

Council Minutes – February 26, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 26, 2008. 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 and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Alcalá and Preisner -2.

AFTER THE MEETING was called to order, Pastor Sandy Fields, New Mount Zion Baptist Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

COMMISSION APPOINTMENT of Margo Rangel to the Human Relations Commission for a term that would expire on February 28, 2010 was presented.

COMMISSION APPOINTMENT of Ted Mize to the Topeka Landmarks Commission for a term that would expire on February 28, 2011 was presented.

Minutes of the regular meeting of February 19, 2008 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Dillon's Store #88 located at 4015 SW 10th Street, was presented.

Councilmember Kennedy moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

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, February 26, 2008, at 6:00 P.M. in conjunction with vacation request V07E/12 by 2820 L.L.C., requesting to vacate a 50-foot wide portion of a 100-foot wide platted drainage easement in Butler Plaza Subdivision located north of SW 29th Street between SW Fairlawn Road and SW Prairie Road, City of Topeka, Shawnee

County, Kansas.

ORDINANCE NO. 19043 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide portion of a 100-foot wide platted drainage easement being the west 50-feet of the east 100-feet of Lots 4 and 5, Block A, Butler Plaza Subdivision, located north of SW 29th Street between SW Fairlawn Road and SW Prairie Road, City of Topeka, Shawnee County, Kansas placed on first reading February 19, 2008 was again presented. (V07E/12)

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

Councilmember Blackburn moved to close the public hearing and adopt the ordinance.

The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

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, February 26, 2008, at 6:00 P.M. in conjunction with vacation request V08E/1 by Ellite Investments, Inc., requesting to vacate a portion of a platted utility easement in Shawnee Hills Village Subdivision No. 2 located at 1515 SW Arrowhead Road, City of Topeka, Shawnee County, Kansas.

ORDINANCE NO. 19044 introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted utility easement in Shawnee Hills Village Subdivision No. 2 and located at 1515 SW Arrowhead Road, City of Topeka, Shawnee County, Kansas placed on first reading February 19, 2008 was again presented. (V08E/1)

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

Councilmember Harmon moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Kennedy carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

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, February 26, 2008, 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 Improvement Project No. 40832-01, authorized by Resolution No. 7816, adopted and approved June 20, 2006.

ORDINANCE NO. 19045 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 Gail Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40832-01, as defined and described in Resolution No. 7816, adopted and approved June 20, 2006, placed on first reading February 19, 2008 was again presented.

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

Councilmember Harmon moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

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, February 26, 2008, 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. 40941-00, authorized by Resolution No. 7820, adopted and approved June 27, 2006.

ORDINANCE NO. 19046 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 Woodland Court Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Improvement Project No. 40941-00, as defined and described in Resolution No. 7820, adopted and approved June 27, 2006, placed on first reading February 19, 2008 was again presented.

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

Councilmember Kennedy moved to close the public hearing and adopt the ordinance.

The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

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, February 26, 2008, 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. 60500-02, authorized by Resolution No. 7859, adopted and approved September 12, 2006.

ORDINANCE NO. 19047 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 Tanglewood Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60500-02 as defined and described in Resolution No. 7859, adopted and approved September 12, 2006, placed on first reading February 19, 2008 was again presented.

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

Councilmember Harmon moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

A LAWSUIT SETTLEMENT OFFER for Riverside Farms, Art Meier and Todd Meier in the amount of \$24,000 was presented.

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

Councilmember Harmon asked if negotiations would continue if the settlement offer is denied.

Braxton Copley, Interim City Attorney stated that denial of the offer could initiate the possibility of a court of law determining the amount owed for damages, or subsequent negotiations.

Councilmember Harmon moved to disapprove the lawsuit settlement offer. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

A PROJECT BUDGET in the amount of \$150,000 and RESOLUTION NO. 8035 introduced by City Manager Norton N. Bonaparte, Jr., relating to and authorizing Project No. T-301000.00 (302790) which provides for an African Aviary Exhibit as more specifically described herein was presented.

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

Councilmember Harmon moved to approve the project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

RESOLUTION NO. 8036 introduced by Deputy Mayor Brett Blackburn and Councilmember Lana Kennedy, adopting the City of Topeka's legislative agenda for the 2008 legislative session was presented.

Councilmember Blackburn stated that the intent of the resolution is to guide City staff and the City's lobbyist during the 2008 legislative session.

Councilmember Blackburn moved to approve the resolution. The motion seconded by Councilmember Woelfel carried unanimously. (7-0-0)

ORDINANCE NO. 19048 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of February 4, 2008, through February 10, 2008, 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 Kennedy carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

ORDINANCE NO. 19049 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 6424 and 6646 SW Huntoon Street in the City of Topeka, Kansas from "O&I-1 Office and Institutional District TO "PUD" Planned Unit Development District (permitted uses in the O&I-1 District, R-A District, limited to vineyards and grape arbors production, processing and storage of wine and honey; bed & breakfast inn with satellite cabins; reception, conference,

and assembly facility; and retail sales incidental and subordinate to the principle uses allowed) placed on first reading February 19, 2008 was again presented. (*PUD07/6*)

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 Swank carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn and Harmon -7. Absent: Alcala and Preisner -2.

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

Norton N. Bonaparte, Jr., City Manager reported that the financial information requested by Councilmember Alcala from the meeting of February 19, 2008 relating to the Tax Increment Financing Bonds used to finance the College Hill Development Project; and the Full Faith and Tax Credit Increment Bonds used to finance the Heartland Park Project has been distributed to the Council. He announced upcoming community events. He thanked the members of the 2008 Leadership Greater Topeka class for attending the Council meeting. He also stated that a work session has been scheduled on March 11, 2008 to continue discussions on the strategic planning process.

Councilmember Ortiz stated that the East Topeka South Neighborhood Improvement Association has expressed concern with the delay in proposed neighborhood park improvement projects.

Councilmember Haynes requested that a work session be scheduled for March 4, 2008 to discuss the proposed funding reductions for Fire Station No. 13.

Norton N. Bonaparte, Jr., stated that the resolution authorizing the reduction in funds for Fire Station No. 13 has been placed on the March 4, 2008 Council agenda. He suggested that Council defer the resolution to the Committee of the Whole for further discussion.

Councilmember Blackburn requested that a Committee of the Whole meeting be scheduled before next week's Council meeting to discuss the resolution.

Councilmember Harmon welcomed the members of the 2008 Leadership Greater Topeka class. He requested that staff research options regarding the future of the Cypress Ridge Golf Course. He also asked if the City has any influence in assisting Cox Communications, Inc., and WIBW Channel 13 in reaching an agreement. He also asked if Cargill's plan to suspend the construction of the ethanol plant would have an impact on the City's contract with Consolidated Rural Water District No. 4.

Braxton Copley, Interim City Attorney stated that the City does not have any influence in assisting Cox Communications, Inc., and WIBW Channel 13 in reaching an agreement. He also stated that it was his understanding, the contract with Consolidated Rural Water District No. 4 relates specifically to the opening of the ethanol plant; however, he would review the details of the contract and report back to the Council.

Larry Peters appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:48 p.m.

Brenda Younger
City Clerk