

## **Council Minutes – June 4, 2013**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 4, 2013. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Campos II, Ortiz, Everhart, De La Isla, Manspeaker, and Harmon -7. Mayor Larry E. Wolgast presided -1. Absent: Councilmember Schwartz -1. Council District No. 8 – vacant.

AFTER THE MEETING was called to order, Reverend Barry Feaker, Topeka Rescue Mission, gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

MINUTES of the regular meeting of May 21, 2013, were presented.

A Dance Hall License application for El Maguey located at 2160 SW Wanamaker Road, was presented.

Open After Midnight License applications for Applebee's located at 5928 SW 17<sup>th</sup> Street and IHOP #5318 located at 1731 SW Wanamaker Road, were presented.

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

Jim Colson, City Manager, reported the applicant has requested the demolition permit request for the church sanctuary located at 700 SE Lime Street be withdrawn from the Council agenda.

Sarah Bremer-Parks expressed her gratitude to the Governing Body for their consideration during the process.

Upon hearing no objections, Mayor Wolgast announced item 5A, a demolition permit request would be withdrawn from the Council agenda.

A FINAL PLAT for HME Subdivision located between NW Button Road and NW Indianola Road, the center of the tract being approximately 1,200 feet north of NW 25<sup>th</sup> Street, all outside the city limits within the City’s Municipal Service Area and three-mile extraterritorial jurisdiction, all within unincorporated Shawnee County, Kansas was presented.

Bill Fiander, Planning Department Director, reported the final plat includes a condition that the City Council must approve a waiver to the Shawnee County Wastewater Management Plan requirements that the property connects to the sanitary sewer since it is located within the primary urban service area of the plan. He noted the applicant has agreed to connect to the sanitary sewer once it becomes available within 100 feet of the property, as well as, consented to annexation on both the plat and by separate instrument as a condition for sewer service outside the City limits. He stated the request is consistent with the land use policies and principles of the Topeka Land Use and Growth Management Plan 2025 for industrial uses. He stated staff recommends approval.

Mayor Wolgast noted the final plat would not require any future zoning change requests.

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

Retail Cereal Malt Beverage License applications were presented for the following:

| <u>Business Name</u> | <u>Address</u>                  |
|----------------------|---------------------------------|
| Dillons #47          | 2815 SW 29 <sup>th</sup> Street |
| Dillons #54          | 800 NW 25 <sup>th</sup> Street  |
| Dillons #58          | 1400 SW Huntoon Street          |
| Dillons #67          | 2010 SE 29 <sup>th</sup> Street |
| Dillons #87          | 5311 SW 22 <sup>nd</sup> Place  |
| Dillons #88          | 4015 SW 10 <sup>th</sup> Street |
| Herman’s             | 823 NW Gordon Street            |
| In A Pinch           | 706 SW Fairlawn Road            |
| Mike’s Market        | 2620 NE Sardou Avenue           |
| Murphy Express #8599 | 1531 SW Wanamaker Road          |

Councilmember Ortiz moved to approve the Retail Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Everhart carried unanimously. Mayor Wolgast voted “yes.” (8-0-0)

ESTABLISHMENT of a date for interviews of Candidates to fill Council District No. 8 Vacancy and Election was presented.

Councilmember Ortiz reported that Councilmember Schwartz notified her when the position of Council District No. 8 became vacant that she would be unavailable the first two weeks in June due to a prior commitment. She stated Councilmember Schwartz requested the interviews and selection of a new Council Member be delayed until June 18, 2013, so she could participate in the process.

Councilmember Ortiz moved to establish the interview date and election for Council District No. 8 on June 18, 2013. The motion seconded by Councilmember Hiller carried unanimously. (7-0-0)

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Municipal Code Sections 13.10.010, 13.10.410 through 13.10.460, concerning private fire hydrants and specifically repealing said original section, as well as, creating new Section 13.10.415 was presented for first reading.

AN ORDINANCE introduced by City Manager Jim Colson, 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 at the southeast intersection of SE Scorpio and SE Virgo Avenues from “M-1” Two-Family Dwelling District TO “R-1” Single-Family Dwelling District was presented for first reading. (Z13/7)

AN ORDINANCE introduced by City Manager Jim Colson, 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 at 2038 SW Gage Boulevard from “C-4” Commercial District and “R-1” Single-Family Dwelling District with a Special Use Permit for a Vehicle Surface Parking Lot and a Children’s Park ALL TO “C-2” Commercial District was presented for first reading. (Z13/8)

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

Jim Colson, City Manager, announced the South Kansas Avenue Project Open House would be held on June 12, 2013, from 4:00 p.m. to 7:00 p.m., at the bank building located at SW 8<sup>th</sup> and Jackson Streets. He invited the Governing Body and media to participate in the Fire Ops 101 Class held on June 6, 2013, at the Fire Department Academy located at 324 SE Jefferson. He noted the class would provide an opportunity for City leaders and media to experience the hands on activities of the Fire Department. He reported the City’s Code Compliance Division has issued over 1,200 weed violations in the month of May and reminded citizens that weeds and/or grass more than 12 inches tall is considered a nuisance. He stated residents are given one week to mow before a citation is delivered. He also announced 2014 Budget Workshops would begin in July and a complete schedule would be distributed to the Governing Body within the next couple of days.

Mayor Wolgast introduced Vicki Buening, the new assistant to the Mayor and welcomed her to the City.

Councilmember Harmon commended Mary Feighny, Assistant City Attorney, for an article she wrote regarding eminent domain that was published in the Kansas Bar Association Journal.

Councilmember Hiller commented on the many great events happening throughout the community and encouraged citizens to participate and enjoy what the area has to offer.

Councilmember Campos II, announced the Topeka Arts Project would take place in the Oakland community on June 6-7, 2013, from 10:00 a.m. to 6:00 p.m. He also reminded citizens the Fiesta Mexicana Royalty food sales are continuing through June 30, 2013, at the Marlo Cuevas Balandran Activity Center located at 216 NE Branner Street.

Councilmember Ortiz welcomed Vicki Buening as the new assistant to the Mayor. She commented on the grand opening of the Children's Discovery Center Family Treasure Garden Outdoor Water Exhibit on June 1, 2013, and stated it was a great event and encouraged the community to visit the exhibit. She also encouraged the Governing Body to participate in the Fire Ops 101 class which provides a great perspective on the duties of the Fire Department. She thanked the City's Code Compliance Division, as well as, the City and inmate crews for doing an excellent job in cutting grass.

Lazone Grays appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:27 p.m.

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Brenda Younger  
City Clerk