City Council Minutes – January 11, 2000

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 11, 2000. The Councilmembers of the City of Topeka met in regular session at 7:00 P.M., with the following Councilmembers present: Alcala, Lee, Dunn, Duffy, Hill, Carkhuff, Gardner, McClinton, and Pomeroy –9. Mayor Wagnon presided –1.

AFTER THE MEETING was called to order, prayer was offered by Claude Lee.

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

THE CONSENT AGENDA was presented as follows:

A Communication from Mayor Wagnon recommending the re-appointment of Breta Bloomberg to the Landmarks Commission for a full 3-year term, was presented.

Minutes of the Regular Meeting of January 4, 2000, were presented.

Councilmember McClinton moved to approve the consent agenda. The motion seconded by Councilmember Gardner carried unanimously. (9-0-0)

RESOLUTION NO. 7035 introduced by Councilmember Jim Gardner, rescinding Resolution No. 7001, which authorized the Millennium Park Project and the transfer of specified funds from the Park Land Acquisition and Development Fund, was presented.

Councilmember Gardner explained why he proposed the resolution.

Several people appeared in support of the park. Comments made in support included: it would showcase great things for the City; a vote against the park would crush enthusiasm and send a negative message to people wanting to partner with the City; and there have been no plans to get rid of businesses near the park site.

Several people appeared in opposition of the park. Comments made in opposition included: they support the concept but is inappropriate for the planned location; it does not have a great amount of support by City staff or the public; nearby businesses would be moved out; a park located by an industrial park would
create a safety hazard to visitors because of heavy equipment traffic; there would be a limited amount of parking; it should be built in an area closer to other facilities; the park would cost more than the proposed budget; the dike near the river is a flood zone and would not support this type of development; proper research was not done; and CDBG funds should not be used.

Mary Flott, Chair of the Millennium Park Committee appeared in support of the park. She stated that they have invited school children to participate with the development of a Millennium Park coloring book. She stated that there have been several volunteers who have worked very hard on the project. She stated that the location was chosen to provide access to the river. She explained that they have applied for a grant from the Department of Commerce and Housing that would help avoid using CDBG funds. She asked the Council to honor their commitment they made to the park.

Councilmember Gardner asked if there is a total budget for the park.

Mary Flott stated that the park budget was submitted as part of the resolution that was adopted in September of 1999.

Councilmember Gardner expressed concern regarding the potential relocation of businesses that are on the tax rolls. He asked if the cost to relocate the impound lot and other City entities was in addition to the $296,000.

Dave Graversen, Capital Budget Program Coordinator stated that $496,000 is the total budget for the park. He stated that the intent all along has been to live within the limits of the budget authorized by the Council.

Councilmember Dunn stated that large trucks and equipment move in and out of the area and asked if the safety factor with children visiting the park has been considered.

Dave Graversen stated that landscaping would be added to direct people away from potential safety risk areas.
Councilmember Alcala asked about drainage in the area.

Dave Graversen stated that they are in the process of entering into a contract with an Engineering Consultant and they would address this.

Councilmember Lee stated that she supported the park and felt the Council should honor their commitment.

Councilmember Gardner moved to approve the resolution. The motion was seconded by Councilmember Alcala.

Councilmember Carkhuff stated that he was not in support of ending the project. He suggested deferring the resolution for thirty days so that alternative sites could be considered.

Councilmember Pomeroy expressed concern regarding the potential relocation of City scales. He stated that he has reviewed information regarding the park and explained some “pros” and “cons” of the planned location as follows: Pros: commemorate millennium; spur development; original park site (not determined); river access; trail head; community participation/involvement; momentum; and would bring people downtown. Cons: site cleanup; increasing cost; money may be needed at Watertower; relocation of impound lot; relocation of Public Works staff; loss of City scales; not first choice of professional staff; negative impact on industry; was approved before it could be reviewed by the Planning Department; and public opposition. He suggested that the Committee might be interested in considering the following alternative sites: Watertower; 9th Street Plaza; National Park (north); Union Station, north of the proposed site; south of the soccer fields; or north of Sardou or the Bus Barn.

