

Council Minutes – November 16, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 16, 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, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Mayor Bunten presided -1. Absent: Councilmember Ortiz -1.

AFTER THE MEETING was called to order, Sue Ann Seel, Potwin Presbyterian Church gave the invocation.

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

A PRESENTATION was given by Ron Miller, Topeka Police Chief on Holiday Crime Safety Tips.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of November 9, 2010 were presented.

An Open After Midnight License application for Bosco's Downtown located at 435 S. Kansas Avenue was presented.

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

ORDINANCE NO. 19486 introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of Full Faith and Credit Tax Increment Refunding Bonds, Series 2010 (College Hill Redevelopment) in the maximum principal amount of \$5,805,000 of the City of Topeka, Kansas, for the purpose of advance refunding for certain outstanding full faith and credit tax increment bonds and making certain covenants with respect thereto placed on first reading November 9, 2010 was again presented.

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

Jim Langford, Budget and Finance Director reported the bonds received a successful interest rate of slightly more than 3% and a net value of 6% with an estimated savings of \$370,000. He suggested a technical amendment be made to the ordinance to reflect the correct maximum principal amount of \$5,805,000.

Councilmember Preisner moved to amend the ordinance to state the correct maximum principal amount of \$5,805,000. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

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

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

RESOLUTION NO. 8299 introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park Project No. T-861003.00 (HTE 862620) was again presented. The resolution was deferred from the meeting of November 9, 2010.

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

Joseph Ledbetter expressed concern with the property appraisal of the site; the site study; and the size of the area to be served by the water tower. He noted 150 acres of the site is considered wetlands and could not be utilized. He distributed the Joint Economic Development Organization 2011 Budget to Councilmembers.

Councilmember Preisner moved to approve the resolution. The motion seconded Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 6.20.120 and Section 6.30.100 concerning permit fees for cats and dogs and specifically repealing said original sections placed on first reading June 22, 2010 was again presented.

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

Councilmember Harmon gave the committee report. He stated the Public, Health and Safety Committee made “No Recommendation” for the purpose of the full Council to remand the ordinance back to the Public, Health and Safety Committee for further discussion by a vote of 2-0-0 on November 12, 2010.

Councilmember Harmon moved to refer the ordinance to the Public, Health and Safety Committee. The motion was seconded by Councilmember Hiller.

Janice Barton stated she has alternative proposals she would like to discuss with the Public, Health and Safety Committee.

Councilmember Harmon requested Ms. Barton provide her contact information to Ginny Burghart, City Council Assistant so she could be notified when the next Public, Health and Safety Committee meeting is scheduled.

The motion to refer the ordinance to the Public, Health and Safety Committee carried unanimously. (8-0-0)

AUTHORIZING a public hearing on December 7, 2010, for the purpose of hearing and answering objections of taxpayers to the proposed amendments to the 2010 Operating Budget was presented.

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

Councilmember Preisner moved to approve the public hearing notice. The motion seconded by Councilmember Woelfel carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

RESOLUTION NO. 8300 introduced by Councilmember Jeff Preisner cancelling the Council meetings for March 1, 2011; April 5, 2011; July 5, 2011; September 6, 2011; November 22, 2011; and December 27, 2011 and establishing a Council meeting for March 29, 2011, and November 29, 2011 was presented.

Councilmember Preisner gave the staff report.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Hiller carried. Councilmember Alcala voted “no.” (7-1-0)

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19487 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 25, 2010 through October 31, 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 on page 13 of the weekly expenditures report:

- Capp’s Bike Shop in the amount of \$1,510
- Walts Carstar North in the amount of \$3,824
- Coyote Canyon in the amount of \$187.91
- Denny’s Restaurant in the amount of \$176.31
- Denny’s Restaurant in the amount of \$66.89
- Factory Motor Parts Company in the amount of \$1,349.45

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

- Capp’s Bike Shop expenditure was for bicycle clothing for the Topeka Police Department Bicycle Patrol Unit.
- Walts Carstar North expenditure was for accident repairs made to Police Department vehicles.

- Coyote Canyon and Denny's Restaurant expenditures were meal allowances for Water Department employees who were required to work emergency overtime.
- Factory Motor Parts Company expenditures were for miscellaneous automotive parts and repairs.

Councilmember Preisner 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, Alcalá, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -8. Absent: Ortiz -1.

ORDINANCE NO. 19488 introduced by City Manager Norton N. Bonaparte, Jr., amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on a portion of the property located at 5601 SW Barrington Court South from "PUD" Planned Unit Development District (C-4 use group) TO "O&I-2" Office and Institutional District placed on first reading November 9, 2010 was again presented. (Z10/6)

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

Mayor Bunten questioned the size, as well as, the intended use of the detached garage.

David Thurbon, Planning Department Director stated the building would be considered a normal size garage to be used for the storage of business vehicles and files.

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

Councilmember Preisner 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, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -9. Absent: Ortiz -1.

RESOLUTION NO. 8301 introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.170.030(c)(2) Topeka Municipal Code, the applicant requests a Conditional Use Permit to allow for a refuse processing facility including a transfer station for solid waste and recycled materials for properties zoned "I-2" Heavy Industrial District and located at 711 NE US Highway 24, in the City of Topeka, Kansas was presented. (CU10/6)

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

The City Clerk asked if there were any ex parte communications.

Councilmember Preisner stated he spoke with the applicant.

Councilmember Preisner moved to approve the resolution. The motion seconded by Councilmember Wolgast carried. Mayor Bunten voted "yes." Councilmember Alcala voted "no." (8-1-0)

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

Norton N. Bonaparte, Jr., City Manager reported the City Attorney has requested a legal opinion from the Kansas Attorney General's office regarding the withholding of motor fuel tax revenues from the City by Shawnee County. He announced Meet the Manager sessions would be held on November 22nd from 7:30 a.m. to 8:30 a.m. at Maggie's Java Café located at 5999 SW 22nd Park; November 29th from 4:30 p.m. to 5:30 p.m. at Oakland Community Center located at 801 NE Poplar; December 1st from 5:00 p.m. to 6:00 p.m. at the Boys and Girls Club located at 550 SE 27th Street; and December 2nd from 5:00 p.m. to 6:00 p.m. at the YMCA located at 1936 NW Highland.

Councilmember Alcala announced the Harvest Church West Branch would be hosting their annual "Feed the Harvest" campaign on November 22, 2010. He stated lunch would be

served from 1:00 p.m. to 2:00 p.m. and dinner would be served from 3:00 p.m. to 4:00 p.m. at the Central Park Community Center located at 1534 SW Clay Street.

A.J. Foley and 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 6:45 p.m.

Brenda Younger
City Clerk