



A Capital City Government Working For You...

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City Council Agenda

City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 23, 2008
6:00 PM

City Manager: Norton N. Bonaparte, Jr.

Mayor: William W. Buntten

Councilmembers

Lana Kennedy	District No. 1	Deborah Swank	District No. 6
John Alcala	District No. 2	Brett Blackburn	District No. 7
Sylvia E. Ortiz	District No. 3	Jeff Preisner	District No. 8
Jack Woelfel	District No. 4	Richard Harmon	District No. 9
Bill Haynes	District No. 5		

Addressing the Council: No person shall address the Council during a Council Meeting, unless they have notified the City Clerk by 5:00 P.M. on the day of any Council Meeting of their desire to speak on a specific matter on the published meeting agenda or during the public comment portion of the Council Meeting. This limitation shall not apply to items added during the course of a meeting. The Council does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Council.

Persons addressing the City Council will be limited to four (4) minutes of public address on a particular agenda item. Debate, question/answer dialogue or discussion between Councilmembers will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Council or the Council by affirmative vote of five (5) members may extend the four (4) minute limitation.

Persons will be limited to addressing the City Council one (1) time on a particular matter unless otherwise allowed by an affirmative vote of five (5) members of the City Council.

Citizens wishing to offer Public Comment may sign up by phoning the City Clerk's office at 368-3940.

To make arrangements for special accommodations please call 785-368-3940. A 48-hour advance notice is preferred.

The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th – Room 166 and on the City's web site at <http://www.topeka.org>)

INVOCATION:

POSTING OF THE COLORS:

PLEDGE OF ALLEGIANCE:

1. **PROCLAMATIONS:**
"Constitution Week"
"Transfer USS Topeka Bell to Topeka High Historical Society"
2. **PRESENTATIONS:**
"Law Enforcement Partnership Panel"
3. **ROLL CALL:**
4. **CONSENT AGENDA:**
 - A. **Civil Claim Appeal - Peondre Walker**

PRESENTATION OF A CIVIL CLAIM APPEAL by Peondre Walker against the City of Topeka.

(Claimant seeking settlement in the amount of \$70.)

B. Final Plat - McFarland Farm Subdivision No. 4 (P08/6)



[ATTACHMENTS](#)

A FINAL PLAT for McFarland Farm Subdivision No. 4 located at the northwest corner of SW Huntoon Street and SW McAlister Road, all being within the City of Topeka, Shawnee County, Kansas. (P08/6)(Council District No. 9)

(Approval would allow for 42 maintenance-free, single-family residences within a gated community.)

C. Resolution - Cereilo Arreola - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Cereilo Arreola an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. (Council District No. 3)

(A family birthday party celebration will take place during the hours of 5:00 p.m. and 10:00 p.m. on September 27, 2008.)

D. Resolution - Sharkey's - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Jeff Preisner granting Sharkey's an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.(Council District No. 8)

(An anniversary celebration will take place during the hours of 4:00 p.m. and 11:00 p.m. on September 27, 2008.)

E. Resolution - Topeka Natural Food Co-Op - Noise Exception



[ATTACHMENTS](#)

A RESOLUTION introduced by Councilmember Lana Kennedy granting Topeka Natural Food Co-Op an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. (Council District No. 1)

(The 3rd Annual Customer Appreciation Day event will take place during the hours of 1:00 p.m. and 5:00 p.m. on October 11, 2008.)

F. Resolution - USS Topeka Bell - Transfer of Ownership



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High, Unified School District 501.

(Approval would transfer ownership of the bell to USD No. 501 with the intent the bell be

displayed in the Topeka High School Constitution Plaza on the east side of the school.)

G. MINUTES of the regular meeting of September 16, 2008

H. APPLICATIONS:

5. UNFINISHED BUSINESS:

A. Board Appointment - Civil Service Commission



[ATTACHMENTS](#)

BOARD APPOINTMENT recommending the appointment of Kimberly Scott to the Civil Service Commission for a term that would expire on September 30, 2012. (Council District No. 7) (Deferred from the meeting of September 16, 2008.)

B. Ordinance - Establishment of Sustainability Advisory Board



[ATTACHMENTS](#)

AN ORDINANCE introduced by Councilmember Deborah Swank, creating Chapter 66, Article 2, in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section. Final Reading. (Deferred from the meeting of September 16, 2008.)

(Approval would establish a Sustainability Advisory Board which would advise the City Council on sustainability programs.)

C. Resolution - Residency Requirement



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning residency requirement exceptions for Department Heads. (Deferred from the meeting of September 16, 2008.)

(Approval would grant an exception to the residency requirement for Mark Biswell, I.T. Director)

6. NEW BUSINESS:

A. Resolution - Planning Commission Appointment Disapproval



[ATTACHMENTS](#)

A RESOLUTION introduced by Deputy Mayor Jeff Preisner disapproving the appointment of Carol Torrence to the Planning Commission.

