

Council Minutes – February 7, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 7, 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer and Gray -8. Mayor William W. Bunten presided -1. Absent: Councilmember Harmon -1.

AFTER THE MEETING was called to order, Reverend Roger Randall, Topeka City Council Chaplain gave the invocation.

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 Deborah Swank to the Topeka Sustainability Advisory Board for a term ending February 28, 2014 was presented.

MINUTES of the regular meeting of January 24, 2012 were presented.

Councilmember Hiller moved to approve the consent agenda. The motion seconded by Councilmember Wolgast carried. Councilmembers Alcalá and Gray voted “no.” (6-2-0)

ORDINANCE NO. 19697 introduced by Interim City Manager Daniel R. Stanley, concerning the adoption of the International Energy Conservation Code by creating Chapter 14.80 of the City of Topeka Code as well as amending Topeka Municipal Code Section 2.40.010 and specifically repealing said original section placed on first reading January 24, 2012 was again presented.

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

Chuck Dultmeier, Topeka Homebuilders Association spoke in support of the ordinance and commended City Administration for working with builders and HVAC companies to resolve differences and address concerns to reach a compromise.

Mike Pressgrove, PDQ Construction spoke in support of the ordinance and commended City staff for their hard work on finding a compromise that works for everyone involved.

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

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

ORDINANCE NO. 19698 introduced by Interim City Manager Daniel R. Stanley, providing a non-exclusive franchise to American Medical Response to operate an ambulance service within the City of Topeka which replaces the franchise ordinance codified at City Code Appendix B, Article 6, that expires December 31, 2011 placed on first reading January 24, 2012 was again presented.

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

Councilmember Archer moved to adopt the ordinance. The motion seconded by Councilmember Hiller carried. Mayor Bunten voted “yes.” Councilmember Manspeaker voted “no.” (8-1-0)

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

ORDINANCE NO. 19699 introduced by Interim City Manager Daniel R. Stanley, repealing Chapter 11.05, Forestry, in its entirety and adding a new Chapter 12.65, Forestry, to

the Code of the City of Topeka concerning the City Forester placed on first reading January 24, 2012 was again presented.

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

Councilmember Ortiz asked if the forestry disposal site would be leased or managed by the City.

Adam Moser, City Forester stated an outside agency manages the day-to-day operations and pays a fee to the City once a year per contract agreement which covers a ten year period and includes two-five year options for renewal.

Councilmember Alcalá asked if the Forestry Department has retained the same number of employees since the Parks and Recreation Department consolidation with the County, as well as, provide park maintenance services.

Daniel R. Stanley stated the Forestry Department's functions are mowing, snow removal and tree maintenance on all City properties. He reported the department would continue to support park maintenance functions until the consolidation is running smoothly and then departmental functions would be evaluated again.

Councilmember Alcalá stated he supports the Forestry Department continuing to assist with park maintenance because City staff is familiar with property needs and utilizing City staff would be more economical than hiring an outside contractor.

Daniel R. Stanley stated the intent of the consolidation was not to replicate job duties and the County and City will continue to work together to provide an efficient department.

Councilmember Wolgast noted this is a great opportunity for the City and County to share services because the County does not have a forestry department.

Councilmember Manspeaker commended the cleanup efforts at Garfield Park and the excellent job of trimming the trees.

Councilmember Hiller stated she hopes that City employee time could be negotiated dollar for dollar with the County.

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

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

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting an exemption from the annexation requirements of Topeka Municipal Code Sections 13.20.220(c)(2) and 13.10.120, as amended, for connection to the city sewer system and the provision of water to certain specified property located in Shawnee County, Kansas was presented.

Councilmember Ortiz reported additional time is needed to resolve questions that have surfaced relating to the property.

Councilmember Ortiz moved to defer the resolution until February 21, 2012. The motion seconded by Councilmember Manspeaker carried unanimously. (8-0-0)

APPROVAL of a Real Estate Report for Disposal of Real Property located at 3408 SW 6th Avenue and specifically authorizing Interim City Manager Daniel R. Stanley to execute all documents necessary to dispose of the property was presented.

