Council Minutes – February 2, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, February 2, 2010. The
Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following
Councilmembers present: Councilmembers Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank,
Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Sandy Vogle, First United Methodist
Church Associate Pastor gave the invocation.

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

THE CONSENT AGENDA was presented as follows:

DENIAL OF CIVIL CLAIM APPEAL by Gwendolyn Lehman for reimbursement of
unspecified costs for repairing cracks in the foundation of her home was presented.

MINUTES of the regular meeting of January 26, 2010 were presented.

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

ORDINANCE NO. 19377 introduced by City Manager Norton N. Bonaparte, Jr.,
authorizing the initiation of condemnation proceedings to acquire permanent public utility
easements for the following public purposes: drainage, water line, storm sewer and sanitary
sewer; as well as permanent public right-of-way easement; temporary construction easements;
and fee simple interest to widen SW 29th Street to five (5) lanes between SW Wanamaker Road
and SW Urish Road and construct a new roundabout at SW Urish Road intersection and the
relocation of the waterline, Project No. 70204-01 placed on first reading January 26, 2010 was
again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.
Councilmember Preisner moved to adopt the ordinance. The motion seconded by
Councilmember Swank carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz,
Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

A PROJECT BUDGET in the amount of $700,000 and ORDINANCE NO. 19378
introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-
291090.00 (HTE 291190), which provides for the correction of inflow and infiltration into the
City’s sanitary collection system placed on first reading January 26, 2010 was again presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to approve the project budget and adopt the ordinance.
The motion seconded by Councilmember Woelfel carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz,
Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

DENIAL of a merchant guard license appeal by John Perrine was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Swank moved to approve the merchant guard license for John Perrine.
The motion seconded by Councilmember Preisner carried. Councilmember Archer and Harmon
voted “no.” Councilmember Ortiz abstained. (6-2-1)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending
Article 8, Section 2 of Resolution No. 7758 City of Topeka Personnel Code, relating to
severance benefits and specifically rescinding said original section was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report.
Councilmember Preisner moved to refer the resolution to the Policy and Finance Committee. The motion was seconded by Councilmember Archer.

Councilmember Alcala requested a friendly amendment to the motion by referring the resolution to the Policy and Finance Committee with the intent that the Committee would make recommendations relating to severance pay for department directors; and clarify that employees eligible for retirement would be eligible for severance pay; and present the recommendations as two separate resolutions.

Councilmember Hiller expressed concern with charging the Committee with the responsibility of making the recommendations. She stated that she would rather approve the referral without the friendly amendment.

Councilmember Preisner stated that he would accept the friendly amendment. The second concurred.

Councilmember Archer stated that he would support the referral because he believes it is important that the Committee review the issues separately. He also stated that he believes the Human Resources Department should review the severance pay policy to ensure all employees are treated fairly.

The motion to refer the resolution to the Policy and Finance Committee with the intent that the Committee would make recommendations relating to severance pay for department directors; and clarify that those employees eligible for retirement would be eligible for severance pay; and present the recommendations as two separate resolutions carried. Councilmember Hiller voted “no.” (8-1-0)
ORDINANCE NO. 19379 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 11, 2010, through January 17, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19380 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of January 18, 2010, through January 24, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Councilmember Ortiz moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

Norton N. Bonaparte, Jr., City Manager requested to recess the Council meeting for a time period not to exceed five minutes to confer with staff about an agenda item that may require discussion in an executive session.

Upon hearing no objections, Mayor Bunten announced that the Council meeting would recess for five minutes.

Following a five minute time period, the Council meeting reconvened into open session and Mayor Bunten announced that no action was taken.
AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending City of Topeka Code Sections 142-1 and 142-429, concerning parking violations and specifically repealing said original section was presented for first reading.

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

Councilmember Hiller commended Gary Blitsch, Southwinds Gallery for working with Kwan Wu, a local artist in placing his sculpture in Topeka. She stated that the collaboration represents the friendship forged between the United States and China thirty years ago.

Councilmember Alcala requested that Animal Control remove the dead possums located in front of the wastewater treatment plant gate at the intersection of SE 10th and Poplar.

Councilmember Ortiz commended Tim Hrenchir, Topeka Capitol Journal reporter for doing a great job.

Councilmember Wolgast reported that the new Home Depot Distribution Center celebrated their grand opening on January 29, 2010. He stated that the facility will be a great addition to the community by promoting economic development and creating jobs. He noted that the Home Depot management commended City staff for their hard work and cooperation in the opening of the new facility.

Councilmember Swank commented on curb-side recycling and asked residents to visit Shawnee County’s website at www.snco.us to participate in the survey to determine residents’ interest in curb-side recycling. She stated that the survey would be conducted from February 1-7, 2010.

Councilmember Preisner noted that curb-side recycling service costs $7 per month. He requested staff contact USD 501 representatives regarding the repair of the easement at SW
Fairlawn Road and 21st Street. He asked the Deputy City Attorney if it was unethical for a Mayor or City Councilmember to lobby a Planning Commissioner in opposition of a zoning issue.

Braxton Copley, Deputy City Attorney stated that he would research the matter and report back to the Council.

Councilmember Ortiz requested that staff contact USD 501 representatives and ask when the fence surrounding the Adventureland Daycare Center would be fixed.

Councilmember Alcala moved to adjourn the City Council meeting. The motion seconded by Councilmember Woelfel carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:29 p.m.

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Brenda Younger
City Clerk