

Council Minutes – October 26, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, October 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, Wolgast, Swank, Archer, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Woelfel -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:

APPROVAL of a settlement proposal in the amount of \$92,500 from the City of Topeka and A REQUEST for the City Council to authorize the settlement of Tiffany v. City of Topeka Case No. 09-2232 under the terms and conditions negotiated and agreed upon by the parties was presented.

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

A Dance Hall License application for Sasnak Bar located at 1834 NW Topeka Boulevard was presented.

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

CHARTER ORDINANCE NO. 102 introduced by Councilmembers Jeff Preisner and Larry Wolgast exempting the City of Topeka from the provisions of K.S.A. 25-2108a relating to primary elections and amending sections of the governing Charter Ordinance codified at Section A2-1 and A2-22 placed on first reading October 19, 2010 was again presented.

Councilmember Preisner stated the charter ordinance would exempt the City from K.S.A. 25-2108a which amended cities primary elections law in 2008 to reduce the number of candidates for each office in the general election to no more than three (3) candidates. He reported the proposed charter ordinance would allow the City of Topeka to return to the previous primary elections law and allow no more than two (2) candidates receiving the highest number of votes in the general city election.

Councilmember Ortiz asked if City Councilmember elections would remain staggered.

Councilmember Preisner stated the charter ordinance would clean up the language specifically relating to terms of office. He clarified the Mayor would be elected to a four (4) year term and district Councilmembers would be elected to staggered four (4) year terms.

Councilmember Wolgast noted other first class cities are chartering out of K.S.A. 25-2108a.

Councilmember Hiller and Mayor Bunten commended Councilmembers Preisner and Wolgast for drafting the charter ordinance.

Councilmember Archer questioned if the City would be exempt from the state statutes listed in Lines 18, 19 and 20 of the charter ordinance.

Jackie Williams, City Attorney stated the City would be exempt from all state statutes listed in Lines 18, 19 and 20 of the charter ordinance including K.S.A. 25-2108a.

Joseph Ledbetter spoke in support of the charter ordinance and stated it would clarify the process of electing City Councilmembers.

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

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

ORDINANCE NO. 19482 introduced by City Manager Norton N. Bonaparte, Jr., regarding an agreement between the City of Topeka, Kansas, and Crown Distributors for the purpose of providing fire protection to a property outside of the City limits, pursuant to K.S.A. 80-1502 placed on first reading October 19, 2010 was again presented. (*Contract No. 40767*)

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

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

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

RESOLUTION NO. 8298 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the acquisition of real estate by donation for the purpose of constructing and operating a fire station pursuant to City of Topeka Code Section 3.30.350 was presented. (*Contract No. 40768*)

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

Councilmember Harmon moved to approve the resolution. The motion was seconded by Councilmember Wolgast.

Joseph Ledbetter spoke in support of the resolution. He stated fire protection is a much needed service for the city and questioned why a construction timeline to build the fire station was not included in Section 11 of the agreement.

Councilmember Wolgast stated the property is located within city limits.

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

A Retail Cereal Malt Beverage License application for Sasnak Bar located at 1834 NW Topeka Boulevard was presented.

Councilmember Ortiz moved to approve the Retail Cereal Malt Beverage License application as presented. The motion seconded by Councilmember Archer carried unanimously. Mayor Buntun voted “yes.” (9-0-0)

ORDINANCE NO. 19483 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 4, 2010 through October 10, 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. He asked if the payments to Concrete Supply of Topeka and Cook, Flatt & Strobel were paid with half-cent sales tax revenue funds. He suggested the City charge a garnishment fee for the processing of child support payments by employees.

- Page 4, Schmidlein Excavating, Inc., \$80,190.84
- Page 6, Concrete Supply of Topeka, \$4,943.75
- Page 6, Cook, Flatt & Strobel, \$4,640.20
- Page 6, Downtown Topeka, Inc., \$6,732.57
- Page 18, Automotive Expenses, \$1,041.15
- Pages 23-27 Child Support Payments.

Jim Langford, Budget and Finance Director reported the following payment information:

- Schmidlein Excavating, Inc., expenditure was for the relocation of a water main on SW 29th Street.
- Concrete Supply of Topeka expenditure was for concrete fill for the Water Department.
- Cook, Flatt & Strobel expenditure was for consulting engineering services.
- Downtown Topeka, Inc., expenditure was a grant disbursement from Business Improvement District funds the City collects.
- Automotive expenditures were for numerous automotive parts.

Mr. Langford stated he would research the type of funding used to pay the Concrete Supply of Topeka and Cook, Flatt & Strobel expenditures and report back to Mr. Ledbetter.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Swank carried unanimously. (8-0-0)

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

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

Norton N. Bonaparte, Jr., City Manager announced the S. Kansas Avenue workshops and the 50th Anniversary event of the Topeka Police Department's K-9 Unit are being televised on City 4. He also announced there would be no City Council meeting on November 2, 2010.

Councilmember Hiller invited the community to attend the Kansas Art Fair event November 5th and 6th at the Potwin Presbyterian Church.

Councilmember Wolgast acknowledged PTMW's new business location at the former Payless Distribution Center and commended the company for being an asset to the community.

Joseph Ledbetter appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:38 p.m.

Brenda Younger
City Clerk