Council Minutes – November 9, 2010

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, November 9, 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, Woelfel, Wolgast, Swank, Archer, and Harmon -7. Mayor Bunten presided -1. Absent: Councilmembers Ortiz and Preisner -2.

AFTER THE MEETING was called to order, Reverend Bernard Hurd, Calvary Baptist Church 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 October 26, 2010 were presented.

An Open After Midnight License application for Los Charros located at 4111 SW Gage Center Drive was presented.

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

A NOTICE OF PUBLIC HEARING

A PUBLIC HEARING for the purpose of obtaining citizen comment and receiving City Council input on the 2011-2015 City of Topeka Consolidated Action Plan.

APPROVAL of the City of Topeka Consolidated Action Plan for FY2011-2015 was presented.

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

Councilmember Alcala moved to close the public hearing and approve the 2011-2015 City of Topeka Consolidated Action Plan. The motion seconded by Councilmember Swank carried unanimously. (7-0-0)
A FINAL PLAT for Quiet Woods Subdivision located on the west side of SE Dupont Road halfway between SE 2nd Street and U.S. Highway 40, located outside the City’s Municipal Service Area and within the City’s three-mile extraterritorial jurisdiction all within unincorporated Shawnee County, Kansas was presented. (P10/12)

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

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

A RESOLUTION introduced by Deputy Mayor Deborah Swank adopting the City of Topeka legislative agenda for the 2011 legislative session was presented.

Councilmember Swank reported the Governing Body directed staff to include additional language amendments to the resolution as discussed in the work session.

Councilmember Swank moved to defer the resolution for two weeks. The motion seconded by Councilmember Archer carried unanimously. (7-0-0)

A PUBLIC HEARING and REQUEST for partial demolition of the Topeka Historic Landmark Constitution Hall located at 427-429 S. Kansas Avenue was presented.

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

Don Lambert spoke in opposition of the demolition request. He expressed the importance of preserving historical buildings in the Topeka-Shawnee County area.

Councilmember Harmon moved to close the public hearing and approve the demolition request based on the seven factors considered by the Council listed below. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

1) State of repair of the building;
2) The reasonableness of the cost of the restoration or repair;
3) Owner hardship;
4) The purpose of preserving the designated historic landmark or structure within a historic district;
5) Alternatives presented by interested parties;
6) The character of the neighborhood;
7) The economic consequences to the City and the affected owner.

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire fee simple interest for the following public purposes: obtain a site for a water tower to provide water service to the new Kanza Fire Commerce Park Project No. T-861003.00 (HTE 862620) was presented.

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

Councilmember Archer questioned why more land is necessary at the expense of taxpayers; could the new tower be constructed on the previously purchased land at Kanza Fire Commerce Park; and if the newly purchased land would be available when it is time to build. He stated he believes the information provided to the Council is insufficient to make an informed decision. He requested to review the engineer’s study for more information.

Angela Sharp, Bartlett & West Engineers reported the project would serve the entire southern part of Topeka not just the Kanza Fire Commerce Park businesses; it would be more costly to construct the water tower in the business park due to a much needed higher elevation; the property is a seven-acre tract located on the south side of SW 65th Street; and the property has been appraised. She noted the master plan did illustrate the water tower would serve the entire south part of Topeka; however, the current water lines are older and do not have the capacity to provide the water supply needed for this part of the city.

Councilmember Wolgast questioned if the property would be acquired by eminent domain or if the owners are interested in selling the property to the City at an appropriate price.
Councilmember Woelfel questioned how high the elevation would have to be to locate the water tower on the business park property; and why there is a cost difference in the locations.

Angela Sharp stated it was her understanding the property owners negotiated a price with Taggart & Associates because of possible tax benefits as opposed to an outright sale. She stated the water tower elevation would have to be at least forty feet taller and include longer transmission lines to be located on the Kanza Fire Commerce Park property. She reported Taggart & Associates appraised the property at $34,225.

Jackie Williams, City Attorney noted negotiations were still on-going with the property owners at this time.

Councilmember Archer stated he needs more time to review project documents and information.

Councilmember Archer moved to defer the resolution for one week. The motion was seconded by Councilmember Wolgast.

Councilmember Harmon asked if the project is time-sensitive.

Councilmember Hiller questioned if future discussions should be conducted in an executive session due to on-going real estate purchase negotiations.

Mayor Bunten stated Kanza Fire Commerce Park is another piece of the puzzle to offer a business park ready to construct commercial buildings in the Topeka-Shawnee County area.

