

Council Minutes – September 18, 2012

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, September 18, 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, Archer, Gray and Harmon -7. Mayor William W. Bunten presided -1. Absent: Councilmembers Wolgast and Manspeaker -2.

AFTER THE MEETING was called to order, Heidi Webby, Brookwood Covenant Church 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 Marilyn Lind to the City of Topeka ADA Advisory Council for a term ending September 30, 2014 was presented.

BOARD APPOINTMENT recommending the re-appointment of Marty Hazen to the Topeka Board of Zoning Appeals for a term ending September 30, 2015 was presented.

BOARD APPOINTMENT recommending the re-appointment of Aaron Classi to the Topeka Board of Zoning Appeals for a term ending September 30, 2015 was presented.

BOARD APPOINTMENT recommending the re-appointment of Mike Lackey to the Topeka Planning Commission for a term ending September 30, 2015 was presented.

RESOLUTION NO. 8469 introduced Councilmember John Alcalá granting NOTO an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

RESOLUTION NO. 8470 introduced by Councilmember Denise Everhart, granting Laudena Polk an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions was presented.

MINUTES of the regular meeting of September 11, 2012 was presented.

Councilmember Everhart moved to approve the consent agenda. The motion seconded by Councilmember Ortiz carried unanimously. (7-0-0)

ORDINANCE NO. 19759 introduced by City Manager Jim Colson, repealing City of Topeka Code Section 3.55.210, concerning the transfer of money to the arts fund placed on first reading September 11, 2012 was again presented.

Jim Colson, City Manager gave the staff report.

Sarah Fizell, ARTSConnect Topeka asked the Council to continue allocating money to support the Arts fund.

Councilmember Gray asked staff to provide a brief background on the Arts fund and if there were other funding alternatives.

Pam Simecka, Finance Director reported the Arts fund was created in 2002 with the intent to establish a City of Topeka Arts Office that would serve under the direction of the Mayor to assist with art projects across the City; however, the fund has not been active since 2003. She stated the Council asked staff to review the fund and determine if the funds could be used for other financial needs as prioritized by the City Manager.

Councilmember Gray moved to adopt the ordinance. The motion seconded by Councilmember Archer carried. Councilmember Alcalá voted “no.” (6-1-0)

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

AN ORDINANCE introduced by Councilmember Chad Manspeaker, amending City of Topeka Code Section 3.25.100, concerning the historic asset tourism fund and specifically repealing said original section placed on first reading September 11, 2012 was again presented.

Councilmember Hiller moved to defer the ordinance for one week. The motion seconded by Councilmember Harmon carried unanimously. (7-0-0)

ORDINANCE NO. 19760 introduced by City Manager Jim Colson, amending City of Topeka Code Section 5.10.300, concerning the renewal fee for scrap metal dealer registration and specifically repealing said original section placed on first reading September 11, 2012 was again presented.

Jim Colson, City Manager gave the staff report and stated approval would make City Code consistent with state law (House Bill 2470) regarding renewal fees for scrap metal dealer registration.

Mary Feighny, Assistant City Attorney stated approval would change the City's renewal fee from \$440 to \$50 every ten (10) years.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Everhart, Archer, Gray and Harmon -7. Absent: Wolgast and Manspeaker -2.

ORDINANCE NO. 19761 introduced by City Manager Jim Colson, instituting a real estate lien upon certain lots and pieces of ground in Shawnee County, Kansas, to pay the cost for sewage collection and treatment where such payments to the City have not been made due to neglect, failure or refusal to pay, pursuant to K.S.A. 12-808c placed on first reading September 11, 2012 was again presented.

Pam Simecka, Finance Director distributed an amended ordinance excluding those individuals that made payment arrangements by the deadline.

Councilmember Ortiz questioned why some of the utility bills seemed high; what type of notification process was used to notify people payment was due; and does the list of names in the ordinance include the people currently on payment plans.

