

Council Minutes – January 26, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 26, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Preisner -1.

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 appointment of Jim March to the Board of Mechanical Examiners for a term that would end January 26, 2012 was presented.

BOARD APPOINTMENT recommending the appointment of Stacey Zwettler Keller to the Topeka Landmarks Commission for a term that would end January 26, 2013 was presented.

BOARD APPOINTMENT recommending the appointment of Leon Graves to the Topeka Landmarks Commission for a term that would end January 26, 2013 was presented.

MINUTES of the regular meeting of January 19, 2010 were presented.

An Open After Midnight License application bearing the approval of the Chief of Police and City Inspectors for Los Portales located at 1116 SE 6th Avenue was presented.

Councilmember Harmon moved to approve the consent agenda. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

ORDINANCE NO. 19373 introduced by City Manager Norton N. Bonaparte, Jr., assessing the costs of sidewalk repair to real properties, more specifically described hereinafter,

all pursuant to the authority found in City of Topeka Code Section 130-373 through 130-378 and Section 126-96 through 126-102 placed on first reading January 19, 2010 was again presented.

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

Braxton Copley, Deputy City Attorney stated that the ordinance has been amended to delete the property owner located at 6115 SW 21st Terrace. He noted that the property owner has filed bankruptcy.

Councilmember Harmon moved to amend the ordinance as distributed. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

Councilmember Harmon moved to adopt the ordinance as amended. The motion seconded by Councilmember Woelfel carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Absent: Preisner -1.

ORDINANCE NO. 19374 introduced by City Manager Norton N. Bonaparte, Jr., pertaining to an amendment to the text and map of the Topeka Comprehensive Metropolitan Plan placed on first reading January 19, 2010 was again presented. (CPA09/3)

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

John Lauer, Ward-Meade Neighborhood Improvement Association spoke in support of the plan. He stated that the NIA is looking forward to the implementation of the plan and revitalizing the neighborhood.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Harmon and Mayor Bunten -9. Absent: Preisner -1.

A PROJECT BUDGET in the amount of \$9,301,300 and ORDINANCE NO. 19375 introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70204-01, Part C which provides for the widening of SW 29th Street from SW Wanamaker Road to SW Urish Road, as more specifically described herein placed on first reading January 19, 2010 was again presented.

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

Councilmember Archer asked what it would cost to replace the one-lane roundabout located at SW 29th Street and SW Urish Road with a two-lane roundabout versus a traffic signal. He also asked if the project bid would include incentives for early completion or penalties for delayed completion of the project.

Mike Teply, Public Works Director reported that a double-lane roundabout would cost an estimated \$750,000; and a traffic signal would cost approximately \$180,000.

Shawn Bruns, City Engineer stated that the project bid would close February 3, 2010 and includes penalties of liquidated damages if the project is delayed or completed after December 2011. She noted that the project bid does not include incentives for early completion of the project.

Councilmember Alcala expressed concern with how the construction would affect accessibility to local businesses. He asked if alternative routes have been established.

Mike Teply stated that access to area businesses would be available at all times from either SW Urish Road or SW 29th Street.

Councilmember Harmon moved to approve the project budget and adopt the ordinance. The motion seconded by Councilmember Wolgast carried. Councilmember Alcala voted “no.”
(7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -7. Noes: Alcala -1. Absent: Preisner -1.

Norton N. Bonaparte, Jr., City Manager requested to withdraw item 6A, a resolution relating to approval of expenditure payments from the Council agenda.

Upon hearing no objections, Mayor Buntin announced that item 6A would be removed from the Council agenda.

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., relating to Topeka Ice, Inc., and authorizing an option contract to acquire a certain parcel of real property for an ice skating facility was presented.

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

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

Councilmember Woelfel questioned how this contract differs from previous contracts that have been executed between the City of Topeka and Topeka Ice, Inc., and if there are stipulations listed within the ten-year reversionary clause.

Braxton Copley, Deputy City Attorney stated that the last transaction between the City and Topeka Ice, Inc., deeded the property to Topeka Ice, Inc.; however, the substantial completion date was not met and the reversionary clause went into effect. He noted that the new contract would allow time for Topeka Ice to secure funding so the City could convey the property to Topeka Ice. He also stated that the City would maintain the parking lot and collect parking fees until Topeka Ice could take ownership of the property. He reported that there are two conditions listed in the contract (1) substantial completion by date certain, and (2) the property is used exclusively for public recreation or an ice skating facility for ten years.