(Pursuant to State statute the Council within 45 days of the Mayor's appointment to a nonstatutory board or commission must make a specific finding by resolution that the person appointed is either unqualified or unfit to hold the office or position; or the appointment is deemed approved.)

B. Resolution - Street Improvement Project No. 60632-01 - Condemnation Proceedings



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates.

(Approval would authorize the City Engineer to prepare a list of properties that may need to have property interests acquired for the project.)

C. Ordinance - Weekly Expenditures - September 1-7, 2008



[ATTACHMENTS](#)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 1, 2008, through September 7, 2008, and enumerating said expenditures therein. First and Final Reading.

7. ZONING:

A. Resolution - Washburn Lane Parkway Renovations (CU07/04)



[ATTACHMENTS](#)

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing

construction of a vehicle surface parking lot on real property presently zoned “M-1” Two-Family Dwelling District located at 1325 SW 16th Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4. (CU07/04) (Council District No. 6)

(Approval would allow construction of a public vehicle surface parking lot to be used in conjunction with the College Hill redevelopment project.)

8. FIRST READINGS:

A. Ordinance - Topeka Planning Commission



[ATTACHMENTS](#)

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code Section 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section. First Reading.

Added to the agenda at the meeting.

(Approval would change the number of Topeka Planning Commission members required to constitute a quorum to five (5) members instead of the seven (7) members currently required by City Code.)

9. MISCELLANEOUS:

-

10. PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL:

-

11. PUBLIC COMMENT:

-

12. ADJOURNMENT:

-



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

+ Back Print

DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POSTING OF THE COLORS:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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CONTACT PERSON:

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SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Constitution Week"

"Transfer USS Topeka Bell to Topeka High Historical Society"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

"Law Enforcement Partnership Panel"

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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July 28, 2008

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DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

August 25, 2008

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DATE: September 23, 2008
CONTACT PERSON: Eric B. Smith, Assistant City Attorney
DOCUMENT #:
SECOND PARTY/SUBJECT: Peondre Walker
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

PRESENTATION OF A CIVIL CLAIM APPEAL by Peondre Walker against the City of Topeka.

(Claimant seeking settlement in the amount of \$70.)

POLICY ISSUE:

Whether the City Council chooses to deny the appeal or pay the claim.

STAFF RECOMMENDATION:

Deny the claim appeal based on the facts as presented in claim denial memorandum.

The City is not liable because there was just cause to remove the van and the vehicle was towed legally. There was no evidence of negligence on the part of the City.

BACKGROUND:

On June 26, 2008, Peondre Walker filed a claim against the City of Topeka alleging that on June 6, 2008, his vehicle was towed illegally by the Topeka Police Department. Our investigation revealed there was just cause to remove the van. In a letter dated August 5, 2008, the claim was denied based on the findings of the investigation. On August 15, 2008, Mr. Walker filed notice of his desire to appeal the denial to the City Council.

BUDGETARY IMPACT:

If Council approves, \$70.00

SOURCE OF FUNDING:

Special Liability Fund

ATTACHMENTS:

No Attachments Available

Item #6



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 4, 2008

+ Back Print

DATE:	September 23, 2008		
CONTACT PERSON:	David Thurbon/Bill Fiander	DOCUMENT #:	P08/6
SECOND PARTY/SUBJECT:	McFarland Farm Subdivision No. 4	PROJECT #:	
CATEGORY/SUBCATEGORY	017 Plats/002 Final		
CIP PROJECT:	No		
ACTION OF COUNCIL:		JOURNAL #:	
		PAGE #:	

DOCUMENT DESCRIPTION:

A FINAL PLAT for McFarland Farm Subdivision No. 4 located at the northwest corner of SW Huntoon Street and SW McAlister Road, all being within the City of Topeka, Shawnee County, Kansas. (P08/6)(Council District No. 9)

(Approval would allow for 42 maintenance-free, single-family residences within a gated community.)

POLICY ISSUE:

Consistent with the City of Topeka Subdivision Regulations.

STAFF RECOMMENDATION:

The Planning Commission recommended the final plat phase of **McFarland Farm Subdivision No. 4** be **APPROVED** by a vote of **9-0-0** at their April 21, 2008 public hearing as referenced in the attached minutes. The Planning Department this request be **APPROVED** as referenced in the attached staff report.

BACKGROUND:

- See staff report
- City Council options:
- **Accept** the plat as presented for recording by the Shawnee County Register of Deeds, or;
- **Reject** the plat so it would **not** be eligible for recording by the Shawnee County Register of Deeds.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[staff report](#)

Item #7

[aerial map](#)

[PC minutes 4-21-08](#)

[Plat- Pg. 1](#)

[Plat- Pg. 2](#)

DRAFT

**Minutes of the
Topeka Planning Commission
April 21, 2008**

McFarland Farm Subdivision No. 4 (Final Plat Phase)(P08/6) by McFarland Farm, L.L.C. on property located at the NW corner of SW Huntoon Street and SW McAlister Avenue. **(Driver)** Annie Driver summarized the staff report.

