

## **Council Minutes – January 17, 2012**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 17, 2012. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Alcala -1.

AFTER THE MEETING was called to order, Pastor Matt Goodwin, Oakland Baptist Church gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of January 10, 2012 were presented.

A Dance Hall License application for Rumba Club located at 816 N. Kansas Avenue was presented.

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

ORDINANCE NO. 19691 introduced by Interim City Manager Daniel R. Stanley, concerning conditional use permits, amending City of Topeka Code Sections 18.215.010 through 18.215.050 and specifically repealing said original sections, as well as, creating Sections 18.215.060 through 18.215.080 placed on first reading January 10, 2012 was again presented.  
(ACZR11/3)

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

Councilmember Ortiz moved to adopt the ordinance. 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcalá -1.

ORDINANCE NO. 19692 introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Section 12.40.010 concerning snow and ice removal and specifically repealing said original section placed on first reading January 10, 2012 was again presented.

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

Councilmember Archer moved to adopt the ordinance. The motion was seconded by Councilmember Hiller.

Councilmember Ortiz questioned if this would eliminate residents from being cited for a snow violation due to City snow plows pushing snow onto sidewalks and driveways that have already been cleared of snow.

Braxton Copley, Office of Utilities and Transportation Division Director stated the provision outlining violations relating to the removal of snow from sidewalks was corrected in May 2011; however, the provision relating to the removal of snow from driveways and shoveling of snow into the street was inadvertently removed from City code in May 2011.

Councilmember Hiller asked staff to meet with contractors that provide snow removal services to brief them on snow removal regulations.

The motion to adopt the ordinance carried unanimously. (8-0-0)

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

RESOLUTION NO. 8401 introduced by Interim City Manager Daniel R. Stanley, relating to the City of Topeka's legislative agenda for the 2012 legislative session was presented.

Daniel R. Stanley, Interim City Manager gave the staff report and welcomed any suggestions from the Governing Body.

Mayor Bunten suggested researching the possibility of imposing vacancy taxes on abandoned or uninhabitable buildings.

Councilmember Manspeaker stated he does not agree with the League of Kansas Municipalities (LKM) opinion on the use of eminent domain relating to economic development; however, he does agree with the use of eminent domain for public works uses.

Daniel R. Stanley stated the opinions of LKM are broad policy concepts for the Council to review, and the City's lobbyist present issues to the Legislature that directly relate to Topeka.

Councilmember Ortiz suggested adding the City's support for stricter regulations on scrap metal.

Daniel R. Stanley referenced House Bill No. 2312 and stated it requires the registration of scrap metal dealers and identifiable information on the individual selling regulated scrap metal items with the City. He noted an ordinance adopting this regulation would be presented to the Council for consideration in the near future.

Councilmember Wolgast stated LKM listed an apportionment policy and believes it would be a good idea to monitor the policy as it progresses. He stated he may not support the policy; however, the Council should review how it would affect the City and Shawnee County.

Councilmember Hiller stated she looks forward to future reports and suggested the Lobbyist research neighboring states on how they regulate scrap metal dealers. She referenced the Kansas Press Association agreement publishing legal documents and stated she supports finding a compromise in using electronic media to cut costs for publications.

Daniel R. Stanley stated the local government committee is trying to reach a compromise with the Kansas Press Association requiring only a summary of the ordinance must be printed; however, they must determine if this would present any legal issues.

Scott Schneider, Schneider Public Strategies, L.L.C., and City of Topeka Lobbyist reported the legislative chair made it clear to the Kansas Press Association to present a compromise on the issue and consider making it uniform, and in exchange, cities would only be required to publish a summary of an ordinance, if a compromised is not reached any city could charter out of the ordinance due to no conformity and create a path of its own notifying citizens of the law. He stated this issue has not been addressed in the state of Kansas before because of the sensitivity surrounding the publication of ordinances as laws.

Councilmember Hiller requested the Council receive future reports on suggested additions or considerations to the City's legislative agenda.

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

ORDINANCE NO. 19693 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of December 26, 2011, through January 1, 2012, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

A Retail Cereal Malt Beverage License Application for Cypress Ridge Golf Course located at 2533 SW Urish Road 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 Bunten voted “yes.” (9-0-0)

A RESOLUTION introduced by Interim City Manager Daniel R. Stanley, authorizing initiation of condemnation proceedings to acquire a temporary construction easement to install a sewer line leading to the Northland 1 Pump Station was presented.

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

Councilmember Archer moved to defer the resolution for one week due to the absence of Councilmember Alcalá. The motion seconded by Councilmember Manspeaker carried. Mayor Bunten and Councilmember Gray voted “no.” (7-2-0)

ORDINANCE NO. 19694 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 (TMC), by providing for certain changes in zoning on certain designated properties placed on first reading January 10, 2012 was again presented.

*(Z11/21) (Z11/25) (Z11/27)*

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

No ex parte communications were declared.

Councilmember Hiller moved to adopt the ordinance. 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -9. Absent: Alcalá -1.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, authorizing the initiation of condemnation proceedings to acquire temporary construction easement for replacement of the Northland 1 Pump Station was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Section 3.40.030, establishing a service fee levy for 2012 relating to the Capital City Downtown Business Improvement District and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Councilmember Denise Everhart adding a new Article, Article 6, in Chapter 2.140, Benefits, to the Code of the City of Topeka establishing an Employees' Group Health Insurance Plan and an Employees' Group Health Insurance Fund for payment of such healthcare benefits and providing for administration of the Plan and the Fund, including creating a Health Care Advisory Committee was presented for first reading.

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

Daniel R. Stanley, Interim City Manager recognized newly appointed Topeka Fire Chief Greg Bailey.

Councilmember Hiller thanked Councilmembers for attending the various Living the Dream activities and commended volunteers for assisting with the events.

Councilmember Ortiz thanked Greg Bailey for accepting the Topeka Fire Chief position.

Greg Bailey, Topeka Fire Chief thanked the City Manager and Mayor for entrusting him to serve as the Fire Chief. He stated he would work hard to continue developing a good relationship between the community and the Fire Department.

Councilmember Gray questioned where in the agenda process the ordinance is relating to the Kansas Department of Wildlife and Parks.

Daniel R. Stanley stated the Legal Department is in the process of reviewing the ordinance.

Councilmember Gray asked if a JEDO Board Chair has been selected for 2012.

Councilmember Archer stated Shawnee County Commissioner Shelly Buhler would contact Councilmember Gray with the information.

Marvin E. Smith, Stephen Hiebsch and Teresa Miller appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:49 p.m.

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Brenda Younger  
City Clerk