Councilmember Alcala spoke in support of the project. He stated he believes the need is there for a new water tower to provide adequate service to potential south Topeka area businesses. He stated it is essential to conduct a survey and move quickly on the development; therefore, he would not support deferring the resolution.
Angela Sharp noted the water tower would also solve water pressure and water supply issues for the hotel on SW Topeka Boulevard, as well as, Heartland Park.

Councilmember Wolgast stated he believes the information provided to the Council was misleading and requested appropriate background information and maps to support the proposal. He spoke in support of new construction in all areas of Topeka.

Councilmember Woelfel asked what the advantages would be for the owner, as well as, the City relating to the sale of property.

Councilmember Hiller spoke in support of deferring the resolution to allow additional time to review the necessary information and make an informed decision. She questioned why the City would wait to install a new water tower if they were aware of the water pressure issues at Heartland Park.

Angela Sharp stated it was her understanding the race track and hotel have installed a booster pump station on their property to take care of the water pressure issues at this time. She reported deferring the project for one week would not be an issue for the project overall; however, the project bid opening occurs on November 12, 2010 so any further delay would be critical.

The motion to defer the resolution for one week carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

AN AMENDMENT to the Tax Distribution Agreement dated March 30, 2006, by the City of Topeka, Kansas; Shawnee County, Kansas; Washburn University of Topeka; and the State of Kansas Treasurer was presented. (Contract No. 40794)

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

Mayor Bunten asked what the anticipated savings would be to the City.
Jim Langford, Budget and Finance Director reported the City is estimated to save approximately $700,000 over the life of the bonds.

Councilmember Alcala moved to approve the Tax Distribution Agreement amendment. The motion seconded by Councilmember Swank carried unanimously. Mayor Bunten voted “yes.” (8-0-0)

NO Retail Cereal Malt Beverage License applications were presented.

ORDINANCE NO. 19484 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 11, 2010 through October 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 Hiller 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, Alcala, Woelfel, Wolgast, Swank, Archer and Harmon -7. Absent: Ortiz and Preisner -2.

ORDINANCE NO. 19485 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of October 18, 2010 through October 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 Woelfel moved to adopt the ordinance. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcala, Woelfel, Wolgast, Swank, Archer and Harmon -7. Absent: Ortiz and Preisner -2.
AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the issuance of Full Faith and Credit Tax Increment Refunding Bonds, Series 2010 (College Hill Redevelopment) in the maximum principal amount of $5,765,000 of the City of Topeka, Kansas, for the purpose of advance refunding for certain outstanding full faith and credit tax increment bonds and making certain covenants with respect thereto was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on a portion of the property located at 5601 SW Barrington Court South from “PUD” Planned Unit Development District (C-4 use group) TO “O&I-2” Office and Institutional District was presented for first reading. (Z10/6)

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

Norton N. Bonaparte, Jr., City Manager recognized September Employee of the Month Tom Cadwallader and October Employee of the Month Larry Smith, Parks and Recreation Department maintenance employees.

Councilmember Hiller commended the performers of Club Morocco, a Helen Hocker Theater performance. She commented on the SW 10th Street bike route and stated she looks forward to new bike routes throughout the city in the near future.

Councilmember Alcala commended past and present veterans for their service. He introduced a resolution to be placed on a future Council agenda to restore sanitary sewer service to the property located at 1415 SW Lane.
Councilmember Woelfel questioned the process to change a Council Rule to enable the Mayor to consolidate agenda items for action by the Council when appropriate.

Jackie Williams, City Attorney stated a change to the Council Rules could be made by resolution. He reported the Legal Department has been working on updates to the Council Rules and Procedures based upon comments made by Councilmembers.

Councilmember Wolgast reported the Community Resources Council (CRC) recently recognized outstanding leaders in the community for their participation and commended Councilmember Archer for being nominated to receive one of the CRC achievement awards.

Councilmember Archer thanked veterans for their service.

Mayor Bunten noted Mr. Joseph Ledbetter was not present at the Council meeting. He reported Mr. Ledbetter via electronic mail distributed a written comment opposing Council agenda item 6D, a resolution to obtain a site for a water tower to provide water service to Kanza Fire Commerce Park Project No. T-861003.00.

Ted Mize appeared to speak under public comment.

Councilmember Alcala moved to adjourn the City Council meeting. The motion seconded by Councilmember Wolgast carried unanimously. (7-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 6:57 p.m.

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Brenda Younger
City Clerk