

Council Minutes – May 24, 2011

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, May 24, 2011. 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, Everhart, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Wolgast -1.

AFTER THE MEETING was called to order, Pastor Dave Buller, Cornerstone Community Church gave the invocation.

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

A PRESENTATION of the Highway 24 Corridor Management Plan-Phase II was presented by Michael Moriarty, Kansas Department of Transportation Corridor Management Administrator.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Mark McGivern to the Topeka Public Building Commission for a term ending May 31, 2015 was presented.

RESOLUTION NO. 8337 introduced by Councilmember Sylvia Ortiz granting True Holiness Church of God in Christ an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of May 17, 2011 were presented.

OPEN AFTER MIDNIGHT License application approvals were presented for the following:

<u>Business Name</u>	<u>Address</u>
The Car Wash	1814 SW 10 th Street
The Car Wash	720 SW Gage
The Dutch Goose	3203 SW 10 th Street
Rumba Club	816 N Kansas Avenue

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

ORDINANCE NO. 19566 introduced by Councilmember John Alcala, amending City of Topeka Code Section 5.55.080 and Section 9.16.040, concerning temporary liquor and cereal malt beverage permits for special events held in the vicinity of churches and schools and specifically repealing said original sections placed on first reading May 17, 2011 was again presented.

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

Jackie Williams, City Attorney stated the current ordinance prohibits the sale of alcohol and cereal malt beverages within 500 feet of churches and schools. He reported the amendment would allow special events where the required temporary permits and licenses have been granted by the State of Kansas and City of Topeka to sell and serve cereal malt beverages and alcoholic liquor.

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

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

A RESOLUTION introduced by Councilmember Larry Wolgast amending Topeka City Council Rules and Procedures 7.1(f) concerning television coverage of Council Committee meetings placed on first reading May 17, 2011 was again presented.

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

Councilmember Archer moved to defer the resolution until June 7, 2011. The motion seconded by Councilmember Ortiz carried unanimously. (8-0-0)

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 section placed on first reading June 22, 2010 was again presented.

Councilmember Ortiz gave the staff report.

Councilmember Ortiz moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Harmon carried unanimously. (8-0-0)

ORDINANCE NO. 19567 introduced by Councilmember Karen Hiller authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time for the Downtown Summer Jam on July 8 and 9, 2011, to be held by The Office and The Celtic Fox placed on first reading May 17, 2011 was again presented.

Councilmember Hiller gave the staff report.

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

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

ORDINANCE NO. 19568 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 18.230.030, 18.55.120, and 18.55.250 concerning general yard requirements and specifically repealing said original section placed on first reading May 17, 2011 was again presented. (ACZR11/4)

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

David Thurbon, Planning Department Director stated the amendment would establish lot orientation for determining the location of yards for corner lots.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Wolgast -1.

ORDINANCE NO. 19569 introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Section 18.50.060, concerning zoning district boundaries and specifically repealing said original section placed on first reading May 17, 2011 was again presented. (ACZR11/8)

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

David Thurbon, Planning Department Director stated the amendment would specify that zoning district boundaries would extend to the centerline of streets, alleys, bodies of water and railroads and would add City limits as an additional determinant of zoning district boundaries.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Wolgast -1.

Norton N. Bonaparte, Jr., City Manager stated staff has requested to defer item 5G, a project budget and ordinance authorizing Zoo Improvement Project No. T-301034.00 for two weeks.

Councilmember Ortiz moved to defer the project budget and ordinance for two weeks. The motion seconded by Councilmember Everhart carried unanimously. (8-0-0)

ORDINANCE NO. 19570 introduced by City Manager Norton N. Bonaparte, Jr., amending Chapter 12.40 of the Topeka Municipal Code (TMC) concerning sidewalk snow and ice removal placed on first reading May 17, 2011 was again presented.

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

Randy Speaker, Public Works Director stated the amendment would make violations subject to an administrative monetary penalty instead of criminal prosecution; make the time-frame for snow removal for all non-residential properties the same throughout the city; and change snow removal after snowfall to 48 hours for residential properties and 24 hours for commercial properties.

Councilmember Gray expressed concern with how the City plans to enforce the removal of snow. He commended the Street Department for the prompt street snow removal during the 2009-2010 winter season.

Randy Speaker stated the amendments would give the City the ability to make certain sidewalks are accessible for everyone. He reported the Snow Relief Team is available for seniors and disabled citizens who need assistance with snow removal.

Councilmember Manspeaker asked whose responsibility it is for the removal of snow on the sidewalk located in front of Westridge Mall; and when would a second violation be enacted.

