

**Council Minutes –May 18, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 18, 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, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Edward Kirtdoll, Fellowship Christian Baptist Church gave the invocation.

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

A PRESENTATION on the Community Project Report System was given by Monique Glaude, Housing and Neighborhood Development Department. Blake Flanagan, GIS Manager for Bartlett & West Engineers, provided a demonstration of how the Community Project Report System is utilized by the City of Topeka and Shawnee County.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Laurie Pigg to the Jayhawk Area Agency on Aging Advisory Council for a term that would end October 31, 2012 was presented.

MINUTES of the regular meeting of May 11, 2010 were presented.

The following Cereal Malt Beverage License applications were presented for approval:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Dickey's Barbeque Pit	609 NW Highway 24
In A Pinch Convenience	706 SW Fairlawn Road
Kris Food, Inc.	2841 SE Croco Road, #100
Kris Food, Inc.	812 SE 15 <sup>th</sup> Street
U Market, Inc.	935 SE 21 <sup>st</sup> Street

The following Open After Midnight License applications were presented for approval:

<u>BUSINESS NAME</u>	<u>ADDRESS</u>
Kwik Shop #780	2520 SW 6 <sup>th</sup> Avenue
McDonald's	100 S. Kansas Avenue
Oscar's	1424 SW Lane Street
Shawnee Country Club	913 SE 29 <sup>th</sup> Street

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

RESOLUTION NO. 8255 introduced by City Manager Norton N. Bonaparte, Jr., pursuant to City of Topeka Code Section 130-377 concerning sidewalk repairs at locations more specifically described hereinafter was presented.

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

Mayor Bunten expressed concern with the City paying 100% of the cost of sidewalk repairs if property owners do not participate in the 50/50 Sidewalk Program or refuse sidewalk repair services.

Norton N. Bonaparte, Jr., stated that the City is obligated to move forward with the repair of sidewalks because they have been declared safety hazards; however, the City is reimbursed by levying the cost of sidewalk repairs against the owner's property.

Councilmember Harmon asked how the reimbursement process works.

Mike McGee, Public Works Deputy Director reported that if the property owner's portion (50%) of the cost of sidewalk repairs is not paid in full the cost would be assessed to the owner's property taxes for a three-year period.

Joseph Ledbetter noted that some of the sidewalk repairs are being made on vacant lots. He asked if the City plans to make similar sidewalk repairs on vacant lots located in East

Topeka. He questioned if block grant money or GO Topeka funds could be used towards the costs associated with sidewalk repairs.

Councilmember Swank questioned if any of the properties listed in the resolution were investments properties.

Councilmember Preisner moved to approve the resolution. The motion was seconded by Councilmember Woelfel.

Councilmember Wolgast expressed concern with the 50/50 Sidewalk Program and asked the City to review the process so the program does not become a burden to citizens. He noted that only two of the properties are rental properties.

Councilmember Alcalá questioned the City's liability. He stated that in his opinion if the City has been notified of a potential sidewalk safety hazard then the City would be obligated to make the repairs.

Jackie Williams, City Attorney stated that the City would be liable if sidewalk repairs are not made.

The motion to approve the resolution carried unanimously. (9-0-0)

ORDINANCE NO. 19419 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of April 26, 2010 through May 2, 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 3, Commission of Accreditation
- Page 5, Garage Door Professionals
- Page 12, Lawyer's Title. He also questioned if an appraisal was performed on the property.
- Page 15, St. Francis Health Center

Jim Langford, Budget and Finance Director reported that the payment to the Commission for Accreditation was for the Topeka Police Department; the payment to the Garage Door Professionals was for a garage door repair at a Water Pollution Control facility; the payment to Lawyer's Title was for closing costs on a piece of property; however, he is not sure if an appraisal was conducted on the property; and the payment to St. Francis Health Center was for workers' compensation claims.

Councilmember Ortiz 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.

ORDINANCE NO. 19420 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 1900 SW Mission Avenue from "R-1" Single Family Dwelling District TO "PUD" Planned Unit Development District ("M-1a" use group and "C-1" use group, including a vehicle surface parking lot in association with a principle use and specifically excluding liquor sales, and packaged goods) placed on first reading May 11, 2010 was again presented.

*(PUD10/5)*

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 Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank 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., concerning various boards and commissions, amending Section 2-181 and repealing said original section and repealing Sections 10-91 and 98-211 in their entirety was presented for first reading.

AN ORDINANCE introduced by Mayor Bunten, amending the City of Topeka Code Sections 18-7 and 54-102 concerning the hunting of game birds within the city limits and specifically repealing said original sections was presented for first reading.

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 Capricorn Woods Subdivisions with piping, manholes, engineering and all other contingencies needed to complete Lateral Sanitary Sewer Improvement Project No. 40874-03, as defined and described in Resolution No. 7681, adopted and approved September 13, 2005 was presented for first reading.

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 Alexander Place Subdivision with pavement, curb and gutter and all other contingencies needed to complete Street Improvement Project No. 60611-04 as defined and described in Resolution No. 7989, adopted and approved August 14, 2007 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and authorizing as amended Street Improvement Project No. 70114-03 which provides for widening Gage Boulevard from 10<sup>th</sup> to 12<sup>th</sup> Streets, as more specifically described

herein, pursuant to Section A12-1 of the Code of the City of Topeka, and repealing City of Topeka Ordinance No. 19204 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 and the Government Foundation Team of Heartland Visioning have scheduled public forums on May 19, 2010 at Logan Elementary School located at 1124 NW Lymon from 4:00 p.m. to 6:00 p.m.; and May 26, 2010 at the Topeka-Shawnee County Library located at 1515 SW 10<sup>th</sup> Avenue from 6:00 p.m. to 8:00 p.m. He also announced that the City is accepting applications for the Topeka 101: Citizens' Academy beginning on June 2, 2010. He congratulated the April Employee of the Month Rusty Rakestraw, Real Estate Officer I, Public Works Department.

Councilmember Alcalá asked if weekly reports were submitted by City departments and if the reports included departmental overtime costs. He requested a copy of the City's overtime policy; the total cost of overtime expended from 2009 to present; the total costs associated with conducting the Citizens' Academy; and if employees that participate in the Citizens' Academy receive compensation time or overtime pay.

Norton N. Bonaparte, Jr., reported that the City as an organization reviews overtime as an overall step in cost reduction. He stated that hourly employees that participate in the Citizens' Academy receive compensation time if the duties performed for the Academy fall outside their normal work schedule. He noted that members of the management team do not receive compensation time or overtime pay for assisting with the Citizens' Academy.

Councilmember Ortiz announced that Community Action, Inc., is offering bus passes for the month of May free of charge to the public and directed citizens to call 235-9296 for more

information. She encouraged citizens and staff members to utilize the local bus service so they could experience how the public transportation system operates.

Councilmember Wolgast commended G-Trust for revitalizing the building located at 900 S. Kansas Avenue. He stated that the new building is an excellent example of historic preservation in the downtown area.

Councilmember Swank encouraged the community to participate in the 2<sup>nd</sup> Annual Topeka Treasure Hunt.

Councilmember Archer commended Mr. Matt Gassen for his outstanding service in the community, as well as, his involvement in the redevelopment of the downtown area.

Joseph Ledbetter and Ted Mize appeared to speak under public comment.

Councilmember Alcalá moved to adjourn the City Council meeting. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

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

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Brenda Younger  
City Clerk