

Council Minutes – May 19, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 19, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Woelfel, Wolgast, Swank, Preisner and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Alcala and Archer -2.

AFTER THE MEETING was called to order, Ehren and Sparkle Sherrod, Faith Temple Church of God in Christ gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT for Ben Buchanan to the Visit Topeka, Inc., Board of Directors to fill an unexpired term that would end December 31, 2010 was presented.

RESOLUTION NO. 8160 introduced by Councilmember John Alcala, granting Sacred Heart-St. Joseph Parish an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

A UTILITY EASEMENT AND ENCROACHMENT AGREEMENT (*Contract No. 39506*) between the City of Topeka and the State of Kansas granting consent by the City for the construction of certain improvements and placement of utilities in certain portions of the City's right-of-way was presented.

MINUTES of the regular meeting of May 12, 2009 was presented.

2009 Cereal Malt Beverage License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

BUSINESS

Quality Gas & Shop Inc.
Seabrook Apple Market

ADDRESS

1900 N Topeka
1945 SW Gage Boulevard

A 2009 Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Joletta's located at 600 NW Paramore was presented.

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

APPROVAL of real estate report and method of disposal for real property located immediately west of 2501 SE Monroe Street, and authorizing the City Manager to execute all documents necessary to dispose of the property was presented.

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

Councilmember Ortiz moved to approve the real estate report and method of disposal. The motion seconded by Councilmember Preisner carried unanimously. (7-0-0)

CONTRACT NO. 39507 authorizing a labor agreement between the City of Topeka and the Water Pollution Control Division Local Union was presented.

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

Councilmember Preisner moved to approve the contract. The motion was seconded by Councilmember Swank.

Mayor Bunten expressed concern with the approval of the labor agreement because it would set precedence for other City employees to receive a pay raise in the same manner. He also stated that he would consider all labor agreements on a case-by-case basis.

Councilmember Woelfel stated he concurs with Mayor Bunten and would support the labor agreement. He noted that in the future, it will be difficult for him to support multi-year labor contracts because there is no guarantee that each year the funds will be available to cover the costs of the contract.

The motion to approve the contract carried unanimously. Mayor Bunten voted “yes.”

(8-0-0)

ORDINANCE NO. 19260 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 27, 2009, through May 3, 2009, 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: Hiller, Ortiz, Woelfel, Wolgast, Swank, Preisner and Harmon -7. Absent: Alcala and Archer -2.

Norton N. Bonaparte, Jr., City Manager requested that item 6B, an ordinance concerning residential trash removal be withdrawn from the Council agenda.

Upon hearing no objections, Mayor Bunten announced that the ordinance would be withdrawn from the Council agenda.

AN ORDINANCE introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at Downtown Rocks the Block to be held in the One Hundred Block of SW Eighth Avenue on June 20, 2009 was presented for first reading.

AN ORDINANCE 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 at the northeast corner of SW Urish Road and SW Huntoon Street, the centerline of which is approximately 680 feet east of SW Urish Road and 340 feet north of SW Huntoon Street from

“RR-1” Residential Reserve District TO “PUD” Planned Unit Development District (R-3 use group) was presented for first reading. (*PUD04/6A*)

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

Norton N. Bonaparte, Jr., City Manager announced upcoming community events; all City pools would open on May 23, 2009 at 1:00 p.m.; and there would be no City Council meeting next Tuesday, May 26, 2009.

Councilmember Hiller commended City staff for their assistance in expediting the permits needed for the Downtown Rocks the Block event. She also thanked the City Manager, and Ed Winton, Transportation Operations Superintendent for honoring the request to withdraw item 6B, an ordinance concerning residential trash removal from the Council agenda. She stated that residents have requested an opportunity to discuss the issue with City staff before the new policy is implemented.

Councilmember Preisner stated that he would not support the City and County Parks and Recreation Department Consolidation Plan as presented by Shawnee County.

Mayor Bunten noted that he supported the amendment to the charter ordinance concerning veto procedures. He stated that he does not believe it was the intention of the Council to give the Mayor permission to vote on certain business transactions, eliminating the check and balance system for taxpayers.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:24 p.m.

Brenda Younger
City Clerk