

Council Minutes – February 14, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 14, 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, Wolgast, Manspeaker, Archer, Gray and Harmon -8. Mayor William W. Bunten presided -1. Absent: Councilmember Everhart -1.

AFTER THE MEETING was called to order, Pastor Shelly Craig, Trinity Presbyterian Church gave the invocation.

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

Daniel R. Stanley, Interim City Manager requested to add a Workers' Compensation Settlement for John Adame to the consent agenda.

Upon hearing no objections, Mayor Bunten announced the Workers' Compensation Settlement would be placed on the consent agenda as item 4D.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement in the amount of \$11,456.23 for Street Section employee, Wayne Bright pursuant to right upper extremity injuries suffered in an on-the-job accident of October 11, 2010 was presented.

MINUTES of the regular meeting of February 7, 2012 were presented.

APPROVAL of a Workers' Compensation Settlement of former Water Pollution Control employee, John Adame, with terms renegotiated to provide that the City retain responsibility for payment of any future medical expenses associated with his work-related injury but otherwise reaffirming the previously approved permanent partial disability award of \$32,802.34 was presented.

Councilmember Ortiz moved to approve the consent agenda as amended. The motion seconded by Councilmember Alcala carried. Councilmembers Archer and Gray voted “no.” (6-2-0)

ORDINANCE NO. 19701 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 placed on first reading February 7, 2012 was again presented.

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

Councilmember Archer asked how many scrap metal dealers would be filing for a permit.

Ron Miller, Police Chief stated there would be approximately six to eight dealers applying for a permit.

Raynard Brown, Advantage Metals Recycling President spoke in support of the ordinance and stated the document mirrors State law and enforced at the local level.

Councilmember Hiller asked how the regulations would relate to salvage yards.

Daniel R. Stanley stated most salvage yard businesses deal with scrap metal and would be required to follow the new regulations enforced by the Topeka Police Department.

Mary Feighny, Deputy City Attorney stated current City Code only relates to the aesthetics of salvage yards; however, the new registration requirement would allow for stricter enforcement regulations by the City.

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

ORDINANCE NO. 19702 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 placed on first reading February 7, 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 Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

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

ORDINANCE NO. 19703 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 placed on first reading February 7, 2012 was again presented.

Councilmember Gray gave the staff report and described the benefits of the mentoring program through the Kansas Department of Wildlife and Parks.

Councilmember Gray moved to adopt the ordinance. The motion was seconded by Councilmember Manspeaker.

Peter Parks expressed concern with the proposed hunting area and stated no other municipality allows hunting with a firearm within city limits.

Councilmember Alcalá asked if he lives in proximity to the proposed hunting area.

Peter Parks stated he has lived in the Auburndale neighborhood for 28 years and is concerned with the noise related issues, as well as, firearm safety.

Sarah Parks spoke in support of mentoring programs for children. She expressed concern with the noise and heightened anxiety and stress among the neighborhood residents due to the hunting program being in close proximity to residential properties.

Councilmember Harmon commended the public for appearing before the Council on the issue.

Chris Tymeson, Kansas Department of Wildlife and Parks (KDWP) Chief Attorney stated the proposal would provide an opportunity for a structured hunting program that is in high demand; groups would have controlled access via permit; and restrictions would be in place for hunting during certain times of the year. He also stated the noise factor should not be an issue for the residential areas.

Councilmember Ortiz asked how many months out of a year would the program operate.

Chris Tymeson stated the program would typically operate the first two weeks of September for the dove hunting season, as well as, there are hunting opportunities during the turkey hunting season which takes place in the spring and fall.

Councilmember Gray asked what type of ammunition would be used and if the shots could extend beyond the property boundaries.

Chris Tymeson stated in his experience the gunshots would not extend beyond property boundaries.

Councilmember Hiller expressed concern with the overall safety and security of the property; ability to rely on KDWP's due diligence of regulation; noise issues; broad language in the ordinance regarding time of day for hunting, regulations on the carrying and loading of firearms, and permission to access the property through Garick, L.L.C. She stated many

residents and businesses in Council District No. 1 are concerned and do not approve of the proposed ordinance.