Councilmember Pomeroy stated that before he could support the park at the proposed location he would need to know the impact on City scales; relocation cost of the impound lot; additional financial help from the Committee; assurance that the funds were not needed for Watertower; a guarantee to protect the industries; and
assurance that it would be the best site. He suggested that they send the proposal to the Planning Department or the Planning Commission for review.

Councilmember McClinton stated that the committee should have an opportunity to review the alternatives suggested.

Councilmember Duffy stated that he supported the project until it no longer included a trail system. He stated that a trail system would have been an attraction to the park.

Councilmember McClinton suggested deferring the resolution so they could get input from the Planning Department.

Councilmember Pomeroy moved to table the resolution until input from the Planning Department has been received.

The motion died for lack of a second.

Councilmember Dunn called the question.

Councilmember McClinton challenged the call.

Councilmember Dunn withdrew the call.

Councilmember McClinton suggested that the Deputy Mayor refer the resolution to committee instead of killing the project.

Councilmember Dunn called the question.

Mayor Wagnon stated that was unnecessary because she was bringing the question to a vote.

Deputy Mayor Carkhuff referred the resolution to the Economic Development Committee.

Mayor Wagnon stated that Items 4B, 4C, 6A and 6B would be withdrawn and placed on next week’s agenda.

Councilmember Gardner moved to extend the meeting until the end of the agenda. The motion seconded by Councilmember Dunn carried. Councilmembers McClinton and Duffy voted “no”. (7-2-0)
Councilmember Gardner made a point of order. He stated that Councilmember Dunn called the question before the Deputy Mayor referred the resolution to committee.

Mayor Wagnon ruled the Deputy Mayor out of order and asked the Council to vote on Councilmember Gardner’s motion to approve the resolution.

The motion carried. Councilmembers McClinton, Carkhuff, Duffy and Lee voted “no”. (5-4-0)

ZONING PETITION (Z99/29) by Shamir Corporation requesting to amend the District Zoning Classification from “C-4” Commercial to “PUD” Planned Unit Development (commercial usage) on property located at 3802 SW Topeka Boulevard in the City of Topeka, Kansas, was presented. The Planning Department staff and the Zoning and Platting Committee recommended conditional approval.

ORDINANCE NO. 17453 introduced by Mayor Joan Wagnon amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 3802 SW Topeka Boulevard in the City of Topeka, Kansas from “C-4” Commercial District to “PUD” Planned Unit Development (commercial usage), placed on first reading January 4, 2000 was again presented. (Z99/29)

FINAL PLAT for Shamir and Hiral Subdivision on property located at 3802 SW Topeka Boulevard in the City of Topeka, Shawnee County, Kansas, was presented.

Barry Beagle, Planning Department gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Carkhuff moved to approve the zoning petition, adopt the ordinance, and accept the public dedication. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Carkhuff, Duffy, Hill, Gardner, Lee and McClinton –9.
ZONING PETITION (Z99/45) by Diamondhead Limited Partnership requesting to amend the District Zoning Classification from “R-1” Single Family Dwelling District to “O&I-2” Office and Institutional District on property located on the west side of SW Wanamaker Road, the centerline of which is approximately 385-feet north of SW 27th Street in the City of Topeka, Kansas, was presented. The Planning Department staff and the Zoning and Platting Committee recommended approval.

ORDINANCE NO. 17454 introduced by Mayor Joan Wagnon amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property, the centerline of which, is located approximately 385-feet north of SW 27th Street in the City of Topeka, Kansas from “R-1” Single-Family Dwelling District to “O&I-2” Office & Institutional District, placed on first reading January 4, 2000 was again presented. (Z99/45)

Barry Beagle gave the staff report.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Mayor Wagnon asked Councilmembers to declare exparte communications. There were none.

Councilmember Dunn moved to approve the zoning petition and adopt the ordinance. The motion seconded by Councilmember McClinton carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, Dunn, Carkhuff, Duffy, Hill, Gardner, Lee and McClinton –9.

FINAL PLAT for the Salvation Army Subdivision on property located at the northwest corner of SE 6th Avenue and SE Lawrence Street in the City of Topeka, Shawnee County, Kansas, was presented.