This item was pulled from the consent agenda to allow for comments.

Steve LaCasse, Bartlett & West Engineers, said he was available for questions.

Mark Boyd asked what alterations have been made since the preliminary plat? He asked if this affected the drainage report? Mr. LaCasse said no new drainage report was submitted since there is no change from the original plat and PUD. He said at last month's meeting we were going to go public with the streets but we have decided to go back to the original PUD. Now we are just re-platting a piece of the original preliminary plat.

Theron Sims moved approval, seconded by Jim Brown. **APPROVAL, subject to the conditions listed in the staff report. (9-0-0)**

April 21, 2008
Agenda Item # E-2

SUBDIVISION REPORT

CITY OF TOPEKA PLANNING DEPARTMENT

Preliminary Plat Phase

Preliminary and Final Plat Phase

Final Plat Phase

NAME: McFarland Farm Subdivision #4 – [P08/6]

OWNER/DEVELOPER: McFarland Farm L.L.C.

ENGINEER/SURVEYOR: Bartlett & West Engineers

GENERAL LOCATION: Northwest corner of SW McAlister Avenue and SW Huntoon Street

PARCEL ID NUMBER: 0983404014004000

JURISDICTION: Class “A” Subdivision- within the City of Topeka

ANNEXATION: N/A

Area (acres)	# of Lots	Residential Density	Proposed Land Use	Zoning
25	Lot 1 (42 DUs)	1.7 DUs/acre	Single-Family Residential	PUD (R-1 use)
Pending Zoning Case: N/A				
Design: The subject property is irregular in shape, measuring approximately 1569' X 741 with its longest length running perpendicular to SW Huntoon. The subject plat would allow for 42 maintenance-free, single-family residences with common open space and private streets, as approved by the PUD. The applicant will extend the private SW New Forest to connect with public SW Huntoon and extend the private SW Timor to connect with public SW Steeplechase. The entrances at SW Huntoon and SW Steeplechase will be security-controlled entry/exit and restricted to residents. Access will be allowed for emergency vehicles.				

BACKGROUND: The Planning Commission approved a final plat for McFarland Farm Subdivision #4 at their February 18, 2008 meeting by a vote of 4-3-0, in conjunction with a zone change to “R-1” Single-Family Dwelling District by a vote of 5-2-0. That plat and zone change would have allowed for individually platted single-family residential lots and public streets. The applicant has since withdrawn that plat and the zone change, which leaves the property as zoned to allow for private streets and security-controlled access at Steeplechase and Huntoon.

The original master preliminary plat for McFarland Farm Subdivision was approved by the Topeka-Shawnee County Planning Commission on October 18, 1999. This is the fourth phase of the McFarland Farm development and does not alter what was approved by the original master preliminary plat or PUD.

SERVICES AND FACILITIES:

1. **WATER SERVICE:** The development is to be serviced by the City of Topeka public water supply and distribution system. All connections will be at the developer's expense, by an existing 8" main to the north and an existing 12" main within the SW Huntoon right-of-way.

April 21, 2008
Agenda Item # E-2

2. SEWAGE DISPOSAL: The development is to be serviced by the City of Topeka public wastewater treatment plant and collection system. All connections will be at the developer's expense, by an existing 8" main crossing through the site.
3. WASTEWATER PLAN SERVICE AREA: The property is located within the Urban Service Area which requires service by a sanitary sewer system as reflected by the Shawnee County Wastewater Management Plan. The proposal is in full compliance with said Plan.
4. DRAINAGE CONDITIONS: The Drainage Report as submitted by the Consultant to the City of Topeka Department of Public Works with the master preliminary plat was reviewed and approved per memo dated November 19, 1999. This proposal does not propose significant alterations to drainage.
5. STREET PLAN/ACCESS: The Preliminary Street Plans as submitted by the Consultant to the City of Topeka Department of Public Works with the master preliminary plat were reviewed and approved. This proposal does not propose significant alterations to the street grades.
6. FIRE DISTRICT: City of Topeka
7. STREAM BUFFER: N/A
8. SCHOOL DISTRICT: 501- Topeka School District
9. PARKS/OPEN SPACE: The Parkland Development Fee is calculated at \$9,450 based upon a total of 42 single-family dwelling units. The fee will be collected at the time of building permit approval.

WAIVER/VARIANCE TO STANDARDS: None

CAPITAL IMPROVEMENT PLAN (CIP): The CIP (2007-2011) does not include any projects for this area.

CONFORMANCE TO COMPREHENSIVE PLAN: According to the Topeka Land Use and Growth Management Plan 2025, this property lies within an area designated for *Urban/Suburban Low Density Residential*.

STAFF ANALYSIS: The subdivision is compatible with adjacent development and is consistent with the design standards of Subdivision Regulations. However, the presence of security-controlled access at SW Huntoon and SW Steeplechase may hamper access for emergency vehicles and increase vehicles miles traveled for residents as it will leave McFarland Farm Subdivision, west of SW Steeplechase, with only one public access off of SW 10th Avenue and a 2000' long dead-end (SW Steeplechase).

