

Council Minutes – July 29, 2008

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, July 29, 2008. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -7. Mayor Buntten presided -1. Absent: Councilmembers Kennedy and Alcala -2.

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.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the re-appointment of Durrell Dick to the Board of Plumbing Examiners for a term that would expire on July 31, 2010 was presented.

BOARD APPOINTMENT recommending the re-appointment of Gregg Desch to the Board of Plumbing Examiners for a term that would expire on July 31, 2010 was presented.

BOARD APPOINTMENT recommending the re-appointment of Mike Smelter to the Board of Mechanical Examiners for a term that would expire on July 31, 2010 was presented.

RESOLUTION NO. 8083 introduced by City Manager Norton N. Bonaparte, Jr., granting various neighborhood organizations exceptions to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

Minutes of the regular meeting of July 22, 2008 were presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Sidelines located at 5630 SW 29th Street, was presented.

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

Councilmember Preisner moved to suspend the Council Rules to add a resolution authorizing the City's legal department to appeal the Shawnee County district court's decision in *Friends of Bethany Place v. City of Topeka* to the agenda. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

Mayor Buntin announced that the resolution would be added to the agenda under New Business as item 7B.

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 29, 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. 40926-01, authorized by Resolution No. 7889, adopted and approved November 14, 2006.

ORDINANCE NO. 19133 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 placed on first reading July 22, 2008 was again presented.

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 Preisner carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -7. Absent: Kennedy and Alcala -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, July 29, 2008, at 6:00 P.M. for the purpose of obtaining public input on the 2009 City of Topeka Consolidated Action Plan was presented.

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

Councilmember Preisner moved to close the public hearing. The motion seconded by Councilmember Swank 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, July 29, 2008, at 6:00 P.M. for the purpose of hearing and answering questions or objections of taxpayers relating to the proposed use of all funds and the amount of tax to be levied for the City of Topeka 2009 Operating Budget was presented.

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

The following individuals appeared and spoke in support of continued funding for social service agencies at the 2008 level. Each representative gave a brief overview of the services provided and the impact a decrease in funding would have on the community.

<u>NAME</u>	<u>AGENCY</u>
Maynard Oliverius	Stormont Vail Hospital
Debbie Guilbault	United Way Partner Agencies
Jocelyn Lyons	Jayhawk Area Agency on Aging
Philicia McKee	Keep America Beautiful

The following individuals appeared and spoke in opposition to the allocation of \$300,000 in Transient Guest Tax funds to the Topeka Performing Arts Center. Each representative outlined the importance of allocating the funds as intended, insuring the future success of travel and tourism in the Topeka-Shawnee County area.

<u>NAME</u>	<u>AGENCY</u>
Mark Stanley	USA Kansas Kids Wrestling
Kurt Young	Topeka Lodging Association

<u>NAME</u>	<u>AGENCY</u>
Mike Bell	Visit Topeka, Inc.
Jim Parrish	Greater Topeka Chamber of Commerce
Bill Michaud	Parrish Hotel Operations

J.R. Campbell spoke in support of the City Manager's 2009 Proposed Operating Budget and urged the Council to adopt a budget that stays within the financial limitations that have been set.

Councilmember Preisner moved to close the public hearing. The motion seconded by Councilmember Blackburn carried unanimously. (7-0-0)

A PROJECT BUDGET in the amount of \$500,000 and ORDINANCE NO. 19134 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 placed on first reading July 22, 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 seconded by Councilmember Swank carried. Councilmember Woelfel voted "no." (6-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Ortiz, Haynes, Swank, Blackburn, Preisner and Harmon -6. Noes: Woelfel -1. Absent: Kennedy and Alcalá -2.

ORDINANCE NO. 19135 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of July 7, 2008, through July 13, 2008, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Preisner moved to 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: Ortiz, Woelfel, Haynes, Swank, Blackburn, Preisner and Harmon -7. Absent: Kennedy and Alcala -2.

RESOLUTION NO. 8084 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City's legal department to appeal the Shawnee County district court's decision in *Friends of Bethany Place v. City of Topeka*, was presented.

Councilmember Haynes moved to adjourn into executive session for a time period not to exceed ten minutes to discuss a legal matter subject to attorney-client privilege. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

Following a ten-minute time period, the meeting reconvened into open session and Mayor Bunten announced that no action had been taken.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Swank carried. Councilmember Ortiz abstained. (6-0-1)

Norton N. Bonaparte, Jr., City Manager stated that staff has requested that item 8A, an ordinance authorizing College Hill Public Parking Lot Improvement Project No. T-861000.00 (HTE 862590) be withdrawn from the agenda.

Upon hearing no objections, Mayor Bunten announced that item 8A would be withdrawn from the agenda.

AN ORDINANCE introduced by Councilmember Jack Woelfel creating City of Topeka Code Section 106-3 concerning City of Topeka hiring procedures was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning petty cash fund for water deposits, repealing City of Topeka Code Section 2-322 was presented for first reading.

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

Braxton Copley, Interim City Attorney stated that a revision has been made to the ordinance. He reported that the City has reached an agreement with one of the two remaining property owners, and if an agreement is reached with the remaining property owner before August 12, 2008, the ordinance would not be necessary.

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 Kuhn-Smith Subdivision with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Improvement Project No. 40659-02, as defined and described in Resolution No. 7545, adopted and approved October 26, 2004 was presented for first reading.

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 Sanitary Sewer Improvement Project No. 40928-00, as defined and described in Resolution No. 7552, adopted and approved November 23, 2004 was presented for first reading.

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 Street Improvement Project No. 60364-02 which provided a turn-a-round on Reeder Street in the Kuhn-Smith Subdivision as defined and described in Resolution No. 7873, adopted and approved September 26, 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 announced upcoming community events. He welcomed the Community First, Inc., youth group to the Council meeting. 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 Preisner requested that all budget amendments be submitted to the Council office by 5:00 p.m. on August 1, 2008 to allow the City Manager time to review the amendments prior to the August 4, 2008 budget work session.

Ehren Sherrod and Carol Torrence appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:24 p.m.

Brenda Younger
City Clerk