

**Council Minutes – April 20, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 20, 2010. 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, Archer and Preisner -7. Mayor Bunten presided -1. Absent: Councilmembers Alcalá and Harmon -2.

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

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

Councilmember Swank requested to remove item 4A, a board appointment for Andy Sanchez to the Topeka Metropolitan Transit Authority Board 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 Council agenda under Unfinished Business as item 5A.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of April 13, 2010 were presented.

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

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Billar El 2 De Ords	2018 SE Swygart
College Hill Tavern	1616 SW 17 <sup>th</sup> Street
The Dugout	1545 SW Fairlawn
Gage Center	4200 Huntoon
Henry T's Bar & Grill	1521 SW 21 <sup>st</sup> Street
Joletta's	600 NW Paramore
Kris Food Inc.	810 SE 15 <sup>th</sup> Street
La Hacienda	1465 SE Washington
McDonald's	1640 SW Wanamaker Road
McDonald's	1201 Gage Boulevard
McDonald's	2933 SW Wanamaker Road

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
McDonald's	5525 SW 21 <sup>st</sup> Street
Michelle's (Holiday Inn Holidome)	605 SW Fairlawn
Skinny's Sports Bar	4016 & 4026 SW Huntoon

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

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Dillons #88	4015 SW 10 <sup>th</sup> Street
Dillons #87	5311 SW 22 <sup>nd</sup> Place
Dillons #67	2010 SE 29 <sup>th</sup> Street
Dillons #58	1400 SW Huntoon
Dillons #84	800 NW 25 <sup>th</sup> Street
Dillons #47	2815 W 29 <sup>th</sup> Street
Downtown Amoco	600 SE Quincy
Fast Lane	512 SW Topeka Boulevard
Hermann's Beef & Sausage House	823 NW Gordon
Kelly Express	1001 SW Wanamaker Road
Kwik Shop #789	746 NE Wabash
Kwik Shop #740	2277 SW 10 <sup>th</sup> Street
Kwik Shop #705	1114 NW Topeka Boulevard
Kwik Shop #720	102 SW 37 <sup>th</sup> Street
Kwik Shop #729	1700 Topeka Boulevard
Kwik Shop #743	5633 SW 21 <sup>st</sup> Street
Kwik Shop #788	1414 SW 17 <sup>th</sup> Street
Kwik Shop #757	2619 SW 21 <sup>st</sup> Street
Kwik Shop #781	4500 S Topeka Boulevard
6 <sup>th</sup> Street Quick Stop	1107 SW 6 <sup>th</sup> Avenue
Tammy's On The Go	3335 Gage Boulevard
Topeka Quick Stop	1020 NW Topeka Boulevard

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

A BOARD APPOINTMENT recommending the re-appointment of Andy Sanchez to the Topeka Metropolitan Transit Authority (TMTA) Board for a term that would end April 30, 2014 was presented.

Councilmember Swank questioned the statutory board appointment process outlined in Charter Ordinance No. 99, and if the appointment to the TMTA Board was nominated by a Councilmember.

Mayor Bunten stated that TMTA Board appointments are made according to state statute which requires the Mayor to nominate appointments and present them to the City Council for approval.

Jackie Williams, City Attorney concurred with Mayor Bunten. He suggested the Council defer the board appointment for one week to answer any questions the Council may have regarding the nomination and appointment process of statutory boards.

Councilmember Swank moved to defer the board appointment for one week. The motion seconded by Councilmember Preisner carried. Councilmember Ortiz voted “no.” (6-1-0)

ORDINANCE NO. 19409 introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for The Office on May 8, 2010 placed on first reading April 13, 2010 was again presented.

Councilmember Hiller gave the staff report.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Archer carried. Councilmember Woelfel voted “no.” Mayor Bunten voted “yes.” (7-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Ortiz, Wolgast, Swank, Archer, Preisner and Mayor Bunten -7. Noes: Woelfel -1. Absent: Alcala and Harmon -2.

DEMOLITION PERMIT APPEAL of the home located at 1412 SW 5<sup>th</sup> Street in the City of Topeka, Kansas pursuant to City of Topeka Code 80-4 was presented.

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

Councilmember Preisner moved to approve the demolition permit request based on the fact that there is no prudent or feasible alternative to the proposed demolition and that planning to minimize harm to the historic property has been made. The motion seconded by Councilmember Hiller.

Councilmember Woelfel questioned why the Landmark Commission disapproved of the demolition, and the Planning Department recommended approval.

David Thurbon, Planning Department Director stated that the cost to rebuild the structure is four to five times higher than it would be to build a new structure. He reported that the Landmark Commission is not involved in the process of determining a feasible or prudent alternative to demolition as outlined in State Statute. He stated that the Commission disapproved the request based on the determination that the structure is a contributing factor to the historical environs; however, the structure is not located in the historical district.

Councilmember Hiller stated that she has spoken with the applicants and they plan to transform the property to green space.