Based upon the above findings and the fact that this final plat does not alter what was approved by the master preliminary plat, the Planning Department recommends the final plat phase of McFarland Farm Subdivision #4 be **APPROVED**, subject to:

1. Removal of Note #5, as it does not apply to this plat.
2. Addition of the following to the end of Note #6: "... and SW New Forest Drive connects to SW Huntoon Street."

Prepared by:
Annie Driver, Planner I

April 21, 2008
Agenda Item # E-2



P08/6 McFarland Farm Subdivision #4

A TRACT OF LAND IN THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 34, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS,

[illegible][illegible]

**LAWRENCE W BARNARD, PLS No. 1156
BARTLETT & WEST, INC.**

NOTICE: IN THE EVENT THERE ARE OTHER OWNER(S) OR THOSE HOLDING ANY PROPRIETARY INTEREST IN ANY LAND CONTAINED IN THIS SUBDIVISION WHOM DO NOT APPEAR AND DULY ACKNOWLEDGE THIS PLAT PRIOR TO THE TIME OF RECORDING, THE PLAT SHALL BE NULL AND VOID.

IN TESTIMONY WHEREOF, THE OWNER(S), MCFARLAND FARM LLC,
RON ANDERSEN, MANAGER, HAS CAUSED THESE PRESENTS TO BE
SIGNED THIS _____ DAY OF _____, 20____.

[illegible]

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

20. STATE, BEFORE ME A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____, I HAVE PERSONALLY KNOWN _____, THE _____ OF THE FOREGOING, AND I HAVE PERSONALLY KNOWN HIM TO BE THE SAME PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT OF WRITING, AND SUCH PERSON(S) DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREBUNT SET MY HAND, AND AFFIXED MY SEAL, THE DAY AND YEAR LAST WRITTEN ABOVE.

THIS SUBDIVISION HAS BEEN PRESENTED TO THE CITY COUNCIL, CITY OF TOPEKA, KANSAS, ON THE _____ DAY OF _____, 20____, FOR ACCEPTANCE OF LAND TO BE DEDICATED FOR PUBLIC PURPOSES. THE CITY COUNCIL HEREBY ACCEPTS THE LAND FOR PUBLIC PURPOSES.

WILLIAM W. BUNTEN, MAYOR **BRENDA YOUNGER, CITY CLERK**

REVIEWED BY THE COUNTY SURETOR THIS _____ DAY OF _____, 20_____, IN ACCORDANCE WITH KSA CHAPTER 58, ARTICLE 20.

