

Council Minutes – February 21, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 21, 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, Gray and Harmon -9. Mayor William W. Bunten presided -1.

AFTER THE MEETING was called to order, Michael Jamison, Unity Christian Church of Christianity gave the invocation.

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

Daniel R. Stanley, Interim City Manager requested to withdraw item 4A, a tort claim appeal for Angelina and Edmundo Gonzalez from the consent agenda.

Upon hearing no objections, Mayor Bunten announced the tort claim appeal would be withdrawn from the Council agenda.

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of February 14, 2012 were presented.

Councilmember Ortiz moved to approve the consent agenda as amended. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

RESOLUTION NO. 8403 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 gave the staff report.

Councilmember Wolgast stated the property is located approximately 50 yards south of city limits along Topeka Boulevard. He noted the company employs approximately 122 employees and is a national chain salvage yard located outside of Chicago, Illinois.

Councilmember Wolgast moved to approve the resolution. The motion was seconded by Councilmember Ortiz.

Daniel R. Stanley, Interim City Manager encouraged the applicant to move forward with the approval of the property final plat by Council.

Councilmember Manspeaker questioned if the City would realize any property tax revenues if the request is approved.

Duane Hoover, applicant stated he signed the consent to annex because the City does not approve island annexations. He reported LKQ Industries would pay 100% of the costs to connect to the City's sewer and water system.

David Thurbon, Planning Department Director stated as long as the City has the consent to annex the property the Council could approve the annexation when it is appropriate; however, he believes the City should wait until the consent to annex for the additional land is acquired to annex the whole property. He reminded the Council approval would allow the extension of City sewer and water outside City limits which is not allowed by ordinance unless a hardship or economic development is determined to be present.

Councilmember Harmon questioned if the annexation request pertains to both the temporary address and the permanent address yet to be established.

Duane Hoover reported the property is one parcel and was assigned a temporary address for Shawnee County property registration purposes and noted the parcel being discussed does not touch any other property located in the city limits.

Councilmember Manspeaker spoke in opposition to the request. He questioned why the City would grant an exemption to annexation when the City could annex the property and realize property tax revenues.

Councilmember Hiller asked if the Council approves the annexation, and a consent to annex has been signed could the Planning Department work with the property owner and proceed with annexation at any time.

David Thurbon stated the Planning Department must prepare a service plan and submit it to the Shawnee County Commission for approval because the parcel is not adjacent to city limits.

Councilmember Harmon asked if the request is approved would it be considered an island annexation.

David Thurbon confirmed the parcel would be considered an island annexation.

Councilmember Ortiz stated the applicant has completed all requested documentation and in her opinion, approval would result in a positive situation for both the business owner and the City.

The motion to adopt the ordinance carried. Councilmembers Manspeaker and Harmon voted “no.” (7-2-0)

APPROVAL of a three year Labor Agreement between the City of Topeka and AFT Kansas, Local No. 6406 (formerly KAPE) was presented.

Daniel R. Stanley, Interim City Manager gave the staff report and stated the Council would be considering a number of labor agreements in 2012; therefore, they need to consider updating the pay plan which originated in 1939 and has yet to be updated or modified. He stated

the Council should direct an option of pay plans that is more unified to accommodate the gaps in pay and ratings between employee groups.

Councilmember Harmon asked if there is a time constraint for the Council to make a decision on the labor agreement.

Catherine Walter, Assistant City Attorney stated the labor agreement could be delayed if needed.

Councilmember Harmon stated he needs more documentation to make an informed decision.

Councilmember Harmon moved to defer the labor agreement until February 28, 2012. The motion was seconded by Councilmember Ortiz.

Councilmember Gray made a substitute motion to defer the labor agreement for two weeks. The motion seconded by Councilmember Hiller carried. Councilmember Alcalá and Everhart voted “no.” Mayor Bunten voted “yes.” (8-2-0)

ORDINANCE NO. 19704 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of January 23, 2012, through February 5, 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 Gray carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Alcalá, Ortiz, Everhart, Wolgast, Manspecker, Archer, Gray and Harmon -9.

NO Retail Cereal Malt Beverage License Applications were presented.

ORDINANCE NO. 19705 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 placed on first reading February 14, 2012 was again presented. (Z12/1)

Daniel R. Stanley, Interim City Manager gave the staff report and questioned if a hotel is the best use for the property. He asked the Council to review the current planning policy, as well as, the structure of the Planning Department and ponder how they want to proceed with the growth of the Topeka-Shawnee County area. He suggested it may be a good time to consider consolidation of City and County Planning Departments.

Mayor Bunten questioned if there were objections by other area hotel owners.

Daniel R. Stanley stated he did not canvas other hotel owners; however, he believes this would be a good opportunity for the Council to review the policy and decide how proposed businesses fit into future plans for the City and surrounding area.

Councilmember Wolgast stated he concurs with Mr. Stanley and believes citizens assume the Council makes the decision in determining the types of businesses allowed in certain areas. He stated he spoke with local hotel owners regarding their hopes for future business in Topeka and believes it is the City’s responsibility to review the matter thoroughly. He also stated he would support the possibility of consolidating City and County Planning Departments.

Councilmember Archer reported he has made initial contact with Shawnee County Commissioner Shelly Buhler regarding consolidation of departments; however, talks are still in the preliminary stages.

The City Clerk asked if there were any exparte communications besides Councilmember Wolgast. There were none declared.

Councilmember Harmon moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Hiller, Alcala, Ortiz, Everhart, Wolgast, Manspeaker, Archer, Gray, Harmon and Mayor Bunten -10.

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.

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

Councilmember Hiller invited citizens to attend the Kansas Avenue design presentation by RDG Planning & Design located at 828 S. Kansas Avenue, February 22, 2012, from 4:00 p.m. to 7:00 p.m. She spoke in support of consolidating the City and County Planning Departments and the need to anticipate joint economic development growth for the Topeka-Shawnee County area. She requested a work session be scheduled to discuss the possibility of consolidating the departments.

Councilmember Wolgast announced a Parks and Recreation Listening Tour meeting would be held February 23, 2012, at 6:30 p.m. at Jardine Middle School.

Councilmember Manspeaker announced a Kansas Avenue Advisory Committee meeting would be held February 22, 2012, from 8:00 a.m. to 11:00 a.m. He expressed concern with meetings being scheduled during the day and members not being able to attend due to employment obligations.

Councilmember Archer encouraged citizens to get their whooping cough vaccination.

Mayor Bunten commented on the proposal requiring citizens to remove ball caps and hoods when entering a place of business in an effort to reduce crime and noted U.S.D. 501 has already implemented the rule when entering school buildings. He requested the Council consider the proposal, as well as, explore other avenues to help minimize crime in the city and submit any suggestions they have to the Interim City Manager before 2013 budget deliberations begin.

Teresa Miller appeared to speak under public comment.

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

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:59 p.m.

Brenda Younger
City Clerk