Council Minutes – October 6, 2009

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 6, 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, Wolgast, Swank, Archer, and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Woelfel and Preisner -2.

AFTER THE MEETING was called to order, Councilmember Swank 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 appointment of Kathleen A. Wilson to the City of Topeka ADA Advisory Council for a term that would end October 31, 2011 was presented.

BOARD APPOINTMENT recommending the appointment of Douglas Hollandsworth to the Civil Service Commission for a term that would end October 31, 2013 was presented.

RESOLUTION NO. 8209 introduced by Councilmembers Larry Wolgast and Richard Harmon granting Jenalea Randall an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions was presented.

MINUTES of the regular meeting of September 29, 2009 was presented.

A Cereal Malt Beverage License application bearing the approval of the Chief of Police and City Inspectors for Quick Stop located at 2201 SW 6th Street, was presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Famous Dave's located at 1625 SW Wanamaker, was presented.

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

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING in conjunction with vacation request V08S/4 to vacate a portion of the city right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., relating to the vacation of a portion of city street right-of-way intersecting the railroad right-of-way located on NW Howard and NW 7th Streets between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas placed on first reading September 22, 2009 was again presented. (V08S/4)

Norton N. Bonaparte, Jr., City Manager gave the staff report. He stated that Councilmember Woelfel has requested to defer the ordinance to allow staff time to research alternate options to the closure.

Councilmember Alcala asked if it has been determined which crossings could be closed.

Norton N. Bonaparte, Jr., stated that staff would research all railroad crossings in the area and determine which crossing is the best option.

Mike Teply, Public Works Director stated that staff has considered the NW Furman Road crossing which is privately owned, as well as, the crossing leading into the industrial park. He reported that staff plans to contact the property owners of the privately owned crossing; however, he is not sure if it is a mainline or a spur crossing, and the Railroad prefers to close mainline crossings.

Councilmember Alcala asked if deferring the ordinance for one week would provide staff enough time to research which railroad crossing would be the best option to close.

Dick Knowlton stated that neighborhood residents are willing to do whatever it takes to reach an agreement with the City. He reported that the NW Furman Road crossing is a mainline

crossing, and the industrial park crossing is a spur crossing. He also stated that the proposed crossing at NW 7th Street has more potential for serious accidents than the NW Furman Road crossing which provides more access. He stated that the contract between the City of Topeka and Union Pacific Railroad includes a provision that allows the City to back out of the agreement if the Council does not grant approval.

J. Tuckness stated that he believes the City would not be held liable if the Council denies approval. He requested that the City post signs to inform residents of railroad crossing closures. He asked that the Council to research other options and keep the NW Howard and NW and 7th Streets crossing open.

Norton N. Bonaparte, Jr., stated that he believes two weeks would be enough time for staff to find an alternate option.

Councilmember Alcala moved to postpone the public hearing and defer the ordinance for two weeks. The motion was seconded by Councilmember Harmon.

Councilmember Hiller stated that she contacted Union Pacific Railroad and they are willing to close any of the area crossings. She requested that staff research all possible railroad crossings within the City that could potentially be closed. She also stated that she believes the closure of the NW Howard and NW 7th Streets crossing is unsafe and the City needs to move forward with an alternative option.

The motion to postpone the public hearing and defer the ordinance for two weeks carried unanimously. Mayor Bunten voted "yes." (8-0-0)

ORDINANCE NO. 19317 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of $3,345,000 aggregate principal amount of General Obligation Improvement Bonds, Series 2009-A, and $56,745,000 aggregate principal amount of General

Obligation Refunding Bonds, Series 2009-B of the City of Topeka, Kansas under the authority of K.S.A. 10-101 to 125, inclusive, K.S.A. 10-427 et seq., K.S.A. 12-6a01 et seq., the home rule authority granted to the cities of the State of Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of the city, all as amended placed on first reading September 29, 2009 was again presented.

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

Jim Langford, Budget and Finance Director reported that five bids were received for the financing of the bonds and Stifel Nicolaus was awarded the bid offering an interest rate of 2.9971%. He stated that the City would save over four million dollars in debt service over the life of the bonds.

Mayor Bunten asked what funding source would be used to pay the bonds.

Jim Langford stated that the bonds would be paid through improvement districts and sales tax dollars.

Councilmember Harmon moved to adopt the ordinance. The motion was seconded by Councilmember Wolgast.

Councilmember Alcala asked if the original date the bonds would be paid has been extended due to the refinancing.

Jim Langford stated that the bonds would be fully paid in the year 2031, extending the existing debt for no more than one year from the original date.

The motion to adopt the ordinance carried unanimously. Mayor Bunten voted "yes." (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Wolgast, Swank, Archer, Harmon and Mayor Bunten -8. Absent: Woelfel and Preisner -2.

RESOLUTION NO. 8207 introduced by City Manager Norton N. Bonaparte, Jr., prescribing the form and details of both the General Obligation Bonds, Series 2009-A and General Obligation Refunding Bonds, Series 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of $60,090,000 the issuance of which were authorized by the City pursuant to its Ordinance No. 19317 adopted and approved October 6, 2009; and authorizing certain other documents and actions in connection with the issuance of the bonds was presented.