Randy Speaker reported the fine violation amount was compiled from research of similar areas; the snow removal of the Westridge Mall sidewalk is the responsibility of the property owner. He stated the second fine violation would be assessed within a continuous twelve (12) month period of the first violation.

Councilmember Everhart distributed proposed amendments to the ordinance. She explained the amendments would provide exemptions for citizens who may not know about the

Snow Relief Team and allow reasonable time to find out if they would qualify for snow removal assistance.

Councilmember Everhart moved to amend Line 118 of the ordinance by inserting the statement, “information about the availability of the Snow Relief Team.” The motion was seconded by Councilmember Manspeaker.

Councilmember Hiller offered a friendly amendment to insert the words, “or other available local assistance” on Line 118 after the word “Team.”

Councilmember Everhart accepted the friendly amendment. The second concurred.

The motion to amend Line 118 of the ordinance by inserting the statement, “information about the availability of the Snow Relief Team or other available local assistance” carried unanimously. (8-0-0)

Councilmember Everhart moved to amend Line 137 of the ordinance by inserting the statement, “except that no penalty shall be assessed against persons qualified for assistance through the Snow Relief Team” after the word “chapter.” The motion was seconded by Councilmember Manspeaker.

Councilmember Hiller offered a friendly amendment to delete the words, “qualified for assistance” and insert the words “registered for assistance” on line 137 of the ordinance.

Councilmember Everhart stated she would not accept the friendly amendment.

The motion to amend Line 137 of the ordinance by inserting the statement, “except that no penalty shall be assessed against persons qualified for assistance through the Snow Relief Team” after the word “chapter” carried. Councilmember Hiller voted “no.” (7-1-0)

Councilmember Hiller expressed concern with the enforcement of snow removal; conducting snow removal enforcement on a complaint basis; and the amount of fines collected

would not fully reimburse the City's expenses if the City is forced to remove the snow. She asked if there is an enforcement plan in place.

Braxton Copley, Office of Utilities and Transportation Director stated the enforcement plan is a policy decision for the Council. He reported the Building Inspection staff would be responsible for the enforcement.

Mayor Bunten stated there are eight Code Compliance officers for the entire City and operating on a complaint basis is the most cost effective way for the City to enforce code compliance.

Councilmember Everhart stated she proposed the amendments because she does not agree with the current ordinance charging snow removal violations as a criminal penalty.

Councilmember Hiller asked if the ordinance protects the City from possible liability.

Jackie Williams, City Attorney stated in his opinion, the proposed ordinance and amendments are drafted well, and include an enforceable ice and snow removal provision. He noted the issue is a policy decision for the Council.

Norton N. Bonaparte, Jr., City Manager reported the proposed ordinance is consistent with the Complete Streets philosophy adopted by the Council.

Councilmember Hiller stated she believes staff should continue research on how to enforce the policy.

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

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Manspeaker, Archer, Gray and Harmon -8. Absent: Everhart -1.

A CITY OF TOPEKA RESOLUTION and SHAWNEE COUNTY RESOLUTION expressing the Governing Body of the City of Topeka and the Board of Shawnee County Commissioners' intention to consolidate the City of Topeka Parks and Recreation Department into the Shawnee County Parks and Recreation Department, was presented.

Councilmember Archer reported if the resolution is approved the consolidation would become effective January 1, 2012; there would be no changes to current Parks and Recreation programs; and the Topeka Zoo would continue to be managed by the City.

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

Marge Ahrens, President of the League of Women Voters of Topeka/Shawnee County spoke in support of the resolution. She stated the consolidation would promote the community as a whole; eliminate duplication of services; and has the potential to provide the best possible services at the least possible cost to residents. She also stated the League believes it is important the consolidation agreement include recourse for the City should City parks be allowed to deteriorate under County ownership and management.

Councilmember Archer stated there is a provision in the agreement if the City land is not properly maintained by Shawnee County it would revert back to the City.

Dave Fish, Union Local No. 6406 President stated the City is currently in contract negotiations with the Union and it would appear the City is negotiating in bad faith because the consolidation effort has not been mentioned or discussed during labor negotiations, which could jeopardize many jobs. He referenced Article 8 of the labor agreement, and noted consolidation would be considered a layoff. He expressed concern with the following issues:

- Removing employees from a certified bargaining unit without filing the proper petition with the State of Kansas Public Employers' Relations Board.

- Failing to meet and confer in good faith with the Union.
- By removing Parks and Recreation positions from the bargaining unit, it would undermine the Union.
- City could not unilaterally remove positions in the bargaining unit.

