

Council Minutes – July 17, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 17, 2007. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Alcalá -1.

AFTER THE MEETING was called to order, Reverend Mitch Todd, University United Methodist Church gave the invocation.

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

Norton N. Bonaparte, Jr., City Manager requested a brief overview of City of Topeka Code Section 118, specifically relating to temporary signs.

Mike Teply, Interim Public Works Director stated that the City only picks up temporary signs located in the City's right-of-ways. He also stated that the removal of temporary signs costs the City \$8,000 annually.

Councilmember Ortiz asked if temporary signs could be time-stamped to inform owners of when signs need to be removed.

Mike Teply stated that the ordinance outlines the specific days and times that temporary sign advertising is allowed.

Mayor Bunten asked if City employees could inform owners when their temporary signs have been removed.

Mike Teply stated that a copy of the sign ordinance was distributed with the monthly water bills for informational purposes.

Councilmember Blackburn stated that he believes signs located in public right-of-ways create safety issues. He noted that the ordinance outlining sign code regulations are televised on City4.

Councilmember Kennedy suggested that the Council revisit the temporary sign issue at a later date.

Councilmember Woelfel asked when the sign ordinance was established, and how the community would be affected if the ordinance is repealed.

Mike McGee, Deputy Public Works Director stated that a basic sign ordinance was established thirty years ago. He stated that if the current sign ordinance did not exist, signs would be placed throughout the city, cluttering public right-of-ways. He noted that most communities have their own sign ordinances that regulate and prevent signs from being placed in certain areas.

Councilmember Swank stated that she supports the ordinance because it is consistent, and it encompasses all temporary signage.

Mike Teply explained that owners are charged \$50 for removal of a sign, and an additional \$30 to retrieve a sign.

Councilmember Harmon expressed concern with the method of enforcement. He suggested that the Council re-examine the ordinance.

Norton N. Bonaparte, Jr., requested that the ordinance be referred to committee for further review.

Councilmember Blackburn stated that in his opinion, if the Council wants to create a new ordinance it is not necessary to review the ordinance in committee.

THE CONSENT AGENDA was presented as follows:

Minutes of the regular meeting of July 10, 2007 were presented.

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

A 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, July 17, 2007 at 6:00 P.M. relating to vacation request V07E/8 by Hy-Vee, Inc., for platted 15-foot wide water line easements located 190-feet west of SW Wanamaker Road and about 335-feet north of SW 30th Terrace, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 18930 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of platted 15-foot wide water line easements located about 190-feet west of SW Wanamaker Road and about 335-feet north of SW 30th Terrace, City of Topeka, Shawnee County, Kansas placed on first reading July 10, 2007 was again presented. (V07E/8)

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 Harmon carried unanimously. (8-0-0)

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

A PROJECT BUDGET in the amount of \$200,000 and RESOLUTION NO. 7977 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. 13157-00 which provides for the various projects for City Hall which includes Topeka Performing Arts Center and Municipal Court, Law Enforcement Center, and Cyrus K. Holliday Building as more specifically described herein, 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 Kennedy carried. Councilmember Blackburn voted “no.” (7-1-0)

A REVISED PROJECT BUDGET in the amount of \$3,639,100 and ORDINANCE NO. 18931 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 70142-03, Part B which provides for the reconstruction and widening of California Avenue including the upsizing of a waterline which constitutes 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 for a portion of the cost thereof all pursuant to Section A12-1 of the Code of the City of Topeka, K.S.A. 10-101 and 10-1201, et. seq., and all amendments thereto, and repealing City of Topeka Ordinance No. 18752 placed on first reading July 10, 2007 was again presented.

A NOTICE OF INTENTION introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 70142-03, Part B, which provides for the reconstruction and widening of California Avenue including the upsizing of a waterline which constitutes 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 for a portion of the cost thereof all pursuant to Section A12-1 of the Code of the City of Topeka, K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, and repealing City of Topeka Ordinance No. 18752 was presented.

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

Councilmember Blackburn inquired on the increase of the project cost.

Mike Teply, Interim Public Works Director stated that the increase in the project cost is due to an increase in financing, and adding an additional 1,000 feet of waterline.

Councilmember Woelfel moved to approve the revised project budget, and adopt the ordinance and notice of intention. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18932 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 25, 2007, through July 1, 2007, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18933 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "C-5" Downtown Commercial District and located at 915 and 917 S. Kansas

Avenue in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading July 10, 2007 was again presented. (HL07/05)

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 Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18934 introduced by City Manager Norton N. Bonaparte, Jr., designating real property more specifically described herein as an historic landmark and presently zoned "C-4" Commercial District and located at 506 and 510 SW 10th Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4 placed on first reading July 10, 2007 was again presented. (HL07/06)

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

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

Councilmember Haynes moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

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

ORDINANCE NO. 18935 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 1825 SW 37th Street in the City of Topeka, Kansas from “O&I-1” Office and Institutional District TO “M-2” Multiple Family Dwelling District placed on first reading July 10, 2007 was again presented. (Z07/14)

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 Haynes carried unanimously. (8-0-0)

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

ORDINANCE NO. 18936 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 proposing zoning on property located northeast of the intersection between the on/off ramp to Interstate-470/Kansas Turnpike and SW Topeka Boulevard within the City of Topeka, Kansas TO “C-4” Commercial District placed on first reading July 10, 2007 was again presented. (Z07/16)

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

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

Councilmember Haynes moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

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

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 1412 SW 13th Street from "M-1" Two-Family Dwelling District TO "PUD" Planned Unit Development District ("M-2" and "C-2" use groups) was presented for first reading.

(PUD06/1A)

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

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Councilmember Kennedy encouraged the public to attend the Kids Fishing Derby on Saturday, August 4, 2007 at the Central Park Fishing Pond located at 1534 SW Clay. She noted that the event is free to kids ages 14 and under. She commended the City of Topeka Parks and Recreation Department and the Kansas Department of Wildlife and Parks for sponsoring the event.

Councilmember Ortiz encouraged the public to attend the Fiesta Mexicana Celebration.

Councilmember Blackburn commended Philicia McKee and the Keep America Beautiful volunteers for their help during the flood cleanup.

Deborah Rose, Kate Hamilton, Jim Olson, Nancy Daniels, Sabra Shirrell, Roy Menninger, Karla Hedquist, Larry Cobler, Philicia McKee, Melissa Nolte, Trudy Racine, and Kathy Johnson appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:44 p.m.

Brenda Younger
City Clerk