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

Councilmember Hiller moved to approve the resolution. The motion seconded by Councilmember Alcala carried unanimously. Mayor Bunten voted "yes." (8-0-0)

RESOLUTION NO. 8208 introduced by City Manager Norton N. Bonaparte, Jr., authorizing and directing the issuance of Temporary Notes, Series 2009-B of the City of Topeka, Kansas, in the aggregate principal amount of $24,890,000 for the purpose of providing funds to pay the cost of (i) renewing a portion of the principal amount of the Series 2008-A Temporary Notes of said City, dated October 28, 2009, (ii) renewing all of the principal amount of the Series 2009-A Temporary Notes of said City, dated February 19, 2009, and (iii) for the purpose of providing funds to pay a portion of the cost of certain improvements in said City was presented.

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

Jim Langford, Budget and Finance Director reported that seven bids were received for the financing of temporary notes and Barclays Capital was awarded the bid offering an interest rate of 0.4699%.

Mayor Bunten questioned why the $500,000 listed to fund the SW 29th Street and I-470 traffic study was being included in the financing of the temporary bonds.

Jim Langford stated that he believes the description of the itemized project list is incorrect because it was his understanding that the $500,000 included other project costs, as well as, the traffic study.

Councilmember Wolgast moved to approve the resolution. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted "yes." (8-0-0)

RESOLUTION NO. 8210 introduced by Councilmembers Sylvia Ortiz and John Alcala requesting the installation of traffic signals at the intersection of SE 4th and SE Branner Streets was presented.

Councilmember Ortiz gave the staff report. She stated that the intersection has a high traffic volume which warrants the installation of traffic signals.

Councilmember Ortiz moved to approve the resolution. The motion was seconded by Councilmember Alcala.

Councilmember Alcala expressed concern with safety issues and traffic volume of the intersection. He stated that he would prefer traffic signals be re-installed because he believes the accident rate is going to increase. He suggested installing traffic light poles instead of hanging traffic lights and reuse the conduit and wiring to keep costs down.

Linda Voss, City Traffic Engineer stated that she would recommend installing mast arm traffic signal lights due to the small size of the intersection; and the intersection would need at least two traffic signal heads. She reported that the project would cost approximately $145,000 to $150,000 and the existing conduit and wiring could not be reused.

Councilmember Harmon questioned if the layout of the intersection was a safety hazard. He asked if sales tax dollars could be used to fund the reconfiguration of the intersection.

Linda Voss stated that the accident reports that she reviewed indicated driver error and did not relate to the intersection layout.

Councilmember Harmon asked if rumble strips could be installed at the intersection.

Linda Voss stated that as a rule rumble strips are only used in rural areas.

Councilmember Harmon commended the Engineering Department for their research and recommendations. He stated that he believes additional research needs to be done to find the best option for the unique intersection.

Councilmember Hiller suggested installing a four-way stop at the intersection. She stated that a four-way stop would improve the safety of the intersection and be more cost effective.

The motion to approve the resolution carried unanimously. (7-0-0)

APPROVAL for the City Manager to teach limited sessions at the Kansas University Public Management Center in Topeka in accordance with City of Topeka Contract No. 36119 was presented.

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

Councilmember Swank moved to approve the request. The motion was seconded by Councilmember Wolgast.

Councilmember Alcala stated that he would abstain from voting on the issue because he believes there is a need for the City Manager to focus 100% on City issues at this time.

Councilmember Ortiz stated that she would not support the request because she believes the City needs someone who is fully dedicated to City issues.

The motion to approve the request carried. Councilmember Ortiz voted "no." Councilmember Alcala abstained. (5-1-1)

ORDINANCE NO. 19318 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 14, 2009, through September 20, 2009, and enumerating said expenditures herein was presented for first and final reading.

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

Councilmember Swank moved to adopt the ordinance. The motion seconded by Councilmember Alcala carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Wolgast, Swank, Archer and Harmon -7. Absent: Woelfel and Preisner -2.

AN ORDINANCE introduced by Councilmember Jeff Preisner creating City of Topeka Code Chapter 2, Division 2, concerning Citizens Government Review Committee to the form of government and repealing original Ordinance No. 15961 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 102-52 concerning the composition of the Parks and Recreation Advisory Board and specifically repealing said original section was presented for first reading.

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

Councilmember Hiller stated that she has drafted a report of her experiences gained at the Built Environment and the Outdoors Summit Conference; and the League of Kansas Municipalities Conference. She encouraged the Council to read through the reports because the issues discussed at the conferences directly relate to the issues currently being discussed by the City regarding Topeka's future.

Councilmember Alcala encouraged citizens to attend the North Topeka Fall Festival and Parade on October 10, 2009 from 9:00 a.m. to 4:00 p.m.

Councilmember Ortiz commended everyone who participated in the Old Prairie Town Apple Festival. She requested a report on the City's current litigation cases.

Norton N. Bonaparte, Jr., stated that he would request that the Legal Department provide a report to the Council. He announced that there would be a work session scheduled on October 12, 2009 at 5:30 p.m. to discuss the 2010-2014 Capital Improvement Program; and a work session scheduled on October 19, 2009 at 5:30 p.m. to discuss the 2010-2011 Capital Improvement Budget.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:43 p.m.

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Brenda Younger
City Clerk