Jim Ogle spoke in support of the consolidation. He stated it creates an opportunity for community services to be supported by one entity and not duplicated; creates a process to engage citizen participation throughout the entire community; and generates remarkable benefits for taxpayers.

Councilmember Alcala asked for an explanation of the cost of consolidation.

Councilmember Archer reported the City subsidizes \$6 million annually to the Parks and Recreation Department and by consolidating there would be no more long-term debt.

Councilmember Gray spoke in support of the resolution and stated overall, the agreement includes the necessary key issues.

Councilmember Everhart asked if public hearings were scheduled as part of the agreement, allowing citizens the opportunity to discuss the consolidation and what changes it may bring to community services.

Councilmember Archer reported Terry Bertels, Topeka Parks and Recreation Department Director, as well as, John Knight, Shawnee County Parks and Recreation Department Director have committed to scheduling public hearings to allow public input on the master plan.

Mayor Bunten expressed concern with portions of the riverfront property reverting to the County; City Parks and Recreation equipment reverting to the County and still being maintained or paid for by the City; no reduction in pay for City employees for the first six months; and there is no guarantee City Parks and Recreation programs would remain the same. He stated he is not opposed to researching mergers but wants a full review, as well as, public input on consolidation.

Councilmember Archer reported the City would incur the debt of the Parks and Recreation equipment because the City made the decision to finance the funding; employees would be evaluated and performances would be assessed at the end of the first six months; and the Parks and Recreation programs would be decided based on the input provided by citizens at the public hearings. He stated the City could not guarantee the current Parks and Recreation programs will be available in the future because of budget cuts and reminded the Council and Mayor to consider the long term goals of the City.

Councilmember Gray stated the majority of constituents in Council District No. 8 favor the consolidation effort.

Councilmember Hiller stated she believes the policy does not provide for the best interest of the public and it includes no guarantees. She commended Councilmember Archer and Shawnee County Commissioner Shelly Buhler for their efforts; however, she stated she would oppose the resolution because she believes it is open-ended and the County has not operated in good faith over the last year with the City. She stated she is willing to work to rebuild the trust between the two entities and expressed concern with the following issues:

- There is no clarity in keeping the current Parks and Recreation programs.
- They need a planning process to discuss priorities of citizens and employees.
- There needs to be alternatives to working with the County to provide best practices.
- Decisions need to be made on fiduciary responsibilities.

Councilmember Alcalá stated many services have been lost over the years due to budget cuts; however, money is not the only issue. He spoke in support of the resolution and stated he believes the consolidation effort would be a work in progress to provide quality of life for citizens.

Councilmember Hiller suggested creating a consolidation advisory board with a three-year affirmation period to progressively set plans and provide a stronger collaboration and structure for citizens.

Norton N. Bonaparte, Jr., City Manager presented the proposed language changes drafted by City staff.

Councilmember Alcala raised a point of order. He asked if it would be appropriate for a non-elected official, the City Manager, to present language amendments to the Council for consideration. He stated he is not opposed to hearing the language amendments; however, he wants to make certain the Council is following the correct procedure. He asked the parliamentarian for clarification.

Jackie Williams, City Attorney stated it is the Council's decision if they want to hear the language amendments outlined in the document titled, "Administrative Considerations for Parks and Recreation Consolidation Agreement" forwarded to the Council for consideration.

Mayor Bunten ruled the City Manager would be allowed to present the language changes.

Councilmember Alcala challenged the ruling of the Chair. The motion was seconded by Councilmember Ortiz.

Mayor Bunten announced the motion would be, "Shall the ruling of the Chair be sustained."

The motion to sustain the ruling of the Chair carried. Councilmembers Alcala, Ortiz and Manspeaker voted "no." (5-3-0)

Councilmember Hiller made a substitute motion to refer the resolution to the Committee of the Whole for further discussion. The motion seconded by Councilmember Everhart failed.

Mayor Buntun voted “yes.” Councilmembers Alcala, Ortiz, Manspeaker, Archer and Gray voted “no.” (4-5-0)

Norton N. Bonaparte, Jr., read the underlined language changes to the agreement as stated in the Administrative Considerations for Parks and Recreation Consolidation Agreement. (*Attachment A*)

Councilmember Archer made a substitute motion to approve the language amendments, except for the recommendation under Section 9, Funding of the Administrative Considerations for Parks and Recreation Consolidation Agreement. The motion was seconded by Councilmember Alcala.

Councilmember Hiller expressed concern with the proposed language amendments. She stated she believes there should be thorough discussion and research on the issue before making a decision on consolidation.

Councilmember Everhart asked if there have been any changes in the allocation of funding for the Parks and Recreation Department from 2010 to 2011.

