

## **Council Minutes – September 16, 2008**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 16, 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 and Harmon -5. Mayor Bunten presided -1. Absent: Councilmembers Kennedy, Alcalá, Blackburn and Preisner -4.

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

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

A PRESENTATION and activities report on the Human Relations Commission was given by Rio Cervantes-Reed, Human Relations Commission Director.

Councilmember Woelfel requested to remove item 4A, a Civil Service Commission appointment from the consent agenda for separate discussion.

Upon hearing no objections, Mayor Bunten announced that item 4A would be removed from the consent agenda and placed on the agenda under New Business as item 7D.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending re-appointment of Doug Snook to the Board of Plumbing Examiners for a term that would expire on September 30, 2010 was presented.

RESOLUTION NO. 8100 introduced by Councilmembers Jeff Preisner, Sylvia Ortiz and Jack Woelfel expressing support for the Pioneer Adams Towne Homes II Housing Development Project was presented.

RESOLUTION NO. 8101 introduced by Councilmember Jack Woelfel granting Rolling Meadows Neighborhood Association an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8102 introduced by Councilmember Deborah Swank granting Washburn University an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8103 introduced by Councilmember Lana Kennedy granting Ashley Reynolds and Amanda Harmon an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8104 introduced by Councilmember Lana Kennedy granting Sacred Heart-St. Joseph Parish an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

ORDINANCE NO. 19161 introduced by Councilmember Lana Kennedy authorizing the sale, consumption, and possession of alcoholic liquor as part of the Sacred Heart-St. Joseph Parish Autumnfest 2008 at specified locations and times placed on first reading September 9, 2008 was again presented.

MINUTES of the regular meeting of September 9, 2008 was presented.

Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors for The Den located at 1116 NW Silver Lake Road; and VIP Lounge located at 5235 SW 28<sup>th</sup> Court, was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for American Gas Inc., located at 4601 SW Topeka Boulevard, was presented.

Councilmember Ortiz moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Woelfel carried unanimously. (5-0-0)

#### 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, September 16, 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 District No. 40933-01, authorized by Resolution No. 7662, adopted and approved July 12, 2005.

ORDINANCE NO. 19162 introduced by City Manager Norton N. Bonaparte, Jr., amending the original ordinance 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 the area near Highway 24 and Furman Road with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40933-01, as defined and described in Resolution No. 7662, adopted and approved July 12, 2005, and specifically repealing City of Topeka Ordinance No. 19104 placed on first reading September 9, 2008 was again presented.

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

Councilmember Ortiz moved to close the public hearing and adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (5-0-0)

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

Norton N. Bonaparte, Jr., City Manager withdrew item 6A, an ordinance establishing the Sustainability Advisory Board from the agenda and placed the ordinance on the September 23, 2008 Council agenda.

Frank Kirtdoll stated that he supports the establishment of a Sustainability Advisory Board; however, he questions the verbiage of the ordinance in regards to the use of “nonstatutory.”

ORDINANCE NO. 19163 introduced by City Manager Norton N. Bonaparte, Jr., relating to the execution of a loan agreement amendment between the City of Topeka, Kansas, and the State of Kansas, for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project, KPWSLF Project No. 2419; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the Loan Agreement placed on first reading September 9, 2008 was again presented.

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

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (5-0-0)

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

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 placed on first reading July 29, 2008 was again presented. The ordinance was deferred from the meeting of September 9, 2008.

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

Frank Kirtdoll expressed concern with the City following Kansas State Statute regulations in regards to administrative signatures on legal documents.

Councilmember Ortiz moved to defer the ordinance for two weeks. The motion seconded by Councilmember Swank carried unanimously. (5-0-0)

RESOLUTION NO. 8105 introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing for Establishment of a Redevelopment District for the Southwest Topeka Boulevard district was presented.

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

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Harmon carried unanimously. (5-0-0)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning residency requirement exceptions for Department Heads was presented.

Norton N. Bonaparte, Jr., City Manager requested to withdraw the resolution from the agenda. He stated that he would prefer that the policy decision be made when the entire Council is present.

Frank Kirtdoll spoke in support of the resolution and encouraged the Council to change the City's policy to include the entire Shawnee County area.

ORDINANCE NO. 19164 introduced by Norton N. Bonaparte, Jr., City Manager allowing and approving City expenditures for the period of August 25, 2008, through August 31, 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 Swank carried unanimously. (5-0-0)

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

BOARD APPOINTMENT recommending the appointment of Kimberly Scott to the Civil Service Commission for a term that would expire on September 30, 2012 was presented.

Councilmember Woelfel questioned the requirements of the commission. He noted that it does not appear that Ms. Scott has the necessary experience in the implementation of discipline policies.

Mayor Bunten stated that he spoke with the applicant and is confident that she is qualified to serve on the commission and meets the requirements.

Councilmember Haynes questioned the role and duties of the Civil Service Commission as outlined in City of Topeka Charter Ordinance No. 94. He stated that it appears that some of the duties should be performed by the City Manager.

Councilmember Woelfel moved to defer the ordinance for one week. The motion seconded by Councilmember Haynes carried unanimously. (5-0-0)

PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Norton N. Bonaparte, Jr., City Manager announced that the new edition of the Extra-Ordinary Topeka Newsletter is available for review on the City's website.

Mayor Bunten gave an overview of the duties of the Mayor as outlined in City of Topeka Charter Ordinance No. 94. He stated that in his opinion, the Mayoral position is not defined as ceremonial.

Sandra Lassiter, Ronald Lassiter, Frank Kirtdoll, Grant Reeves, Larry Winn, Ron James and Dick Hammell appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:14 p.m.

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Brenda Younger  
City Clerk