

Council Minutes – January 3, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 3, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Wolgast, Manspeaker, Archer, Gray and Harmon -7. Mayor William W. Bunten presided -1. Absent: Councilmembers Ortiz and Everhart -2.

AFTER THE MEETING was called to order, Councilmember Manspeaker 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:

BOARD APPOINTMENT recommending the re-appointment of Jim March to the Board of Mechanical Examiners for a term ending January 31, 2014 was presented.

BOARD APPOINTMENT recommending the re-appointment of Richard Beardmore to the Board of Mechanical Examiners for a term ending January 31, 2014 was presented.

BOARD APPOINTMENT recommending the re-appointment of Darcella Goodman to the Human Relations Commission for a term ending January 31, 2014 was presented.

BOARD APPOINTMENT recommending the appointment of Zach Snethen to the Topeka Landmarks Commission for a term ending December 31, 2014 was presented.

MINUTES of the regular meeting of December 20, 2011 were presented.

An Open After Midnight License application for Panchos 2, L.L.C., located at 3506 S.W. Topeka Boulevard was presented.

Councilmember Archer moved to approve the consent agenda. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning adult care homes, single-family attached dwellings, and professional offices, amending City of Topeka Code Sections 18.55.010, 18.55.080, 18.55.130, 18.65.030, 18.70.030, 18.75.030, 18.80.030, 18.90.010, 18.90.030, 18.90.040, 18.95.010, 18.95.030, 18.95.040, 18.100.030, 18.100.040, 18.105.030, 18.105.040, 18.110.030, 18.180.030, 18.180.040, 18.185.040 and 18.185.050 and specifically repealing said original sections placed on first reading December 20, 2011 was again presented. (*ACZR11/13*)

Daniel R. Stanley, City Manager gave the staff report.

Councilmember Manspeaker asked how many adult residents are allowed in each adult-care home; and if the City is more restrictive than the State regarding adult-care homes.

David Thurbon, Planning Department Director reported the State of Kansas allows up to twelve (12) residents to reside in an adult-care home and the City is proposing to allow up to eight (8) residents for a Type I adult-care home and up to twelve (12) residents for a Type II adult-care home.

Councilmember Alcala spoke in support of the amendments; however, he is concerned with how property owners would move forward with the process of establishing adult-care homes and notification requirements of surrounding neighbors. He questioned if adult-care homes are required to be licensed by the City; if the number of occupants are based upon the square footage of the home; and if surrounding property owners would be notified if a new adult-care home was being established in their neighborhood. He suggested referring the ordinance to the Public, Health and Safety Committee to research the City's options and allow public input on the issue.

David Thurbon stated the number of occupants would be based on the number of bedrooms in the home. He reported that currently there are no requirements to notify

surrounding property owners unless a Conditional Use Permit is issued which requires the notification of surrounding property owners.

Councilmember Alcalá moved to refer the ordinance to the Public, Health and Safety Committee. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “no.” (7-1-0)

RESOLUTION NO. 8400 introduced by Councilmember Larry Wolgast, authorizing funds from the special alcohol and drug program to be allocated to support the Topeka Youth Project 2012 Jobs for Young Adults Program was presented.

Councilmember Wolgast reported additional information on how the funds are being used has been provided and the City’s Legal Department has determined the program qualifies for the allocation of funds.

Georgianna Wong, Topeka Youth Project Executive Director stated the program began in 1983 and has served more than 5,000 young adults with successful employment. She reported the bulk of the program empowers youth in the community to become productive and responsible adults by attending 28 to 32 hours of employment and soft skills training which provides communication, problem solving and social skills in the workplace.

Councilmember Archer asked how much money is contributed by Shawnee County annually to the program, and if allocated, what would the \$58,000 be used for.

Georgianna Wong reported Shawnee County contributes approximately \$4,000 annually to the program; and the majority of the \$58,000 would be used to pay the salaries of the instructors conducting training for the youth.

Councilmember Alcalá spoke in support of the allocation of funds and stated the Topeka Youth Project is a great program that has helped the community tremendously.

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

A DEMOLITION REQUEST submitted by the Topeka Police Department Code Enforcement Unit for a property located at 1107 SW Taylor Street, located within the historical environs of the Holliday Park National Historic District was presented.

Daniel R. Stanley, Interim City Manager gave the staff report.

Councilmember Gray asked who owns the property; how much would the demolition cost; which fund would be used to pay for the cost of the demolition; and what would happen to the contents inside the house.

Patty Burkholder, Code Enforcement Division Manager reported the owner of the property has been deceased for twelve (12) years and no other owners have been located; the cost of demolition would depend on the lowest bid received which generally ranges between \$11,000 and \$14,000; the funds would be allocated from the demolition fund that has a fund balance of \$100,000; and no probate has been filed on the property. She noted the daughter of the deceased owner is in the process of removing articles from the property.

Councilmember Alcala stated he reviewed the pictures of the property and noted it would appear there are items in the house that could be auctioned to offset the demolition costs.

Dave Starkey, City Attorney reported the City would not have the authority to auction the items without legal action or a court order. He stated relatives of the deceased would have all rights to items inside the house.