FINAL PLAT for the Southboro Subdivision No. 6, a replat of Southboro Subdivision No. 3, on property located at the southwest corner of the intersection of SE 45th Street and SE California Avenue, in the City of Topeka, Kansas, was presented.
FINAL PLAT for the Southgate Industrial Plaza Subdivision on property located about the southwest corner of SW 42nd Street and SW Martin Drive in the City of Topeka, Kansas, was presented.

Councilmember Dunn moved to accept public dedication on all three final plats. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 3701, 3731, and 3751 S.W. Wanamaker Road in the City of Topeka, Kansas, from “R-1” Single Family Dwelling District to “C-2” Commercial District, was presented for first reading. (Z86/32)

Councilmember Carkhuff left the meeting.

Mayor Wagnon stated that his mother was having surgery and he needed to leave.

REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER, was presented.

John Arnold announced that there would be a work session held Thursday, January 13, 2000 at 5:30 p.m. in the Executive Conference Room to discuss labor negotiations with Human Resources. He stated that it would be discussed in an executive session.

REPORTS OF COMMITTEES AND OFFICERS, were presented:

Councilmember Lee stated that the Public Health & Safety Committee met to discuss the smoking in restaurants ordinance. She stated that there was no action taken.

Councilmember Pomeroy stated that the Economic Development Committee met earlier that afternoon to discuss the smoking in restaurants ordinance. He stated that no action was taken. He stated that he would refer alternative sites for relocation of the Millennium Park to the Economic Development Committee for further review.
Councilmember McClinton announced that the Public Improvements Committee would meet Wednesday, January 13, 2000 at 515 Kansas at 5:15p.m.

PRESENTATIONS BY MEMBERS OF THE COUNCIL, were presented:

Councilmember Gardner stated that he would like to be more involved with staff processes of working through agreements and projects.

Councilmember Alcala stated that people within his district have had a penalty fee applied to their property tax statements. He asked how it happened, how it is corrected and what procedures are put in place to prevent it from happening again.

Councilmember Dunn expressed concern regarding the press release from the Chief of Police and asked for an explanation.

Dean Forster, Chief of Police stated that items from the property room were accidentally destroyed due to a computer glitch. He stated that the computer gave them more items to destroy than should have been. He stated that approximately fifteen to twenty cases could be affected. He stated that the problem has been corrected.

Councilmember Hill stated that the Council meetings are not being replayed on the weekend. She stated that the U.S.D. 501 Outdoor Group received $500 from Hill’s Pet Nutrition for Zoo trips. She also stated that the Zoo has been charging the correct price for admission.

Mayor Wagnon stated that they are still waiting on a piece of equipment to complete the new equipment that has recently been installed. She stated that they should resume soon.

NO FURTHER BUSINESS appearing the meeting was adjourned by unanimous consent.

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Iris Walker
City Clerk
Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 11, 2000. The Councilmembers of the City of Topeka, Kansas met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Dunn, McClinton, Carkhuff, Duffy, Hill, Lee and Gardner –9. Mayor Wagnon presided –1.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on January 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a property tax exemption ordinance for improvements to real and personal property on behalf of Swan’s Formal Wear, Inc., located at 2010 S.W. Ashworth Place, Topeka, Kansas.

Mark Stock, Housing and Neighborhood Development gave the staff report. He explained the City’s policy regarding the granting of tax exemptions.

Mayor Wagnon gave an opportunity for anyone present to speak.

Councilmember Gardner asked about the Committee process.

Mark Stock stated that the Administrative Review Committee consists of the Mayor, CAO, City Attorney, Deputy Mayor and Councilmember for the District.

Councilmember Gardner asked what type of business Swan’s operates.

Mark Stock explained the types of business that would qualify. He stated that the State Board of Tax Appeals would make the final determination as to whether or not they would qualify for the tax exemptions.

Councilmember Pomeroy asked if City staff encouraged them to relocate downtown and use the NRA.

John Swan said they did, but they needed to relocate immediately.

Mayor Wagnon stated that Swan’s suffered a bit of hardship during these proceedings and the Committee was sensitive to that.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)
ORDINANCE NO. 17451 introduced by Mayor Joan Wagnon and Councilmembers Samuel Carkhuff and Clark Duffy, exempting certain property, more specifically property owned by Swan’s Formal Wear, Inc., from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at 2010 SW Ashworth Place, placed on first reading January 4, 2000 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner-9.