Norton N. Bonaparte, Jr., reported the proposed operating budget for the Parks and Recreation Department has been reduced by \$0.8 million in 2011.

Councilmember Everhart made a substitute motion to approve all of the language amendments as outlined in the Administrative Considerations for Parks and Recreation Consolidation Agreement. The motion seconded by Councilmember Archer carried. Mayor Buntun voted “yes.” Councilmember Ortiz voted “no.” (8-1-0)

Councilmember Everhart moved to amend Section 3a of the agreement to insert the statement, “Except that this agreement shall not go into effect nor be approved by the City

Manager prior to compliance with “meet and confer union negotiations”. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

Councilmember Everhart stated she has additional amendments to the agreement relating to the use of general funds if property reverts back to the City.

Councilmember Everhart moved to amend Sections 2A, 2C and 3 to insert the statement, “Any real property, which reverts to the City from the County, shall require the County to submit funding for such real property as per historical funding needs to the City.” The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

Councilmember Everhart moved to amend the agreement to insert the statement, “The County shall by entering into this agreement, agree to maintain all transferred real property to the satisfaction of all members of the advisory board. Failure to continue maintenance shall result in monetary damages awarded to the City on behalf of City residents for the purpose of maintenance in amounts sufficient to accomplish satisfactory maintenance.” The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

Councilmember Manspeaker spoke in support of the consolidation and stated he believes research by staff and citizen input has been taken into account and the resolution and agreement would not limit democracy.

Councilmember Archer moved to approve the resolution as amended. The motion seconded by Councilmember Gray failed. Councilmembers Hiller, Everhart, Harmon and Mayor Bunten voted “no.” (5-4-0)

A REVISED PETITION, A REVISED PROJECT BUDGET in the amount of \$28,000 and RESOLUTION NO. 8338 introduced by City Manager Norton N. Bonaparte, Jr., amending the project budget and adopting as amended Sanitary Sewer Improvement Project No. T-

401025.00 which provides for two residences at Halfday Lane, and rescinding City of Topeka Resolution of Advisability and Authorization No. 8275 was presented.

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

Councilmember Hiller moved to approve the revised petition, project budget and resolution. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

RESOLUTION NO. 8339 introduced by City Manager Norton N. Bonaparte, Jr., authorizing an expenditure from the Law Enforcement Fund to support the Third Judicial District Drug Court program was presented.

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

Councilmember Ortiz moved to approve the resolution. The motion seconded by Councilmember Everhart carried unanimously. (8-0-0)

RESOLUTION NO. 8340 introduced by City Manager Norton N. Bonaparte, Jr., relating to the lease purchase of one (1) 2011 Brown Bear 500C composter for the City of Topeka was presented. (*Contract No. 41311*)

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

Braxton Copley, Office of Utilities and Transportation Director stated approval of the lease purchase agreement would allow for continuation of the residual program. He reported the existing composter is 11 years old and is not operating cost effectively and has mechanical problems.

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

Retail Cereal Malt Beverage License applications were presented for the following:

Business Name

California BP
Kelly Express
Kicks 66
Mike's Mart

Address

2740 SE California
1001 SW Wanamaker Road
3300 SW Gage
2620 NE Sardou

Councilmember Ortiz moved to approve the retail cereal malt beverage license applications as presented. The motion seconded by Councilmember Hiller carried unanimously. Mayor Buntten voted "yes." (9-0-0)

ORDINANCE NO. 19571 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 2, 2011, through May 8, 2011, and enumerating said expenditures therein presented for first and final reading.

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

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

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

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., in accordance with Section 18.185.050 of the Topeka Municipal Code (TMC), approving a Conditional Use Permit to allow for unenclosed outdoor equipment/product storage on property currently zoned "X-2" Mixed Use District and located at 1105 and 1501 NW Lower Silver Lake Road and property located on the west side of NW Buchanan Street and north of NW Gordon Street the centerline of the property being approximately 1,700 feet north of the intersection of NW Buchanan Street and NW Gordon Street in the City of Topeka, Kansas was presented. (CU10/7)

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

Councilmember Alcala moved to defer the resolution until June 14, 2011. The motion seconded by Councilmember Manspeaker carried unanimously. Mayor Bunten voted “yes.”