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

Councilmember Hiller moved to approve the real estate report. The motion seconded by Councilmember Wolgast carried unanimously. (8-0-0)

ORDINANCE NO. 19700 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of January 9, 2012, through January 22, 2012, and enumerating said expenditures therein was presented for first and final reading.

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

Councilmember Everhart 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, Ortiz, Everhart, Wolgast, Manspeaker, Archer and Gray -8. Absent: Harmon -1.

NO Retail Cereal Malt Beverage License Applications were presented.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning utility rates, amending City of Topeka Code Sections 13.05.020 through 13.05.060 and Section 13.20.680 and specifically repealing said original sections, as well as, creating new Section 13.25.130 was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code Section 13.05.080, concerning the water and wastewater utility rate refund program and specifically repealing said original section was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, concerning the regulation and registration of scrap metal dealers in the City of Topeka, creating City of Topeka Code Section 5.10.300 and new Chapter 5.170 was presented for first reading.

AN ORDINANCE introduced by Councilmember Andrew Gray, amending City of Topeka Code Section 6.05.070 and Section 9.05.080, concerning the hunting of game birds within the City limits and specifically repealing said original sections was presented for first reading.

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley, amending City of Topeka Code 10.10.200, concerning the adoption of the Manual on Uniform Traffic Control Devices and specifically repealing said original section was presented for first reading.

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

Daniel R. Stanley, Interim City Manager requested Council input on prioritizing upcoming Council work session discussions. He announced discussions are scheduled for the game bird ordinance and the proposed water rate increase ordinance on February 14, 2012; a tort claim appeal and two (2) recently negotiated labor contracts on February 21, 2012; and the CIP and CIB on March 6, 2012. He requested the Council send their suggestions to him via email or they could discuss the work session schedule at this time.

Councilmember Alcala stated he would prefer to discuss the CIP and CIB on the same day the Council plans to take action, eliminating the need for constituents to be present at more than one meeting.

Councilmember Gray reported a representative from the Kansas Department of Wildlife and Parks has already confirmed they would speak to the proposed game bird ordinance on February 14, 2012.

Councilmember Hiller stated she is flexible with the proposed work session discussions with the exception of the CIP and CIB. She stated should would prefer the CIP and CIB be discussed one week prior to the Council taking action to allow time for questions to be answered. She noted she was satisfied with the December 2011 water rate ordinance work session discussion and does not see a need to discuss the issue further in a work session unless the Council wants to schedule a public hearing to allow citizen input.

Councilmember Alcala stated in his opinion, the Council does not need to schedule another work session discussion on the CIP and CIB unless new information has surfaced.

Councilmember Manspeaker announced the Council would be provided with an update on downtown improvements in March and he would prefer to take action on the CIP and CIB after the update has been presented.

Councilmember Hiller questioned if staff plans to make a formal decision on the US Highway 24 and Topeka Boulevard improvements before the Council takes action on the CIB and CIP.

Daniel R. Stanley reported staff would make a recommendation on the proposed improvements prior to the Council approving the CIP and CIB.

Councilmember Ortiz announced on February 11, 2012 the Parks and Recreation Advisory Board would conduct a Listening Tour meeting at the Central Park Community Center located at 1534 SW Clay at 11:00 a.m., as well as, a meeting at the Hillcrest Community Center located at 1800 SE 21st at 1:00 p.m.

Councilmember Wolgast commended Interim City Manager, Dan Stanley for keeping the Council informed on upcoming work session discussions. He stated he believes the water rate ordinance work session discussion conducted in December 2011 was sufficient; however, he concurs with Councilmember Hiller and suggested they schedule a public hearing to allow citizen input on the issue.

Councilmember Gray announced on February 13, 2012 the Parks and Recreation Advisory Board would conduct a Listening Tour meeting at the Cypress Ridge Golf Course located at 2533 SW Urish Road at 6:30 p.m.

Randy Ward and Teresa Miller appeared to speak under public comment.

Councilmember Alcalá 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 6:52 p.m.

Brenda Younger
City Clerk