

## **Council Minutes – June 2, 2009**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 2, 2009. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

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

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

A PRESENTATION of Employee Recognition Certificates was distributed by Jacque Russell, Human Resources Director.

Councilmember Swank requested to add a resolution granting the Topeka Chamber of Commerce's Fast Forward group a noise exception to the Council agenda.

Upon hearing no objections, Mayor Bunten announced that the resolution would be added to the Council agenda under the consent agenda as item 4F.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending Brad Stauffer to the Topeka Board of Zoning Appeals for a three-year term that would end May 31, 2012 was presented.

RESOLUTION NO. 8161 introduced by Councilmember Karen Hiller granting Let's Help an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8162 introduced by Councilmember John Alcala granting Dustin and Courtney Anstaett an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

RESOLUTION NO. 8163 introduced by Councilmember Sylvia Ortiz granting Dewey Washington and Mabel Smith an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the regular meeting of May 19, 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:

<u>BUSINESS</u>	<u>ADDRESS</u>
CSC #69	3830 SW 29 <sup>th</sup> Street
CSC #48	1531 SW Wanamaker Road
The Dock	2838 SE 29 <sup>th</sup> Street
Kelly Express	1001 SW Wanamaker Road
U Market Inc.	935 SE 21 <sup>st</sup> Street

2009 Dance Hall License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS</u>	<u>ADDRESS</u>
CG's Lounge	501 NW Lyman
Dupree's	108 SE 8 <sup>th</sup> Street

2009 Open After Midnight License applications bearing the approval of the Chief of Police and City Inspectors were presented for the following:

<u>BUSINESS</u>	<u>ADDRESS</u>
The Car Wash	720 Gage Boulevard
The Car Wash	1814 SW 10 <sup>th</sup> Street
Midwest Elks Lodge #1441	1316 SE Madison

RESOLUTION NO. 8164 introduced by Councilmember Deborah Swank, granting the Topeka Chamber of Commerce's Fast Forward group an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

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

ORDINANCE NO. 19261 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 placed on first reading May 19, 2009 was again presented.

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

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

Norton N. Bonaparte, Jr., City Manager requested to pull item 6A, a civil claim appeal for Ronald Bozarth and item 6B, a civil claim appeal for Andrea Johnson from the Council agenda.

Upon hearing no objections, Mayor Buntin announced that items 6A and 6B would be withdrawn from the Council agenda.

A JOINT CITY OF TOPEKA RESOLUTION AND SHAWNEE COUNTY RESOLUTION introduced to the City by Councilmember Jack Woelfel expressing the Topeka City Council and the Board of Shawnee County Commissioners' intention to consolidate the City of Topeka Parks and Recreation Department into a single county agency was presented.

Councilmember Woelfel gave the staff report.

Councilmember Woelfel moved to approve the Joint City of Topeka Resolution and Shawnee County Resolution. The motion was seconded by Councilmember Alcalá.

Councilmember Alcalá requested that the resolution be deferred until after the June 8, 2009 work session discussing consolidation. He stated that deferral would allow new Councilmembers additional time to review and discuss the proposed consolidation plan prior to making a decision.

Councilmember Alcalá made a substitute motion to defer the Joint City of Topeka Resolution and Shawnee County Resolution for one week. The motion seconded by Councilmember Ortiz carried. Councilmembers Woelfel and Preisner voted “no.” (7-2-0)

Councilmember Alcalá requested that the June 8, 2009 work session regarding City and County Parks and Recreation Department Consolidation be scheduled as a Committee of the Whole meeting.

ORDINANCE NO. 19262 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 4, 2009, through May 10, 2009, and enumerating said expenditures therein was presented for first and final reading.

Councilmember Alcalá moved to 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: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19263 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 11, 2009, through May 17, 2009, and enumerating said expenditures therein was presented for first and final reading.

Councilmember Preisner moved to 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: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19264 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) placed under first reading May 19, 2009 was again presented. (*PUD04/6A*)

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

Exparte communications were declared by Councilmembers Ortiz, Woelfel, Wolgast, Swank, Preisner and Mayor Bunten.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Preisner carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the City of Topeka Code Section 48-20.02 concerning use regulations in light industrial districts and specifically repealing said original section placed on first reading March 24, 2009 was again presented. (*ACZR09/1*)

Norton N. Bonaparte, Jr., City Manager gave the staff report and stated that the Policy and Finance Committee recommended “Do Not Pass” by a vote of 3-0-0 on May 12, 2009.

Exparte communications were declared by Councilmember Preisner.

Councilmember Preisner moved to adopt the Committee Report. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

A FINAL PLAT for Brickyard Subdivision located at the northeast corner of NW 43<sup>rd</sup> Street and NW Brickyard Road, along the west side of US 75 Highway, outside the City’s

Municipal Service Area and within the City's three-mile extraterritorial jurisdiction all being within unincorporated Shawnee County, Kansas was presented. (P08/19) (Contract No. 39541)

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

Jackie Williams, City Attorney stated that the final plat was previously approved by the City Council on February 17, 2009 without the authorization of a modified payment schedule for parkland development fees. He stated that reconsideration of the plat is needed to allow the developer to pay the parkland development fees in three monthly installments.

Councilmember Hiller moved to approve the final plat and the parkland development fees payment schedule as requested by the developer. The motion seconded by Councilmember Archer carried unanimously. Mayor Buntun voted "yes." (10-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the Master PUD Plan of McCrite Plaza Retirement Apartments and Health Center, to allow development of a single story structure for a memory care facility and expansion of an existing structure on property located at 1600 SW 37<sup>th</sup> Street in the City of Topeka, Kansas was presented for first reading. (Z90/30F)

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 pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60607 as defined and described in Resolution No. 7890, 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. T-701002.00 (HTE 702090), which provides for the design of a

roundabout to be constructed at 17<sup>th</sup> and MacVicar, 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;

Norton N. Bonaparte, Jr., City Manager announced upcoming community events.

Councilmember Hiller encouraged citizens to support the Fiesta Mexicana King and Queen candidates by contributing to local fundraisers.

Councilmember Alcalá encouraged citizens to attend the Sacred Heart-St. Joseph Parish Germanfest event on June 6 and 7, 2009.

Councilmember Ortiz expressed concern with the City Government Web Calendar not being updated. She requested that contact information for Neighborhood Improvement Associations be included on the web calendar. She announced that there would not be a Hi-Crest Neighborhood Improvement Association meeting until September 2009. She expressed concern with the condition of the United States flag displayed outside of City Hall.

Councilmember Wolgast commented on the various community events and encouraged citizens to participate.

Councilmember Swank requested that the June 8, 2009 Committee of the Whole meeting regarding the proposed City and County Parks and Recreation Department Consolidation Plan be recorded for those councilmembers not able to attend. She also announced that an informational meeting regarding the SW 17<sup>th</sup> and MacVicar Streets Roundabout Project would be held on June 3, 2009 at Westminster Presbyterian Church at 7:00 p.m. She commended the Elmhurst Neighborhood in celebrating their 100 year anniversary.

Councilmember Preisner commended Councilmember Harmon for participating in the Leadership Kansas Program

Mayor Bunten commended the Topeka Fire Department for helping a citizen rescue a kitten from a storm sewer drain.

Joseph Ledbetter appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:49 p.m.

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Brenda Younger  
City Clerk