Councilmember Harmon questioned the successors or assignees of Topeka Ice, Inc., and asked if the contract would be applicable to them because there is no prohibition against assignments listed within the contract.

Braxton Copley stated that Topeka Ice, Inc., or any subsequent property owners would be bound to the same conditions or the reversionary clause would go into effect. He noted that the Council could defer the contract for the purpose of adding provisions relating to the contract assignment.

Councilmember Harmon made a substitute motion to defer the resolution for one month for the purpose of adding provisions relating to the contract assignment. The motion seconded by Councilmember Woelfel carried. Councilmember Alcalá voted “no.” (7-1-0)

RESOLUTION NO. 8234 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire permanent public utility easements for the following public purposes: drainage, water line, storm sewer and sanitary sewer; as well as permanent public right-of-way easement; temporary construction easements; and fee simple interest to widen SW 29th Street to five (5) lanes between SW Wanamaker Road and SW Urish Road and construct a new roundabout at SW Urish Road intersection and the relocation of the waterline, Project No. 70204-01 was presented.

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

Councilmember Swank moved to approve the resolution. The motion was seconded by Councilmember Archer.

Councilmember Alcalá stated that he would prefer to review the appraisals of the properties before making a decision on the condemnations. He expressed concern with the alternative routes and how the construction may affect area businesses.

Mayor Bunten expressed concern with area businesses being affected by the construction. He noted that the roundabout at SW 29th Street and Urish Road was originally constructed by the County. He reported that the only alternatives are a larger roundabout; a four-way stop; or traffic signals.

The motion to approve the resolution carried unanimously. (8-0-0)

ORDINANCE NO. 19376 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 4, 2010, through January 10, 2010, and enumerating said expenditures therein 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 Wolgast carried unanimously. (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer and Harmon -8. Absent: Preisner -1.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-291009.00 (HTE 291190), which provides for the correction of inflow and infiltration into the City's sanitary collection system was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire permanent public utility easements for the following public purposes: drainage, water line, storm sewer and sanitary sewer; as well as permanent public right-of-way easement; temporary construction easements; and fee simple interest to widen SW 29th Street to five (5) lanes between SW Wanamaker Road and SW Urish Road and construct a new roundabout at SW Urish Road intersection and the relocation of the waterline, Project No. 70204-01 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced that the City of Topeka Presents Program is currently highlighting Council District No. 4. He also announced that the Mayor's Minute and the State of the City Address video would broadcast consecutively on City4.

Councilmember Hiller stated that she is thankful the Kansas Neurological Institute would remain open. She also stated that she believes the Zoo can now moved forward with improved operations following the completion of the internal investigation and AZA report. She requested that the Council receive updates on the search for a new Zoo Director and the Internal Auditor position.

Councilmember Alcala asked when the Zoo Director position would be filled; how the City is addressing the repair of potholes; and what is the estimated response time of repairing a pothole once a complaint has been filed.

Norton N. Bonaparte, Jr., stated that the issues outlined in the AZA report would be taken into consideration when searching for a new Zoo Director. He reported that he anticipates the position will be filled within three to four months.

Mike Teply, Public Works Director reported that there is a system in place for reporting potholes which is monitored closely. He stated that potholes are generally filled within 48 hours of a complaint being received; and the major arterials are reviewed frequently to determine if there are any pothole issues. He reported that the Street Maintenance Division is testing different asphalt mixes to determine if a certain mix works better with the extreme climate changes.

Councilmember Woelfel asked if potholes are repaired on a complaint basis only.

Mike Teply stated that primarily potholes are repaired on a complaint basis; however, when Street Maintenance crews notice a pothole they act accordingly and make the necessary repairs.

Mayor Bunten expressed concern with the issues outlined in the AZA report. He stated that he would prefer the new Zoo Director be allowed to make recommendations and implement the necessary changes to Zoo operations.

Councilmember Alcala moved to adjourn the City Council meeting. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:55 p.m.

Brenda Younger
City Clerk