Pam Simecka stated the utility bills listed are rural water district customers and the City does not have a mechanism for monitoring the dollar amounts; people are notified via U.S. mail; and the ordinance excludes the individuals that have made payment arrangements.

Councilmember Harmon moved to amend the ordinance as distributed by the Finance Director. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

Councilmember Hiller moved to adopt the ordinance as amended. The motion seconded by Councilmember Gray carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Everhart, Archer, Gray, Harmon and Mayor Bunten -8. Absent: Wolgast and Manspeaker -2.

A RESOLUTION introduced by City Manager Jim Colson, authorizing and adopting for the City of Topeka, Kansas, the 2012-2016 Capital Improvement Program and 2012-2013 Capital Improvement Budget and rescinding Resolution No. 8404 was presented. The resolution was deferred from the September 11, 2012 meeting.

Jim Colson, City Manager requested to withdraw items 5E, a resolution regarding the 2012-2016 Capital Improvement Program and 2012-2013 Capital Improvement Budget; 5F, a notice of intention, project budget and ordinance for Flood Protection Relief Well Rehabilitation Project No. T-281039.01; and 5G, a notice of intention, project budget and ordinance for Oakland Secondary Digester Lid Replacement Project No. T-291023.00 as staff has identified that the interest rates were not included in the final project budget amounts.

Upon hearing no objections, Mayor Bunten announced items 5E, 5F and 5G would be withdrawn from the Council agenda.

NO Retail Cereal Malt Beverage License applications were presented.

A FINAL PLAT for MacVicar and I-70 Subdivision located in the southwest quadrant of NW MacVicar Avenue and Interstate 70 located in the City of Topeka, Shawnee County, Kansas was presented. (P12/7)

Bill Fiander, Interim Planning Director gave the staff report.

Mayor Bunten questioned the appearance of the truck facility and if it would compliment the area.

Bill Fiander reported PUD (Planned Unit Development) zoning is very specific and requires Council approval of any aesthetic changes to the property. He stated the facility would be clean and organized with no outside storage of trucks or signage.

Councilmember Hiller moved to approve the final plat. The motion seconded by Councilmember Archer carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

AN ORDINANCE introduced by Councilmember John Alcala, authorizing the sale, consumption and possession of alcoholic liquor at a specified location and time and the special event permit pursuant to K.S.A. 41-719(a)(2) and K.S.A. 41-2645(e)(1) for the NOTO Blues and BBQ was presented for first reading.

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

Jim Colson, City Manager announced Bill Fiander would serve as the Interim Planning Department Director.

Councilmember Hiller encouraged the community to attend the 7th Annual Aaron Douglas Art Fair held September 22, 2012 from 11:00 a.m. to 7:00 p.m. at the Aaron Douglas Park located on the southeast corner of SW 12th and Lane Streets.

Councilmember Ortiz expressed concern with the street improvements being made on SE 21st Street and SE Wittenberg Road and stated the project is inconsistent in regards to the installation of curbs and gutters. She requested a copy of the project plans to review and distribute to the Council so they could make an informed decision. She expressed the importance of citizens participating in the free smoke alarm installation program offered by the Topeka Fire Department and encouraged citizens to call 368-4000 to schedule an appointment for installation.

Greg Bailey, Fire Chief reported the Fire Department received a grant to install free smoke alarms to any person and there are no stipulations or requirements that have to be met. He asked citizens to call 368-4000 to schedule an installation appointment and reported smoke alarms have a general life expectancy of seven to ten years.

Councilmember Everhart stated she would be working with Councilmember Ortiz in resolving the SE 21st Street improvement project issues.

Councilmember Gray announced Henry Rollins is scheduled to appear and discuss capitalism at the Topeka Performing Arts Center on October 2, 2012 and encouraged citizens to attend.

Councilmember Harmon apologized he could not stay and listen to public comment due to a prior commitment.

Eleanor Harris, Debra Scott and Judy Carmen appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:10 p.m.

Brenda Younger
City Clerk