RULE A. SEYMOUR, P.L.S. No. 834, COUNTY SURVEYOR

ENTERED ON THE TRANSFER RECORD OF SHAWNEE COUNTY, KANSAS
THIS _____
DAY OF _____, 20____

CYNTHIA A. BECK, COUNTY CLERK

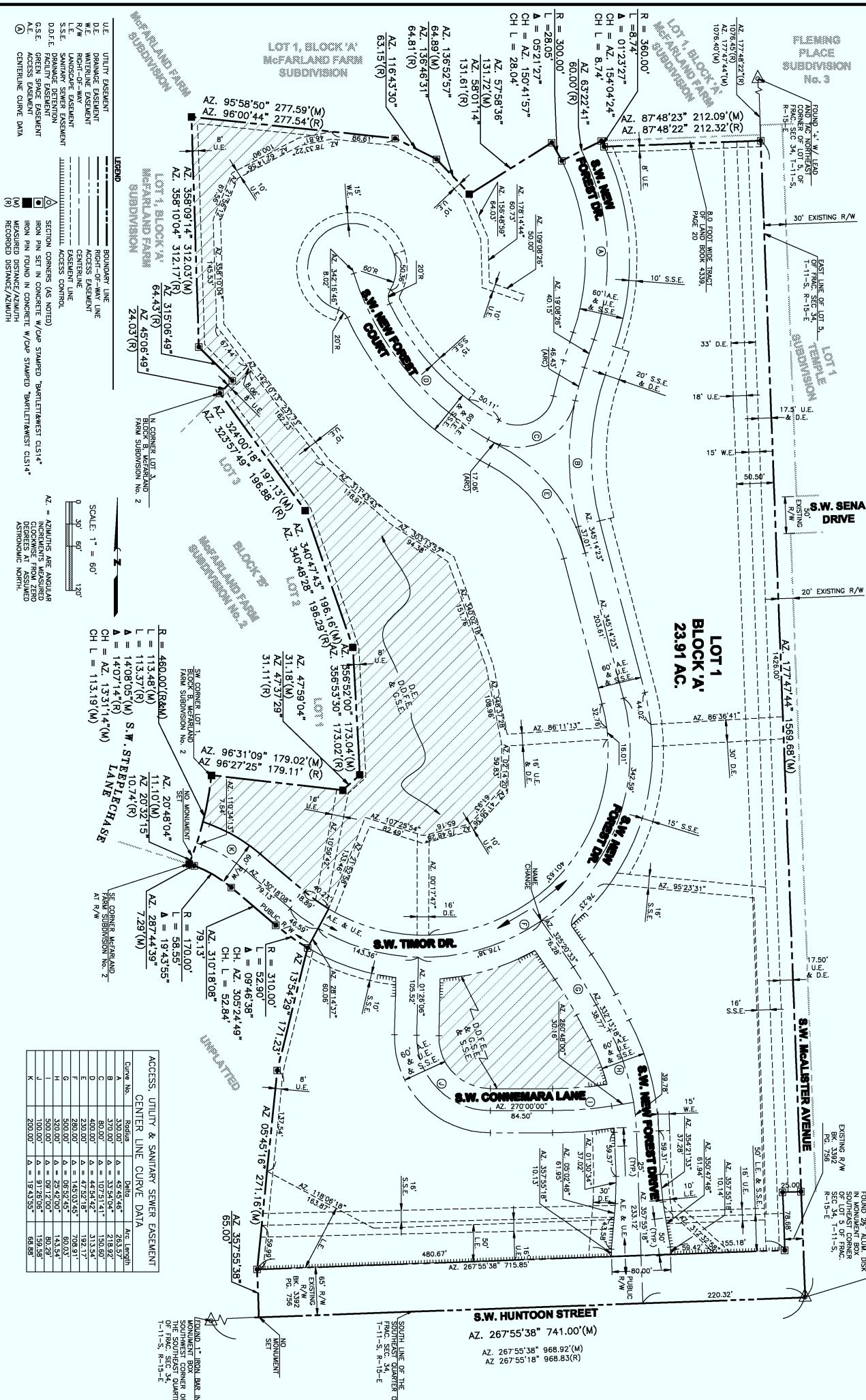
FILED FOR RECORD IN THE OFFICE OF THE SHAWNEE COUNTY
REGISTER OF DEEDS THIS _____ DAY OF _____
20____ AT _____ O'CLOCK.

MARILYN L. NICHOLS, REGISTER OF DEEDS

A FINAL PLAT FOR:
McFARLAND FARM SUBDIVISION No. 4

ATTACHMENT 11 SOUTH, RANGE 15 EAST OF THE 6TH P.M., IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS

BOOK : _____ PAGE : _____
DATE : _____ TIME : _____





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Topeka, Kansas 66603

September 17, 2008

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DATE: September 23, 2008
CONTACT PERSON: Sylvia Ortiz **DOCUMENT #:**
SECOND PARTY/SUBJECT: Cereilo Arreola **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Sylvia Ortiz granting Cereilo Arreola an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 3)*

(A family birthday party celebration will take place during the hours of 5:00 p.m. and 10:00 p.m. on September 27, 2008.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for a live band located at 206 SE Klein Street during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Sylvia Ortiz, granting Cereilo Arreola an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146; and

WHEREAS, Cereilo Arreola has requested that he be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Cereilo Arreola, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Cereilo Arreola is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for amplified music for a family birthday

25 party located at 206 SE Klein Street from 5:00 p.m. to 10:00 p.m. on September
26 27, 2008.

27 ADOPTED and APPROVED by the City Council _____.

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29

30

31

William W. Bunten, Mayor

32

33

34 _____
Brenda Younger, City Clerk

35



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DATE: September 23, 2008
CONTACT PERSON: Jeff Preisner **DOCUMENT #:**
SECOND PARTY/SUBJECT: Jennifer Laudermilk **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Jeff Preisner granting Sharkey's an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 8)*

(An anniversary celebration will take place during the hours of 4:00 p.m. and 11:00 p.m. on September 27, 2008.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for a live band located at 5217 SW 28th Court during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION introduced by Councilmember Jeff Preisner granting Sharkey's an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146, and

WHEREAS, Sharkey's has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Sharkey's, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Sharkey's is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band for an Anniversary Celebration

25 located at 5217 SW 28th Court, during the hours of 4:00 p.m. and 11:00 p.m. on
26 September 27, 2008.

27 ADOPTED and APPROVED by the City Council _____.

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34 _____
Brenda Younger, City Clerk

35

William W. Bunten, Mayor



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 10, 2008

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DATE: September 23, 2008
CONTACT PERSON: Lana Kennedy **DOCUMENT #:**
SECOND PARTY/SUBJECT: Devrin Fort **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Councilmember Lana Kennedy granting Topeka Natural Food Co-Op an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions. *(Council District No. 1)*

(The 3rd Annual Customer Appreciation Day event will take place during the hours of 1:00 p.m. and 5:00 p.m. on October 11, 2008.)

POLICY ISSUE:

None

STAFF RECOMMENDATION:

None

BACKGROUND:

Noise exception for a live band located at 503 SW Washburn Avenue during specified date and time.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

None

ATTACHMENTS:

[Flyer](#)

[Resolution](#)

TOPEKA NATURAL FOOD CO-OP

1-5pm

Parking Lot Party!