Councilmember Gray stated he appreciates Councilmember Hiller's concerns; however, the property is owned by KDWP and does not need permission from Garick to access the property. He stated archery hunting is currently being conducted on the property and KDWP conducts a strict structured hunting program for area youths.

Councilmember Manspeaker concurred with Councilmember Gray and stated the program would be regulated and permitted through safety procedures enforced by KDWP.

Councilmember Hiller expressed concern with residents not being able to identify what kind of gunshots they were hearing causing undo anxiety.

Councilmember Gray stated the property is located between I-70 and the recycling facility which he believes would drown out the sound of gunshots.

Mayor Bunten stated guns are not dangerous; however, if people are not properly instructed on the safety of guns and do not have the proper permits to operate guns it creates problems. He noted the mentoring program is an opportunity to learn gun and hunting safety through properly licensed adults.

The motion to adopt the ordinance carried. Councilmembers Hiller and Harmon voted "no." (6-2-0)

The ordinance was adopted on roll call vote as follows: Ayes: Alcala, Ortiz, Wolgast, Manspeaker, Archer and Gray -6. Noes: Hiller and Harmon -2. Absent: Everhart -1.

NO Retail Cereal Malt Beverage License Applications were presented.

AN ORDINANCE 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 on the south side of SW Drury Lane approximately 700 feet west of SW Cheyenne Hills Road, from “PUD” Planned Unit Development District (“O&I-2” Office and Institutional District use group) TO “C-4” Commercial District was presented for first reading. (Z12/1)

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

Daniel R. Stanley, Interim City Manager reported the Kansas Neurological Institute funding is on track and noted he would report any other legislative bills and concerns to the Council as needed.

Mayor Bunten expressed concern with Kansas Senate Bill No. 54 an act concerning alcoholic beverages relating to retailer's liquor licenses and the effect it would have on small businesses. He requested a work session to discuss SB No. 54 with the City's lobbyist as soon as possible.

Daniel R. Stanley stated the City's lobbyist has been contacted to discuss a potential conflict of interest regarding his representation of Senate Bill No. 54. He stated he would schedule a work session to discuss the issue.

Councilmember Manspeaker expressed concern with the City's revenue stream if Senate Bill No. 54 is approved and requested the Council receive a financial outlook of how revenues would be effected if the bill is passed.

Councilmember Ortiz reported she attended the Parks and Recreation Department Listening Tour meeting and encouraged residents of Topeka to attend. She announced the Central Highland Park Neighborhood Improvement Association is sponsoring a scholarship for a Highland Park High School senior and asked interested students to contact the Council office at

368-3710 for more information. She announced a Public Health and Safety Committee meeting would be held February 16, 2012 at 4:00 p.m. in the Executive Conference Room located at 215 SE 7th Street to discuss nursing homes.

Councilmember Manspeaker expressed concern with the abatement of property taxes for major corporate employers and the rezoning of 4,000 acres located in southern Shawnee County. He stated he hopes JEDO Board members would be more progressive in economic development and find other means of attracting large companies to the Topeka-Shawnee County area.

Mayor Bunten stated he believes the rezoning was approved because Mars Chocolate North America Plant representatives did not want residential property bordering Plant property. He also stated abating property taxes allows Topeka to be competitive in attracting large companies to the area and noted after the ten (10) year waiver agreement has expired the company would be required to pay a significant amount of property taxes.

Councilmember Manspeaker stated JEDO Board members were not informed the 4,000 acres would be rezoned and he is concerned water rates will be increased because of incentives given to large corporations.

Councilmember Alcalá expressed concern with the proposed water rate increases and believes the need for increased rates is due to poor internal management. He stated he understands the incentives given to large corporations because of the numerous jobs they create for the community.

Cleone Barker, Ted Mize, Lazon Gray and Brian Yingling appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:29 p.m.

Brenda Younger
City Clerk