The motion to approve the demolition permit request based on the fact that there is no prudent or feasible alternative to the proposed demolition and that planning to minimize harm to the historic property has been made carried. Councilmember Woelfel voted “no.” Mayor Bunten voted “yes.” (7-1-0)

AN INTERLOCAL AGREEMENT between the City of Topeka, Unified School District 501, Unified School District 345, Unified School District 450, Metropolitan Topeka Airport Authority, the Board of County Commissioners of Shawnee County, Kansas, the Metropolitan Transit Authority, the Topeka and Shawnee County Public Library, and Washburn University

participating in the 2010-2012 Neighborhood Revitalization Plan adopted by Ordinance No. 19362 was presented. (*Contract No. 40377*)

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

Joseph Ledbetter stated that he participated in the drafting of the Neighborhood Revitalization Plan regarding the areas of Hi-Crest and Southern Hills. He noted that he believes the plan encourages economical development in those areas. He expressed concern that the Neighborhood Revitalization Plan could be amended by any local political subdivision to promote economical development. He questioned if the document could amend the economic sales tax. He encouraged the Council to approve the agreement.

Councilmember Wolgast moved to approve the interlocal agreement. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

ORDINANCE NO. 19410 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of March 29, 2010, through April 4, 2010, and enumerating said expenditures therein was presented for first and final reading.

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

Joseph Ledbetter questioned the following expenditures:

- Page 12, ISS Facility Services
- Page 13, Joseph Larder
- Page 13, K&E Limited Partnership
- Page 20, Neptune Technology Group
- Page 29, Vortex, Inc.

Jim Langford, Budget and Finance Director reported that ISS Facility Services provides a service to various City departments; however, he would have to report back to Mr. Ledbetter with the details of the expenditure; the payment to Joseph Larder was a refund of an overpaid water utility bill; the payment to K&E Limited Partnership grants a temporary easement to the

City for a capital improvement project and he would provide the parcel identification number of the property to Mr. Ledbetter via electronic mail; he would have to research the Neptune Technology Group expenditure and report back to Mr. Ledbetter the details; and the payment to Vortex, Inc., is a Parks and Recreation Department expenditure.

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

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

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 Topeka Boulevard and SE 45<sup>th</sup> Street from PUD (“R-1” use group) TO PUD (“R-1” and “M-1” use groups) placed on first reading April 13, 2010 was again presented. (Z00/34B)

Norton N. Bonaparte, Jr., City Manager gave the staff report and stated that the applicant has requested the zoning case be remanded back to the Planning Commission for further discussion.

Councilmember Wolgast moved to remand the ordinance back to the Planning Commission for further discussion as requested by the applicant. The motion seconded by Councilmember Woelfel carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

ORDINANCE NO. 19411 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 on the north side of the intersection of SE 2<sup>nd</sup> Street and SE Chandler Avenue from “I-2” Heavy Industrial District, “M-1” Two Family Dwelling District and “R-1” Single Family Dwelling District ALL TO “I-1” Light Industrial District placed on first reading April 13, 2010 was again presented. (Z10/3)

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

The City Clerk asked if there were any ex parte communications. There were none declared.

Councilmember Woelfel moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

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

A CHARTER ORDINANCE introduced by Councilmember Deborah Swank amending City of Topeka Code Section A9-2 and Section A9-20 and repealing said original sections concerning the Metropolitan Transit Authority was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager announced the following programs to be televised on City4, “City of Topeka Presents” featuring Council District No. 8; the “Mayor’s Minute;” and “Topeka by the Minute” featuring updated city information. He encouraged citizens to provide feedback on all televised programs. He reported that the City has begun construction on the following three road improvement projects funded with the half-cent sales tax:

- 1) SE 29<sup>th</sup> Street from California Avenue to the I-470 Turnpike located in east Topeka
- 2) Gordon Street from NW Buchanan Street to Quincy Street located in north Topeka

3) SW 21<sup>st</sup> Street from Wanamaker Road to the I-470 overpass located in west Topeka

He reminded citizens to complete the 2010 Census packets by May 1, 2010. He also recognized Dennis Boyles, Property Maintenance Inspector as the City of Topeka Employee of the Month.

Councilmember Hiller commented on the Rethink Topeka event and commended local artists and volunteers for their support of the event.

Councilmember Ortiz announced the second phase of the 2010 Take Over/Make Over event on April 24, 2010. She instructed volunteers to check-in at the Lakewood Shelter House located at 2301 SE Lakewood between 7:30 a.m. and 8:30 a.m. to receive neighborhood assignments. She reminded citizens to place trash cans at the curb Friday evening for early pickup on Saturday, April 24, 2010. She acknowledged Administrative Professionals Day and thanked Ginny Burkhart and Keya Downing for their hard work in the City Council office.

Councilmember Wolgast acknowledged Russ King, builder of a Designer Showcase home that has been recognized nationwide as a home that features 56% more energy efficiency than the standard home. He encouraged citizens to visit the ERC Designer Showcase homes now open to the public.

Councilmember Swank commented on the success of the Rethink Topeka and Green Fair events. She announced that April 22, 2010 is Earth Day and noted that there are many Earth Day events happening around the city this week.

Councilmember Preisner stated that the ISS Facility Services that Mr. Ledbetter questioned in the weekly expenditures is an individual support work system which operates a mail clearing house.

Joseph Ledbetter appeared to speak under public comment.

Councilmember Preisner moved to adjourn the City Council meeting. The motion seconded by Councilmember Archer carried unanimously. (7-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:51 p.m.

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Brenda Younger  
City Clerk