SAT. OCT 11, 2008



-3rd Annual- CUSTOMER APPRECIATION DAY

*-Potwin merchants & Co-op
suppliers will be on hand for
sampling, demonstrations,
prizes and FUN!*

Live Music by

Rags 'n'

Bones!

**Topeka Natural Food Co-op
503 SW Washburn Ave.
(785) 235-2309**

THANKS TO: BACK YARD, POTWIN PRESBYTERIAN CHURCH, HAIRLOOM, POTWIN PET CLINIC, CAPITAL PORTFOLIO MANAGEMENT, THE BIRTH AND WOMEN'S CENTER, AND RITCHIE'S.

RESOLUTION NO.

A RESOLUTION introduced by Councilmember Lana Kennedy granting Topeka Natural Food Co-Op an exception to the provisions of City of Topeka Code Section 54-148 concerning noise prohibitions.

WHEREAS, City of Topeka Code Section 54-148 makes it unlawful for any person to make, continue or cause to made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety or others within the limits of the city; and

WHEREAS, City of Topeka Code Section 54-148 authorizes the City Council to grant exceptions to the prohibitions of this code section upon request and a showing that the proposed activity does not offend the spirit of the findings of City of Topeka Code Section 54-146, and

WHEREAS, Topeka Natural Food Co-Op has requested that it be granted an exception to the provisions of City of Topeka Code Section 54-148 for the purposes, dates and times described herein, and

WHEREAS, upon review of the application of Topeka Natural Food Co-Op, the Council of the City of Topeka does hereby find that the requested activity does not offend the spirit of the findings of City of Topeka Code Section 54-146.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that Topeka Natural Food Co-Op is hereby granted an exception from the provisions of City of Topeka Code Section 54-148 for a live band at the

Customer Appreciation event located at 503 SW Washburn Avenue, during the
hours of 1:00 p.m. and 5:00 p.m. on October 11, 2008.

ADOPTED and APPROVED by the City Council _____.

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 5, 2008

+ Back Print

DATE: September 23, 2008
CONTACT PERSON: Norton N. Bonaparte, Jr. **DOCUMENT #:**
SECOND PARTY/SUBJECT: Topeka High School **PROJECT #:**
Historical Society
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: Adopt Resolution **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High, Unified School District 501.

(Approval would transfer ownership of the bell to USD No. 501 with the intent the bell be displayed in the Topeka High School Constitution Plaza on the east side of the school.)

POLICY ISSUE:

STAFF RECOMMENDATION:

Allow the Topeka High School Historical Society to move the bell from its present location to the Topeka High School Constitution Plaza on the east side of Topeka High School. Staff does require that USD 501 obtain an excavation permit to move the bell and cement platform. The area will be restored by USD 501's contractor.

BACKGROUND:

Topeka High School Historical Society requested to move the bell and the Topeka High School MCJROTC will maintain the bell and use it for ceremonial purposes. The USS Topeka Committee gave the bell to the City and it has been located on the easement between City Hall and the Shawnee County Courthouse for several years. The USS Topeka Committee does not have an objection to the City giving the bell to the Topeka High School Historical Society.

BUDGETARY IMPACT:

None.

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

[Resolution](#)

Item #11

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., transferring ownership of the bell from the United States Ship Topeka which will be displayed at Topeka High to Unified School District 501.

WHEREAS, the City of Topeka owns and has displayed adjacent to City Hall a ship's bell from the U.S.S. Topeka; and

WHEREAS, Unified School District 501 (the "District") has requested the City of Topeka to donate the U.S.S. Topeka's Bell to the District so that it may be displayed in the Topeka High School Constitution Plaza along with the recently installed U.S.S. Constitution "Old Ironsides" spar which serves as the flagpole in the plaza.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the City hereby donates the ship's bell from the U.S.S. Topeka to U.S.D. 501 so that the bell may be displayed in the Topeka High School Constitution Plaza alongside the spar of the U.S.S. Constitution "Old Ironsides" which serves as the flag pole in the plaza.

ADOPTED and APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

 [Back](#)  [Print](#)

DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

+ Back Print

DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 17, 2008

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DATE: September 23, 2008
CONTACT PERSON: Celeste Benton **DOCUMENT #:**
SECOND PARTY/SUBJECT: Civil Service Commission **PROJECT #:**
CATEGORY/SUBCATEGORY 006 Communication / 003 Requests
CIP PROJECT: No
ACTION OF COUNCIL: Deferred one week. **JOURNAL #:**
9/16/2008
PAGE #:

DOCUMENT DESCRIPTION:

BOARD APPOINTMENT recommending the appointment of Kimberly Scott to the Civil Service Commission for a term that would expire on September 30, 2012. (Council District No. 7) (Deferred from the meeting of September 16, 2008.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

The Mayor is recommending the appointment of Kimberly Scott, 3049 SE Wisconsin, to the Civil Service Commission. Ms. Scott was nominated by Councilman Alcalá. A copy of her resume is attached for review.