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Special Session

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, January 11, 2000. The Councilmembers of the City of Topeka, Kansas met in special session at 7:00 P.M., with the following Councilmembers present: Pomeroy, Alcala, Dunn, McClinton, Carkhuff, Duffy, Hill, Lee and Gardner –9. Mayor Wagnon presided –1.

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on January 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain citizen comment and review of a property tax exemption ordinance for improvements to real and personal property on behalf of Co-Nect-It Frame Corporation, located at 1100 SE Rice Road, Topeka, Kansas.

Mark Stock gave the staff report. He explained that they have qualified before at different locations.

Mayor Wagnon gave an opportunity for anyone present to speak. No one appeared.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

ORDINANCE NO. 17452 introduced by Mayor Joan Wagnon and Councilmembers Samuel Carkhuff and James McClinton, exempting certain property, more specifically property owned by Co-Nect-It Frame Corporation from ad valorem taxation for economic development purposes, pursuant to the provisions of the Code of the City of Topeka, Chapter 138, Article III, and located at approximately 1100 SE Rice Road, placed on first reading January 4, 2000 was again presented.

The ordinance was adopted on roll call vote as follows: Ayes: Councilmembers Pomeroy, Alcala, McClinton, Dunn, Carkhuff, Duffy, Hill, Lee and Gardner-9.

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NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a special meeting of the Councilmembers of the City of Topeka, Shawnee County, Kansas held on January 11, 2000, at 7:00 P.M., in the Council Chamber, 214 East 8th Street to obtain public comment concerning the modification to the area included within the Capital City Downtown Business Improvement District.

Mayor Wagnon gave an opportunity for anyone present to speak.

Jim Parrish, Chair of the B.I.D. Board explained that the overall proposed amendments were, (1) implement a two-hundred dollar credit to all tax payers within the District; (2) a commitment by the City that would support efforts to change laws at the State level so other entities could contribute to the B.I.D. fund; (3) eliminate various assessment differentials, (4) the appointment of Vic Miller to the B.I.D. Board; and (5) expand the B.I.D. boundaries. He stated that the next step is to ask the Council to consider amendments to the master ordinance that governs the B.I.D. and then address the funding ordinance. He stated that the assessments were unknown but the estimated rate is three cents per square foot and would be uniform throughout the district. He explained the proposed changes to the boundaries.

Councilmember Gardner expressed concern regarding the impact to businesses north of I-70 and suggested eliminating this area.

Jim Parrish stated that they have not performed an analysis of what the potential impact could be.

Councilmember Alcala asked how they could make it a fair process when a private business (i.e. warehouse or manufacturing) owns a whole block.

Jim Parrish stated that by allowing some exclusions or not including the whole block.
Councilmember Alcala stated that he would not support any changes until these elements were incorporated into the proposed amendments.

Councilmember Duffy asked how the expansion fit into the compromise.

Jim Parrish explained that all businesses within the district that benefit from services help pay for them.

Councilmember Duffy asked if they should concentrate on the existing boundary and making the rate more equitable.

Jim Parrish stated that there would always be someone who feels they should not be inside the boundary. He explained that the district has been beneficial to the downtown area.

Councilmember Pomeroy suggested that the City set an example and assess themselves through the next budget process.

Walter Berry, Owner of the Ice Company spoke in opposition and stated that the proposed amendment would not benefit his Company.

Keith Starman, Plan Engineering Manager at Hallmark Cards stated that the proposal was vague and should contain more detail. He stated that it would significantly impact them but they would not directly benefit from the proposal.

Councilmember Gardner requested that the area north of I-70 be excluded from the district.

Councilmember Dunn moved to close the public hearing. The motion seconded by Councilmember Lee carried unanimously. (9-0-0)

AN ORDINANCE introduced by Mayor Joan Wagnon describing the boundaries of the Capital City Downtown Business Improvement District, amending City of Topeka Code § 42-36 and specifically repealing said original section, was presented for first reading.

Iris Walker  
City Clerk

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1-11-00