

Council Minutes – July 15, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 15, 2008. 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9. Mayor Bunten -1.

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

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

A PRESENTATION on the Safe Streets Coalition was given by Barry Feaker, Topeka Rescue Mission Executive Director.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Debbie Briman-Latta to the Downtown Business Improvement District Advisory Board for a term that would expire on July 31, 2010 was presented.

BOARD APPOINTMENT recommending the appointment of Franklin Young to the Topeka Housing Authority Board of Commissioners to fill an unexpired term that would end on December 31, 2010 was presented.

Minutes of the regular meeting of July 8, 2008 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Kicks 66 located at 3300 SW Gage Boulevard, was presented.

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

A REVISED PROJECT BUDGET in the amount of \$395,520 and ORDINANCE NO. 19126 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Improvement Project No. 14126 which provides for intersection modifications and traffic signal as more specifically described herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 18828 placed on first reading July 8, 2008 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that the City would be responsible for \$145,520 of the cost of the project, and the Kansas Department of Transportation (KDOT) would be responsible for the remaining \$250,000.

Mayor Bunten stated that if the project is funded through revenue sources instead of general obligation bonds the City would save approximately \$102,000 in interest costs.

Norton N. Bonaparte, Jr., City Manager stated that a great surplus in revenue is not anticipated at the end of the fiscal year.

Councilmember Preisner stated that the intersection serves as a gateway to one of the city's busiest retail areas, and has become unsafe due to the heavy flow of traffic. He asked when the project would be completed.

Mike Teply, Public Works Director stated that the project should be completed by the middle of October 2008.

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Kennedy.

Councilmember Haynes noted that the City's bonded indebtedness has doubled over the last five years. He encouraged the Council to be more cautious and pay for traffic improvements through revenue sources when available.

Councilmember Woelfel asked what was causing the traffic to become congested.

Shawn Bruns, City Engineer stated that approximately 20,000 drivers travel through the intersection each day causing the traffic flow to become heavy and congested on the I-470 Exit Ramp.

Councilmember Blackburn stated that it is vital for the City to move forward with street improvements or it will begin to have a negative effect on community development.

Councilmember Swank cautioned that KDOT funding could be lost if the project is not approved.

The motion to approve the project budget and adopt the ordinance carried.

Councilmembers Alcalá, Woelfel and Haynes voted “no.” (6-3-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Swank, Blackburn, Preisner and Harmon -6. Noes: Alcalá, Woelfel and Haynes -3.

A PROJECT BUDGET in the amount of \$1,400,000 and ORDINANCE NO. 19127 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70185, which provides for completion of the design and acquisition of right-of-way, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka placed on first reading July 8, 2008 was again presented.

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

Councilmember Preisner moved to approve the project budget and adopt the ordinance. The motion was seconded by Councilmember Blackburn.

Paul Meierhenry spoke in opposition to the project. He stated that he believes it would create a traffic problem at the SW 37th Street and Burlingame Road intersection.

Councilmember Harmon asked if the plan has been re-evaluated since the original design was created in 1994.

Mike Teply, Public Works Director stated that they plan to utilize the original design plan; however, additional funding is being requested because they anticipate that there will be a need for changes.

Councilmember Haynes questioned if the project would create a traffic problem on Gage Boulevard. He also asked what the total cost of the project would be and if the State will help fund the project.

Mike Teply stated that the total cost of the project is \$8.9 million and it is not anticipated that the State will provide funding for the project.

Councilmember Blackburn stated that the improvement would ease the heavy flow of traffic at SW 29th Street and Fairlawn Road. He also stated that the improvement would accommodate future commercial and residential developments, generating additional property tax revenue.

The motion to approve the project budget and adopt the ordinance carried.
Councilmembers Alcalá, Ortiz, Haynes and Harmon voted “no.” (5-4-0)

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

ORDINANCE NO. 19128 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 2-116 and Section 90-28 concerning filing of oaths, and specifically repealing said original sections placed on first reading July 8, 2008 was again presented.

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

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

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

ORDINANCE NO. 19129 introduced by Councilmember John Alcalá, amending City of Topeka Code Section 146-17 concerning the utility franchise fee refund program and specifically repealing said original section placed on first reading July 8, 2008 was again presented.

Councilmember Alcalá stated that approval would extend the City of Topeka utility franchise fee refund application filing deadline.

Councilmember Alcalá moved to adopt the ordinance. The motion seconded by Councilmember Ortiz carried. Councilmember Preisner voted “no.” (8-1-0)

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

A NOTIFICATION from City Manager Norton N. Bonaparte, Jr., authorizing the publication of the Notice of Public Hearing for the purpose of hearing and answering objections to taxpayers to the 2009 Operating Budget on July 29, 2008 was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that the 2009 Proposed Operating Budget as presented to the Mayor and Council would require a 2.84 mill levy increase.

Councilmember Preisner moved to approve a 2.84 mill levy increase. The motion seconded by Councilmember Swank carried. Councilmembers Alcalá, Ortiz, Haynes and Blackburn voted “no.” (5-4-0)

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

RESOLUTION NO. 8079 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Improvement Project No. 29093-02, which provides for installation of a new force main from the Deer Creek Pump Station to the Oakland Wastewater Treatment Plant was presented.

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

Councilmember Alcala stated that he would oppose the resolution. He also stated that an agreement has not yet been reached with all property owners, costing the City more money than necessary to obtain the properties.

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

Mike Teply, Public Works Director stated that there are only two property owners that have not reached an agreement with the City. He noted that if an agreement is reached condemnation proceedings would cease.

Norton N. Bonaparte, Jr., City Manager noted that the Kansas Department of Health and Environment is paying 100% of the cost of the project.

The motion to approve the resolution carried. Councilmembers Alcala and Ortiz voted “no.” (7-2-0)

A PETITION, A PROJECT BUDGET in the amount of \$1,166,300 and RESOLUTION NO. 8080 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Water Improvement Project No. T-281004.00 (HTE286420) which provides for water service to Lauren’s Bay Estates Subdivision, as more specifically described herein was presented.

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

Councilmember Haynes questioned why the City is requiring the waterline to be larger than what is normally required.

Don Rankin, Water Superintendent stated that a larger waterline would accommodate future area development.

Councilmember Alcala left the meeting.

Councilmember Preisner moved to approve the petition, project budget and resolution. The motion seconded by Councilmember Kennedy carried. (8-0-0)

A PETITION, A PROJECT BUDGET in the amount of \$354,614 and RESOLUTION NO. 8081 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Street Improvement Project No. 60635-01 which provides for paving streets in the Legend Ridge Estates Subdivision No. 2 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. (8-0-0)

ORDINANCE NO. 19130 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 23, 2008, through June 29, 2008 and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Kennedy moved to adopt the ordinance. The motion seconded by Councilmember Swank carried. Councilmember Blackburn was out of the room. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Preisner and Harmon -7. Absent: Alcala -1.

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, to provide sanitary sewer to an area generally bounded by US Highway 24 and Rochester Road, progressing east to the Old Soldier Creek, as more specifically described herein, for the completion of Sanitary Sewer Improvement Project No. 40948-00, as defined and described in Resolution No. 7864, adopted and approved September 19, 2006 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager reported that the procedure to access the electronic Council agenda has been simplified. He also announced upcoming community events.

Mike Shaughnessy appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:38 p.m.

Brenda Younger
City Clerk