BACKGROUND:

Ordinance 18382. The Civil Service Commission has control of exams and the nature of the exams for the Police and Fire Departments and certifies the lists of eligible applicants. The Commission makes an annual report to the City Manager and the City Manager may require special reports from the Civil Service Commission at any time.

From and after July 2, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or the position.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

Item #14

ATTACHMENTS:

[Scott Bio](#)

August 26, 2008

Kimberly Scott

HR RELATED TRAINING:

Targeted Selection Course/Competency Based Interviewing and Hiring Practices:

- Use the STAR concept when interviewing (Situation, Task, Action, and Result).
- Use of interview guides that help to ask behavioral questions that fit specific competencies (Leadership, strategy/vision, relationship building, influence/negotiation, innovation, results oriented, etc.)
- Responsible for understanding and applying laws for pre-employment inquiries and questions that are prohibited during the interview process and legal rights of employees. Also required to adhere to and enforce the Colgate Code of Ethics/Conduct for all employees.

Employee Issues Resolution Process Training:

- Improve communication between employees and management
- Provide training/guidance for managers to effectively resolve issues in a timely manner
- Provide alternative options to resolving conflicts internally
- Proper steps for handling Code of Conduct violations

Supervise/Manage:

Hill's Topeka Plant Analytical/Quality Laboratory:

- 3 Quality Assurance Chemists with an average of 31 years of service to the company
- 2 Quality Assurance technicians – 23 years of service and 1.5 years of service
- All plant production personnel

The Lab operates 24 hours 5-6 days a week depending on the production schedule. I am on call 24 hours 7 days a week.

I hire a temporary position about every 10 months and work through Kelly Scientific. They screen and I am responsible for selecting candidates to interview and hire. Over the last 4 years, I have hired 5 people for this position and am in the process of hiring another chemist for the lab.

Additionally, I participate in plant wide interviews for team leaders and technicians and in the past have participated in interviews for Scientists and Fellows at the Pet Nutrition Center.



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 17, 2008

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DATE: September 23, 2008

CONTACT PERSON: Deborah Swank **DOCUMENT #:**

SECOND PARTY/SUBJECT: Sustainability Advisory Board **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 066 Environment

CIP PROJECT: No

ACTION OF COUNCIL: 09/09/08 First Reading. **JOURNAL #:** 08
9/16/08 Deferred for one week.

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Councilmember Deborah Swank, creating Chapter 66, Article 2, in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section. Final Reading. (Deferred from the meeting of September 16, 2008.)

(Approval would establish a Sustainability Advisory Board which would advise the City Council on sustainability programs.)

POLICY ISSUE:

Whether or not to establish a Sustainability Advisory Board.

STAFF RECOMMENDATION:

BACKGROUND:

The Ordinance establishes a nine (9) voting member Board which shall serve as an advisory board to the Council. The Board's mission is to promote environmental awareness and advocate for policies which support sustainability specifically including but not limited to environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka and to enhance the quality of life by improving the City's efforts in these areas.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

None.

Item #15

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Councilmember Deborah Swank. creating Chapter 66, Article II in the Code of the City of Topeka establishing the Sustainability Advisory Board and amending Section 1 of Ordinance No. 19095 relating to nonstatutory boards and commissions and repealing said original section.

WHEREAS, the City of Topeka desires to promote of natural resource conservation and recycling to ensure economic and environmental quality in Topeka; and

WHEREAS, the City of Topeka hereby creates an advisory board to support, strengthen and expand recycling and resource conservation activities and programs.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-25, which said section reads as follows:

Sustainability Advisory Board.

There is hereby established the Sustainability Advisory Board, hereinafter referred to as the "Board." The Board shall serve as an advisory board to the Council, and shall involve volunteers and community members. The Board shall prepare and approve minutes of its meetings, and forward the same to the City Council. The Board shall adopt by-laws as deemed appropriate, provided such by-laws are not inconsistent with this article.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-26, which said section reads as follows:

Composition; appointments; terms.

31 a. Membership generally. The Sustainability Advisory Board shall consist of
32 nine (9) members.

33 b. Terms. Of the members of the Board first appointed, four (4) members
34 shall serve one (1) year terms, five (5) members shall serve two (2) year terms. The
35 mayor with the consent of the city council shall determine the terms of each appointed
36 member. Persons appointed to the Board may be reappointed for one (1) additional two
37 (2) year term. No person shall be permitted to serve more than two (2) full consecutive
38 terms as a board member. A period of at least two (2) years shall lapse prior to a
39 former member being eligible for reappointment. After the initial appointment of the
40 Board, all members shall serve two (2) year terms unless appointed to fill out an
41 unexpired term.

42 c. Qualifications of members. At least five (5) of the nine (9) board members
43 shall be currently licensed, have a degree in, be engaged in, or have substantial past
44 experience in the fields of environmental awareness, waste reduction, recycling, energy
45 conservation and/or natural resource conservation or a similar field relating to the
46 environment or conservation.

