

Council Minutes – July 22, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 22, 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 and Preisner -8. Mayor Buntten presided -1. Absent: Councilmember Harmon -1.

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

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

Councilmember Harmon entered the room.

Councilmember Alcalá moved to suspend the Council Rules to add a resolution granting a noise exception for Calvary Church of God in Christ to the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

Councilmember Alcalá requested that item 4B, a board appointment for the Topeka Planning Commission be removed from the consent agenda.

Upon hearing no objections, Mayor Buntten announced that item 4B, a board appointment for the Topeka Planning Commission would be removed from the consent agenda; and the resolution granting a noise exception for Calvary Church of God in Christ would be added to the consent agenda as item 4F.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Lis Ballou to the Golf Course Advisory Board for a term that would expire on July 31, 2010 was presented.

BOARD APPOINTMENT recommending the appointment of Dale Cushinberry to the Juvenile Corrections Advisory Board to fill an unexpired term that would end June 30, 2010 was presented.

Minutes of the regular meeting of July 15, 2008 were presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Seabrook Apple Market located at 1945 SW Gage Boulevard, was presented.

2008 Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Azteca Night Club	1201 SE 6 th Avenue
The Carwash	720 SW Gage Boulevard

RESOLUTION NO. 8082 introduced by Councilmember John Alcalá, granting Calvary Church of God in Christ an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

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 22, 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 Sanitary Sewer Improvement Project No. 40948-00, authorized by Resolution No. 7864, adopted and approved September 19, 2006.

ORDINANCE NO. 19131 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 placed on first reading July 15, 2008 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, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -9.

A REDEVELOPMENT AGREEMENT (*Contract No. 38534*) between the City of Topeka and 15th Street Investments, L.L.C., for the East Gate Redevelopment Project Plan was presented.

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

Matthew Gough, Barber Emerson, L.P., appeared to answer questions and stated that this is the final action on the East Gate Redevelopment Project Plan. He thanked the Council for their support and patience during the process.

Councilmember Preisner moved to approve the redevelopment agreement. The motion seconded by Councilmember Ortiz carried. Councilmember Haynes voted “no.” (8-1-0)

ORDINANCE NO. 19132 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of June 30, 2008, through July 6, 2008 and enumerating said expenditures therein was presented for first and final reading.

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

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

The ordinance was adopted on roll call vote as follows: Ayes: Kennedy, Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -8. Noes: 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, for the improvement of Mission Ridge Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Improvement Project No. 40926-01, as defined and described in Resolution No. 7889, adopted and approved November 14, 2006 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70197-05, which provides for the extension of Wenger Drive to SW 49th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced upcoming community events. He also invited the community to attend the Grand Opening Celebration of the Topeka Boulevard Bridge on August 3, 2008 from 4:00 p.m. to 10:00 p.m.

Councilmember Kennedy asked if the Topeka Planning Commission nominations have been determined.

Mayor Bunten stated that nominations have not been finalized and requested that additional nominations be submitted.

Councilmember Ortiz asked if the Topeka Fire Department's aerial trucks were operational. She thanked Councilmember Preisner for responding to David Price through written correspondence regarding the alleged Code of Ethics violations filed against Councilmember Alcala and herself.

Norton N. Bonaparte, Jr., stated that the Topeka Fire Department has three aerial trucks that are out of commission at this time. He reported that they anticipate that one aerial truck would be operational by the end of the week. He also reported that the City of Wichita and Kansas City, Kansas would each lend the Topeka Fire Department an aerial truck.

Councilmember Preisner reported that the alleged Code of Ethics violations filed against Councilmembers Alcala and Ortiz were made without basis or merit.

Councilmember Blackburn requested that Fred Sanders be nominated to serve on the Topeka Planning Commission.

Councilmember Preisner announced that the next budget work session would be held on August 4, 2008 from 5:30 p.m. to 7:30 p.m. at the Law Enforcement Center. He requested that a timeline be distributed to the Council outlining questions, answers and amendments to the City Manager's proposed budget. He also encouraged Councilmembers and citizens to become involved with the budget process. He stated that he would continue to seek volunteers that would be willing to serve on the Topeka Planning Commission.

Mayor Bunten stated that all nominations for the Topeka Planning Commission would be considered.

Councilmember Kennedy stated that some citizens have expressed concern with the State Statutes that govern the Topeka Planning Commission.

Councilmember Harmon asked if there were certain requirements that must be met to serve on the Topeka Planning Commission in addition to living within the three-mile extra-territorial jurisdiction.

Mayor Bunten stated that there were no other requirements. He also stated that he has distributed a handout concerning the proposed sales tax increase which must be acted upon by mid-August if the question is to be added to the November ballot.

Councilmember Blackburn asked if Councilmembers distribute proposed budget amendments to other Councilmembers or the media would it be considered a violation of the Kansas Open Meetings Act (KOMA).

Braxton Copley, Interim City Attorney stated that he does not believe the distribution of budget amendments would be considered a violation of KOMA; however, he would research the matter and report back to the Council.

Councilmember Blackburn questioned if the Council should propose the sales tax initiative as presented by the Greater Topeka Chamber of Commerce.

Mayor Bunten stated that the Greater Topeka Chamber of Commerce sales tax increase proposal is a starting point for the Council to review and base their decision.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:35 p.m.

Brenda Younger
City Clerk