

Council Minutes – October 23, 2007

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 23, 2007. 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION on the Topeka Police Department Activities, was conducted by Police Chief Ron Miller.

THE CONSENT AGENDA was presented as follows:

A COMMUNICATION recommending the re-appointment of Richard Beardmore to the Board of Mechanical Examiners for a term that would expire on October 31, 2009 was presented.

RESOLUTION NO. 8008 introduced by Councilmember Jeff Preisner expressing support for the Arbor Valley Senior Homes, L.L.C., Development Project was presented.

Minutes of the regular meeting of October 16, 2007 were presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Garry's Bar and Grill located at 712 SW 2nd Street, was presented.

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

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1020 SW Fillmore Street, was presented.

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

Councilmember Kennedy moved to approve the communication based on the determination that there is no feasible or prudent alternative to demolition. The motion was seconded by Councilmember Preisner.

Rich McDaniel, area resident distributed pictures of the deteriorating property and spoke in support of the demolition.

The motion to approve the communication based on the determination that there is no feasible or prudent alternative to demolition carried unanimously. (9-0-0)

A COMMUNICATION regarding the proposed demolition of the residential structure located at 1244 SW Polk Street, was presented.

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

Councilmember Kennedy moved to approve the communication based on the determination that there is no feasible or prudent alternative to demolition. The motion was seconded by Councilmember Preisner.

Dwane Burton, area resident distributed pictures of the deteriorating property and spoke in support of the demolition.

Councilmember Ortiz requested an updated copy of the list of properties slated for demolition.

The motion to approve the communication based on the determination that there is no feasible or prudent alternative to demolition carried unanimously. (9-0-0)

A PETITION requesting annexation of a 28.5 acre tract of land located near the intersection of NE 46th Street and NE Indian Creek Street, City of Topeka, Shawnee County, Kansas was presented.

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

Fred and Kim Patton appeared to answer questions.

Councilmember Blackburn moved to approve the petition. The motion seconded by Councilmember Preisner failed. Councilmembers Kennedy, Alcala, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon voted “no.” (1-8-0)

A COMMUNICATION requesting the City Council make a finding pursuant to Topeka City Code Section 146-37(c)(3) that Fred Patton be granted an exemption from the annexation requirement for the purpose of obtaining City water service to avoid unnecessary hardship for a 28.5 acre tract of land located near the intersection of NE 46th Street and Indian Creek Street, City of Topeka, Shawnee County, Kansas was presented.

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

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

RESOLUTION NO. 8009 introduced by City Manager Norton N. Bonaparte, Jr., declaring the eligibility of the City of Topeka to submit an application to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st century for Street Improvement Project No. 18027-00, which provides for the I-70 beautification project and authorizing the City Manager to sign the application was presented.

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

Councilmember Kennedy asked how much financial responsibility would the City incur if the funds are granted.

Norton N. Bonaparte, Jr., stated that the City, as well as, the local business community would contribute \$75,000.

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

A RESOLUTION introduced by Councilmember John Alcala requesting that the City Manager purchase in FY 2007 new fire helmets and safety glasses for Topeka Fire Department firefighting personnel was presented.

Councilmember Alcala explained the changes in safety standards regarding firefighters' gear.

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

Norton N. Bonaparte, Jr., City Manager stated that 112 helmets have been purchased for the Fire Department. He requested that the resolution be amended to reflect that the funds would be allocated from the general fund instead of the contingency fund.

Councilmember Alcala made a friendly amendment to amend the resolution as stated by the City Manager regarding the allocation of funds.

Councilmember Blackburn questioned the need for the resolution.

Councilmember Alcala stated that he was unaware that the helmets had been purchased.

Mayor Bunten asked if there were any objections to withdrawing the resolution from the agenda.

Upon hearing no objections, the resolution was withdrawn from the agenda.

A PETITION, PROJECT BUDGET in the amount of \$2,152,500 and RESOLUTION NO. 8010 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Lateral Sanitary

Sewer Improvement Project No. 40951-01, which provides for sanitary sewer service installation at Lauren's Bay Estates as more specifically described herein was presented.

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

Gene Jani, Brainstorm Development, Inc., spoke in support of the benefit district. He stated that all outstanding debts owed to the City by Brainstorm Development, Inc., have been paid in full as of October 23, 2007.

Councilmember Harmon noted that the development would receive water service from Consolidated Rural Water District No. 3 (CRWD No.3). He asked if the proposal is approved, would it jeopardize current contract negotiations with the City.

Brenden Long, City Attorney stated that approval would not affect negotiations between the City and CRWD No. 3.

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

A PETITION, PROJECT BUDGET in the amount of \$5,937,400 and RESOLUTION NO. 8011 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates as more specifically described herein was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He requested that the project budget and resolution be amended to reflect that the Improvement District will pay 100% of the costs.

Councilmember Haynes moved to amend the project budget and resolution to reflect that the Improvement District will pay 100% of the costs. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

Councilmember Blackburn asked for clarification of why the project budget should be amended, as well as, the need for a collector street.

Norton N. Bonaparte, Jr., stated that staff has recommended that a collector street be included in the development, and he would recommend that it be financed 100% by the Improvement District.

David Thurbon, Planning Director stated the recommendation was based on the size of the development and anticipated traffic flow.

Gene Jani stated that he opposes the recommendation and believes that three outlet streets would be sufficient in handling the traffic flow of the development.

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

ORDINANCE NO. 18982 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 1, 2007, through October 7, 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 Alcala carried unanimously. (9-0-0)

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

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of \$14,935,000 aggregate principal amount of General Obligation Bonds, Series 2007-D, of the City of Topeka, Kansas, under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 12-110c, K.S.A. 12-685 et seq., K.S.A. 12-6a01 et seq., the Home Rule Authority granted to the

cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the City, all as amended was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager commended Firefighter Lieutenant Jim Seichepine for his heroic deed of rescuing a small child from a house fire last week. He announced that there is no City Council meeting next week; that a work session is scheduled on October 29, 2007 at 5:30 p.m. at the Law Enforcement Center to discuss the Capital Improvement Program; upcoming community events; and Meet the Manager Sessions.

Councilmember Kennedy announced that on October 24, 2007 from 6:00 p.m. to 8:00 p.m. Perkins Restaurant would host the Celebrity Server Night to benefit the Give the Kids the World Charity Event. She noted that all tip proceeds would be donated to the charity.

Councilmember Alcalá requested a list of property addresses, as well as, the number of violations that were cited during recent neighborhood inspections conducted by the City of Topeka Code Compliance Department. He also asked if property owners had been notified of the code violations.

Councilmember Ortiz stated that she has been informed that code violations have been issued in her district; however, the notifications did not list specific violations. She requested that more information be included on the notifications.

Councilmember Blackburn announced that the City Council Retreat would be held on October 27, 2007 at the Shawnee County Library at 9:00 a.m. He stated that he would not be present due to a previous engagement.

Councilmember Alcala requested that they reschedule the retreat to allow all Councilmembers to be present.

Mayor Bunten stated that three dates were considered, and October 27, 2007 was chosen because the majority of the Councilmembers could be present.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:04 p.m.

Brenda Younger
City Clerk