

## **Council Minutes – April 3, 2012**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, April 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, 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, Councilmember Harmon asked for a moment of silent meditation.

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

A PRESENTATION of the 2010 Auditors' Financial Report for the City of Topeka was presented by David Cochran, Cochran, Head, Vick & Company, C.P.A. He reported they were hired to determine if the City's basic financial statements are free of material misstatement; internal controls over financial reporting and compliance were adequately designed and operating effectively; and if the City of Topeka, Kansas, complies in all material respects with the finance-related laws and regulations. He briefly discussed the scope of audit responsibilities and stated the responses to any significant audit findings are outlined in the City of Topeka, Kansas, Required Communications and Management Letter booklet for the year ended December 31, 2010.

THE CONSENT AGENDA was presented as follows:

APPROVAL of a Workers' Compensation Settlement for Water Department employee Penny Ehalt in the amount of \$37,000 for injuries suffered on August 18, 2009 was presented.

MINUTES of the regular meeting of March 27, 2012 were presented.

2012 Open After Midnight License renewal applications were presented for the following:

BUSINESS NAME

Gage Center Bowl  
Skinny's  
Oscar's  
The 20's

ADDRESS

4200 SW Huntoon  
4016 SW Huntoon  
1424 SW Lane  
2910 SW Oakley

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

ELECTION of a Deputy Mayor to serve a one-year term pursuant to Article 2, Topeka Municipal Code Section A2-26(2) was presented.

Councilmember Gray nominated Councilmember Wolgast to serve as Deputy Mayor. Councilmember Harmon seconded the nomination.

Upon hearing no further nominations, Mayor Bunten asked the Council to cast their votes.

After the tally of votes, the City Clerk announced Councilmember Wolgast received eight (8) votes.

Mayor Bunten announced Councilmember Wolgast would serve as the new Deputy Mayor.

Councilmember Wolgast thanked the Council and stated he looks forward to serving as Deputy Mayor. He commended Councilmember Alcalá for serving as Deputy Mayor in a fair and informative manner.

ELECTION of two City Council representatives to serve a one-year term on the Joint Economic Development Organization (JEDO) Board was presented.

Councilmember Gray nominated Councilmember Manspeaker.

Councilmember Manspeaker nominated Councilmember Gray.

Councilmember Harmon nominated Councilmember Hiller.

Councilmember Archer nominated Councilmember Everhart.

Upon hearing no further nominations, Mayor Bunten asked the Council to cast their votes.

After the tally of votes from Ballot No. 1, the City Clerk announced Councilmember Everhart received three (3) votes, Councilmember Hiller received four (4) votes, Councilmember Gray received five (5) votes and Councilmember Manspeaker received four (4) votes.

Mayor Bunten announced Councilmember Gray would serve as one of the JEDO Board members.

After the tally of votes from Ballot No. 2, the City Clerk announced Councilmember Hiller received three (3) votes, Councilmember Manspeaker received three (3) votes and Councilmember Everhart received two (2) votes.

Councilmember Everhart withdrew her nomination.

After the tally of votes from Ballot No. 3, the City Clerk announced Councilmember Manspeaker received four (4) votes, Councilmember Hiller received three (3) votes and Councilmember Everhart received one (1) vote.

After the tally of votes from Ballot No. 4, the City Clerk announced Councilmember Manspeaker received four (4) votes, Councilmember Hiller received three (3) votes and Councilmember Everhart received one (1) vote.

After the tally of votes from Ballot No. 5, the City Clerk announced Councilmember Manspeaker received four (4) votes and Councilmember Hiller received four (4) votes.

Mayor Bunten ruled additional nominations could be added for consideration.

Councilmember Manspeaker moved to challenge the ruling of the Chair. The motion was seconded by Councilmember Harmon.

The question of shall the ruling of the Chair be sustained failed. Councilmembers Ortiz, Everhart, Wolgast, Manspeaker, Gray and Harmon voted “no.” (2-6-0)

After the tally of votes from Ballot No. 6, the City Clerk announced Councilmember Hiller received five (5) votes and Councilmember Manspeaker received three (3) votes.

Mayor Bunten announced Councilmember Gray and Councilmember Hiller would serve as the new JEDO Board members.

ORDINANCE NO. 19717 introduced by Interim City Manager Daniel R. Stanley, allowing and approving City expenditures for the period of March 10, 2012, through March 16, 2012, and enumerating said expenditures therein was presented for first and final reading.

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

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

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

APPROVAL of a Scrap Metal Dealers License application was presented for L&M Northside Recycling located at 1801 NE Grantville, Topeka, Kansas.

Councilmember Hiller moved to approve the scrap metal dealer’s license application as presented. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (9-0-0)

ORDINANCE NO. 19718 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 south of I-70 and west of 201 NW MacVicar from “PUD” Planned Unit Development

District (“I-1” Light Industrial use group) ALL TO “PUD” Planned Unit Development District (“C-4” Commercial District) placed on first reading March 13, 2012 was again presented.

(PUD12/1)

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

Exparte communications were declared by Councilmembers Hiller, Everhart, Manspeaker, Archer, Gray, Harmon and Mayor Bunten.

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

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

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

Councilmember Everhart announced a Community Garage Sale would be held April 7, 2012 at the Highland Park High School from 7:30 a.m. to 2:00 p.m. to help raise funds for the school’s theater group to travel to Scotland.

Councilmember Wolgast stated he would send Councilmembers information concerning their committee preferences in the upcoming week.

Councilmember Manspeaker announced there would be an informational meeting on the Victory Village Apartments on April 12, 2012 at 7:00 p.m. at the First Congregational Church located at 1701 SW Collins Avenue. He expressed concern with how the Topeka Metropolitan Transit Authority is being managed.

Councilmember Archer thanked Councilmember Alcalá for his service as Deputy Mayor. He congratulated Councilmember Wolgast on being elected the new Deputy Mayor and stated he appreciates his willingness to serve. He also congratulated Councilmember Gray on being elected to serve on the JEDO Board.

Councilmember Gray thanked the Council for electing him to serve on the JEDO Board. He congratulated Councilmembers Hiller and Wolgast on their nominations and commended Councilmember Alcalá for his leadership in serving as Deputy Mayor.

Maureen Cummins and Katie Barnett appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:27 p.m.

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Brenda Younger  
City Clerk