Councilmember Hiller stated she appreciates staff working to improve public safety; however, the neighborhood was not informed of the demolition process on the property. She stated the City would never recoup the demolition costs, as well as, be required to maintain the vacant lot in the future. She reported the neighborhood would like the opportunity to decide the

future of the property because they are very proactive in rehabilitating and reinvesting in this particular area. She noted the property assessment information outlined in the Council agenda packet did not address any structural issues.

Councilmember Manspeaker encouraged the City to research alternatives to save the structure if possible and avoid creating a vacant lot which can have a negative impact on inner-city communities.

Councilmember Hiller moved to defer the demolition request for three (3) weeks. The motion was seconded by Councilmember Manspeaker.

Councilmember Gray stated he would not support the deferral because property title issues have not been resolved.

Mayor Bunten asked how the City could acquire the title to the property.

Dave Starkey stated the City could not obtain the title of ownership if the structure is demolished.

Councilmember Harmon reported a property title is set by the date of the death of the property owner and must descend through the people that were heirs on the date of death. He reminded the Council the case is not about obtaining the title to the property, it is a matter of public safety.

Councilmember Wolgast stated the property is a significant health hazard to the community and located only two blocks from Topeka High School. He also stated it is the Council's responsibility to take action and provide a better community.

Councilmember Gray stated he understands the request is based on public safety issues; however, he questions why the City would want to demolish a property that they could not obtain the title.

Councilmember Alcala asked how serious of a safety issue does the property pose to the public.

Patty Burkholder stated the structure is unsafe; trespassers have broken into the house several times; and a vehicle was stolen from the garage. She reported the City has attempted to secure the property numerous times.

Councilmember Hiller stated neighborhood residents would like to evaluate the property and determine if it is structurally sound and safe to rehabilitate. She reported there is an interested party that may want to rehabilitate the property if all legal matters are settled and delinquent property taxes are cleared.

Councilmember Archer asked why the property has not been sold in a public auction.

Patty Burkholder reported the property was not sold in a public auction because the property taxes were current until 2009.

The motion to defer the demolition request for three (3) weeks carried. Mayor Bunten and Councilmember Gray voted “no.” (6-2-0)

No Retail Cereal Malt Beverage License Applications were presented.

ORDINANCE NO. 19686 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 1526 and 1530 SW Topeka Boulevard from “E” Multiple Family Dwelling District TO “O&I-2” Office and Institutional District placed on first reading December 20, 2011 was again presented. (Z11/22)

Daniel R. Stanley, Interim City Manager gave the staff report.

No ex parte communications were declared.

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

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

ORDINANCE NO. 19687 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 1607 SW Topeka Boulevard from “E” Multiple Family Dwelling district TO “O&I-2” Office and Institutional District placed on first reading December 20, 2011 was again presented. (Z11/23)

Daniel R. Stanley, City Manager gave the staff report.

No ex parte communications were declared.

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

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

ORDINANCE NO. 19688 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 1600 SW Topeka Boulevard from “E” Multiple Family Dwelling District TO “O&I-2” Office and Institutional District placed on first reading December 20, 2011 was again presented. (Z11/24)

Daniel R. Stanley, City Manager gave the staff report.

No ex parte communications were declared.

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

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

ORDINANCE NO. 19689 introduced by Interim City Manager Daniel R. Stanley, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code by providing for certain changes in zoning on property located at 1270 SW Topeka Boulevard from “E” Multiple Family Dwelling District TO “O&I-2” Office and Institutional District placed on first reading December 20, 2011 was again presented. (Z11/26)

Daniel R. Stanley, City Manager gave the staff report.

No ex parte communications were declared.

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

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

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

Daniel R. Stanley, Interim City Manager announced RDG Consulting, Inc., the company awarded the contract for the design of Kansas Avenue is hosting an Open House at their office located at 828 S. Kansas Avenue, January 10, 2012.

Councilmember Hiller reported bicycle registrations are no longer required for city residents; however, she would be open to implementing a process for citizens to continue registering their bicycles on a volunteer basis to provide a tracking mechanism for owners.

Councilmember Wolgast announced the Adams Street Neighborhood is hosting a Crime Rally in the parking lot of Hudson Crossing Shopping Center located at SE 15th and Adams Street, January 4, 2012, at 5:30 p.m. He commented on the recent neighborhood crimes and stressed the importance of the Council and City leadership being involved in crime prevention efforts. He encouraged the community to attend the rally and learn how to handle crime in the community.

Councilmember Manspeaker stated he believes the Adams Neighborhood Crime Rally is a great starting point for a more cohesive approach to crime issues in the community. He expressed the importance of citizens being involved in the efforts to stop crime in neighborhoods, as well as, the Council utilizing all available resources to the fullest extent by properly funding community programs and the Topeka Police Department.

Councilmember Archer stated he plans to attend the Adams Neighborhood Crime Rally and stressed the importance of community involvement. He announced that a Policy and Finance Committee meeting would be held directly following the Council meeting to discuss the City's general obligation bond cap and the City's latest financial report.

Councilmember Gray stated he would attend the Adams Neighborhood Crime Rally and encouraged the community to become involved in helping fight crime.

Councilmember Alcalá moved to adjourn the Council meeting. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:57 p.m.

Brenda Younger
City Clerk