(9-0-0)

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 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on a portion of the property located on the west side of NW Buchanan Street and north of NW Gordon Street the centerline of the property being approximately 1,700 feet north of the intersection of Buchanan Street and Gordon Street from “R-1” Single Family Dwelling District TO “X-2” Mixed Use District placed on first reading May 17, 2011 was again presented. (Z10/7)

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

Councilmember Alcala moved to defer the ordinance until June 14, 2011. The motion seconded by Councilmember Hiller carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

ORDINANCE NO. 19572 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 property located east of Kingsrow Road extended between SW 21st Street and SW 17th Street extended from “RR-1” Residential Reserve District and “M-2” Multiple Family Dwelling District ALL TO “PUD” Planned Unit Development District (“M-1a”, O&I-2”, “C-2” and “C-4” use groups) placed on first reading May 17, 2011 was again presented. (PUD11/3)

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

Mayor Bunten questioned the extension of the streets and if they are included in the long range plan. He also asked if Menards has requested the street to be extended; and if the City has the funds to complete the street extension.

David Thurbon, Planning Department Director reported SW 17th Street and SW Kingsrow extension fits the concept of the long-range plan. He stated a benefit district is currently being discussed with Menards to pay for the cost of street improvements.

Angela Sharp, Bartlett & West Engineers reported Menards has been in discussions with the property owners that would be included in the benefit district; and only the zoning of the property and extension of SW 17th Street is being presented at this time for approval. She stated Menards would pay the costs upfront and enter into a developer agreement with the City or with the adjacent property owners.

Councilmember Gray requested SW 17th Street connect to SW Urish Road providing a benefit to the City, as well as, alleviate traffic issues on SW Urish Road.

Councilmember Manspeaker spoke in opposition of extending SW 17th Street for one business. He questioned why the City would build new infrastructure when it is difficult to maintain what is already in place. He asked if Menards would consider another location with existing infrastructure.

Councilmember Hiller asked what the total project cost would be to extend SW 17th Street and who would fund the project.

Angela Sharp reported Menards has been in discussions with some of the property owners located north of the property regarding a private agreement for repayment of a portion of the street construction. She stated usual developers pay for street extensions; however, SW 17th Street is a major thoroughfare. She reported the City usual pays 25% to 30% of the cost of these

types of projects; however, in this case the City's portion of the cost would be approximately \$750,000 which is less than 25% and paid over a 20 year period. She stated she believes it would be a benefit to the City to extend SW 17th Street at this time because the City's portion of the project costs would be significantly less.

Councilmember Everhart asked if Menards would still pay for the street extension if the City does not agree to pay any costs associated with the project.

David Thurbon stated there is a condition outlined in the PUD that SW 17th Street must be extended from Menards to SW Urish Road within six months of the store opening, with no funding commitment from the City. He reported Menards would not proceed with construction unless there is approval by the Council and street extension project costs are identified.

Angela Sharp stated Menards would take ownership when zoning and platting is completed and approved.

Exparte communications were declared by Councilmembers Hiller, Alcalá, Ortiz, Manspeaker, Archer, Gray and Harmon.

Councilmember Gray moved to adopt the ordinance. The motion seconded by Councilmember Harmon carried. Mayor Bunten voted "yes." Councilmember Manspeaker voted "no." (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Archer, Gray, Harmon and Mayor Bunten -8. Noes: Manspeaker -1. Absent: Wolgast -1.

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 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located

at 835 SW Polk Street and 701 SW 8th Street from “M-2” Multiple Family Dwelling District TO “PUD” Planned Unit Development District (“U-1” use group) was presented for first reading.

(PUD11/1)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. 70200-01, which provides for reconstruction of S.W. Wanamaker Road from S.W. 37th Street to S.W. 39th Street, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka and specifically repealing Ordinance No. 18709 was presented for first reading.

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

Norton N. Bonaparte, Jr., City Manager reported City staff has been sent to help assist tornado victims in Reading, Kansas and Joplin, Missouri. He also reported representatives from the City of Joplin, Missouri are requesting that food and clothing not be sent at this time. He announced City pools would open May 28th and there would be no City Council meeting on May 31st.

Councilmember Hiller commended the City Manager and Department Directors for sending staff to assist tornado victims. She suggested changing the public notification process for Council Work Session discussions to better inform the public.

Councilmember Alcala stated he has requested Ginny Burghart, City Council Assistant attend Council meetings only by request.

Councilmember Ortiz reported the Jackson Spray Park Grand Opening was a great success and thanked fellow Councilmembers for their support of the new spray park.

Councilmember Manspeaker suggested the City provide an assessment or follow-up after severe weather conditions so constituents are informed of the city's condition.

Councilmember Gray expressed an interest in the father involvement initiative of the National Center for Fathering called WATCH D.O.G.S. He stated he plans to take the initiative and find out more about incorporating the program throughout the community and area schools.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 8:55 p.m.

Brenda Younger
City Clerk