the City of Topeka was presented. (P06/8)

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

Councilmember Preisner moved to approve the final plat. The motion was seconded by Councilmember Kennedy.

Councilmember Duffy asked why they are allowing a building to be built in a 100-year flood plain.

David Thurbon, Planning Director stated that development is being allowed with the stipulation that the building is built one foot above flood evaluation.

The motion to approve the final plat carried. Councilmember Duffy voted "no". (8-1-0)

A FINAL PLAT for Forbes Landing Subdivision located on the east side of SW Topeka Boulevard between SE 59th Street and SE 61st Street within unincorporated Shawnee County, Kansas, was presented. (P06/17)

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

Councilmember Duffy asked if the area could be annexed.

David Thurbon, Planning Director stated that the area could not be immediately annexed and the areas surrounding the property need to be developed before it would be contiguous to the City.

Councilmember Duffy noted that approval of the plat would encourage growth outside city limits, however, the developer has expressed the desire to become a part of the city.

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

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 placed on first reading June 6, 2006 was again presented. (HL05/2)

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

Councilmember Blackburn asked if the property comes with any environs.

David Thurbon, Planning Director stated that the request is only for the property located at 1116 SE Madison and does not include any surrounding environs.

Councilmember Kennedy stated that she is not comfortable approving the zoning change without knowing for sure that the surrounding environs are not going to be affected.

Councilmember Kennedy moved to refer the ordinance to the Public, Health and Safety Committee meeting. The motion seconded by Councilmember Alcala carried. Councilmember Duffy voted "no". (8-1-0)

ORDINANCE NO. 18660 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 placed on first reading June 6, 2006 was again presented. (Z06/13)

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

Mayor Bunten asked if there were any exparte communications. There were none declared.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried. Councilmember Nave abstained. (8-0-1)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Abstained: Nave -1.

ORDINANCE NO. 18661 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 placed on first reading June 6, 2006 was again presented. (Z06/12)

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

Mayor Bunten asked if there were any exparte communications. There were none declared.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Kennedy carried. Councilmember Nave abstained. (8-0-1)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcalá, Ortiz, Haynes, Duffy, Blackburn, Preisner and Harmon -8. Abstained: Nave -1.

ORDINANCE NO. 18662 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 placed on first reading June 6, 2006 was again presented. (Z06/9)

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

Councilmember Duffy noted that the applicant is under litigation with the City of Topeka.

Councilmember Duffy moved to adjourn into executive session for a period not to exceed ten minutes. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Following a ten-minute time period the Council reconvened into open session. No action was taken.

Councilmember Ortiz explained that the applicant appeared before the Jefferson Square and Highland Crest NIA's and both associations approved the proposal. She also asked for the support of the Council.

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

Councilmember Blackburn stated that he believes that no large commercial chains or developers are interested in investing money in the location, therefore, he would support the zoning change for the overall economic benefit of the area.

Councilmember Duffy asked if the zoning request is approved would the applicant be allowed to implement the initial project of a warehouse and climate controlled mini-storage units that was disapproved by the Council in 2004. He also asked if the applicant would withdraw the lawsuit if approved.

David Thurbon stated that the previous proposal would be allowed.

Councilmember Kennedy stated that the applicant has a positive track record of renovating areas that have been considered ghost towns.

Ben Swinnen, attorney representing the applicant appeared to answer questions. He stated that upon approval of the proposal the claim for loss of use and value of the property

would cease. He also stated that the remaining claim of \$200,000 is the amount that has been invested in the property and lost. He explained that the applicant would not be placing a mini-storage facility on the property as previously requested because they have worked out an agreement with the neighborhood for the current proposal.

Exparte communications were declared by Councilmembers Alcala, Ortiz, Nave, Duffy and Preisner via email, telephone conversations and basic correspondence.

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Alcala, Ortiz, Nave, Haynes, Blackburn, Preisner and Harmon -8. Noes: Duffy -1.

ORDINANCE NO. 18663 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 placed on first reading June 6, 2006 was again presented. (Z06/4)

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

Mayor Bunten asked if there were any exparte communications. There were none declared.

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Haynes 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.

A FINAL PLAT for Woodland Court Subdivision No. 3 located on the southwest corner of SW Clare Avenue and SW 32nd Street Terrace in the City of Topeka, was presented.

(P06/19)

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

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending Article XXXV and Article XVI. C-2, Sec. 48-16.02 of the Topeka City Code, specifically repealing said original section 48-16.02 was presented for first reading.

Councilmember Blackburn moved to adjourn into executive session for a time period not to exceed fifteen minutes to discuss personnel matters. The motion seconded by Councilmember Haynes carried. Councilmember Alcala voted "no". Councilmembers Ortiz and Nave were out of the room. (6-1-0)

Following a fifteen-minute time period the Council reconvened into open session. No action was taken.

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

Norton N. Bonaparte, Jr., City Manager shared information on the Fire Department Union issues and stated that he plans to meet with the union to see if the issues can be resolved. He also updated the Council on the electronic agenda.

Terry Bertels, Acting Parks and Recreation Director stated that they are continuing to move material off the forestry disposal site and would further assess the situation once the material is moved. He also stated that they have met with the Shawnee County Health Agency in

regards to distributing information to the community. He gave a brief overview of the short and long-term goals that have been set to help prevent the same problem from reoccurring. He also apologized to the people who have been inconvenienced by the fire.

Councilmember Kennedy clarified that the Council is not slowing down efforts to extinguish the fire. She stated that she would have like to been included in the meeting with the Shawnee County Health Agency. She expressed concern with the amount of calls she has received from people suffering from the smell of smoke. She encouraged the Council to assist staff in their efforts to take care of the problem immediately. She also asked that she be contacted when meetings are scheduled so she can pass the information to constituents.

Councilmember Alcala stated that he also heard that the Council was being held responsible for the slow progress of extinguishing the fire due to cuts in manpower and funding. He clarified that the Council is doing everything possible to speed up the process and encouraged staff to continue their hard work.

Terry Bertels stated that he would make every effort to make sure the proper information is distributed so the Council is not blamed.

Councilmember Duffy announced that he would not be involved in the discussion on this issue because he is the Director of Air and Radiation for the Kansas Department of Health and Environment. He stated that he is pleased that the City of Topeka and the Shawnee County Health Agency are working together on a long-term plan to avoid similar problems in the future.

Councilmember Kennedy requested that a work session be scheduled to discuss the survey that was completed by the Firefighter's Union.

Norton N. Bonaparte, Jr. stated that he would keep the Council updated as he meets with the firefighters.

Councilmember Nave announced that there would be an Economic and Community Development Committee meeting held on June 19, 2006 at 1:00 p.m. in the City Council Office.

Councilmember Haynes noted that the City Manager was hired to manage the affairs of the City, including employee relations. He stated that he believes it is unfair for the Council to interfere with the management of employees and they should allow the City Manager to do his job. He also stated that he believes the City Manager should keep the Council updated on of the decisions that are made.

Councilmember Blackburn stated that he agrees with Councilmember Haynes regarding the role of the City Manager. He explained that the appropriate role of the Council is to set policy not run the day-to-day operations of the City.

Councilmember Alcala stated that the there have been problems in the past in regards to obtaining insurance for the volunteer mowing assistance program. He stated that he would like to follow the same process as last year and a resolution would be forthcoming.

Councilmember Ortiz announced that there would be a Public, Health and Safety Committee meeting held on June 15, 2006 at 2:00 p.m. in the City Council Office.

David Owen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:40 p.m.

Iris Walker
City Clerk