47 d. Compensation, removal. Members appointed to the Board shall serve
48 without compensation. Members may be removed without cause by a vote of two-thirds
49 (2/3) majority of the council. Members may be removed for cause by a majority vote of
50 the council. Removal for cause shall include but not be limited to the following reasons:
51 failure to attend four (4) Board meetings in one (1) calendar year or failure to attend
52 three (3) consecutive Board meetings in one (1) calendar year. In the case of death,
53 incapacity, resignation or disqualification of any member of the Board, the mayor, with
54 consent of the city council, shall appoint another person to serve for the unexpired term

of the deceased, incapacitated, resigned or disqualified member in accordance with City of Topeka Code § 2-181.

e. Ex officio nonvoting members. In addition to the nine (9) voting board members, there shall be two ex officio nonvoting members which shall be the City Attorney and the Public Works Director or their designees.

Section 3. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-27, which said section reads as follows:

Purpose of the Sustainability Advisory Board.

The mission of the Board is to promote environmental awareness and advocate for policies which support sustainability specifically including but not limited to environmental awareness, waste reduction, recycling, energy conservation and natural resource conservation in the City of Topeka and to enhance the quality of life by improving the City's efforts in these areas.

Section 4. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 66-28, which said section reads as follows:

Duties of the Sustainability Advisory Board.

The Board shall advise the City staff and elected officials in the following ways:

a. Monitor and review present environmental awareness, waste reduction, recycling, energy conservation, and natural resource conservation efforts of the City.

b. Assist the City staff and elected officials to develop and establish goals and priorities for future environmental awareness, waste reduction, recycling, energy conservation, and natural resource conservation efforts.

c. Advise the City staff and elected officials on practical methods and

79 programs to reach their goals for future environmental awareness, waste
80 reduction, recycling, energy conservation, and natural resource
81 conservation efforts.

82 d. Serve as an information resource for the City staff and elected officials.
83 Receive reports on environmental awareness, waste reduction, recycling,
84 energy conservation, and natural resource conservation from staff of all
85 affected City departments.

86 e. Maintain regular communication with the City staff and elected officials
87 regarding Board activities and recommendations.

88 Section 5. That Section 1 of City of Topeka Ordinance No. 19095, is hereby
89 amended to read as follows:

90 **Establishment.**

91 The following nonstatutory boards, commissions and other plural authorities are
92 hereby established and made a part of the administrative code of the city, as authorized
93 by Charter Ordinance No. 94, § 24 [App. A, § A2-72]: Cereal Malt Beverage License
94 Review Board (TCC 10-91); Human Relations Commission (TCC 86-27); Mobile Home
95 Craftsmen Board of Examiners (TCC 98-211); Board of Electrical Appeals (TCC 26-236
96 et seq.); Board of Plumbing Examiners (TCC 26-236 et seq.); Board of Mechanical
97 Examiners (TCC 26-236 et seq.); Board of Building and Fire Appeals (TCC 26-138);
98 Board of Zoning Appeals (TCC 48-34.00 et seq.); Golf Course Advisory Board (TCC
99 102-196 et seq.); Parks and Recreation Advisory Board (TCC 102-51 et seq.);
100 Redistricting Commission (TCC 2-198); Citizen Advisory Council (TCC 42-4); Civil
101 Service Commission (TCC 106-41); Topeka Planning Commission (TCC 110-27);
102 Boards of Trustees of Fire and Police Pension Funds (TCC 106-204); Administrative

Review Board for Tax Exemptions (TCC 138-79); City of Topeka Americans with Disabilities Act Advisory Council (TCC 86-200); Sustainability Advisory Board (TCC 66-25). The council is hereby authorized to promulgate appropriate rules and regulations for such boards, commissions and authorities dealing with their organization and operation. No city employee shall be appointed to any board, commission, or plural authority unless the appointment is specifically authorized by ordinance. Unless otherwise provided, all members appointed to any board, commission, or plural authority shall be residents of the city. The mayor shall notify council members 30 days in advance of vacancies occurring on such bodies, shall solicit nominations from the council for filling such positions, and shall appoint members to such bodies from those nominated by the council. In the event no nominations are forthcoming, the mayor shall make such appointments as is in the best interest of or will best serve the mission of the board, commission, or authority. All appointments must be confirmed by the council. Unless otherwise provided for in this code, members will be appointed for a term of two years and shall not serve beyond the end of their appointed terms. Upon expiration of a term the position shall remain vacant until a successor is appointed.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Buntten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 17, 2008

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DATE: September 23, 2008
CONTACT PERSON: Norton N. Bonaparte, Jr. **DOCUMENT #:**
SECOND PARTY/SUBJECT: Mark Biswell **PROJECT #:**
CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: 9/16/08 Deferred for one **JOURNAL #:**
week.
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning residency requirement exceptions for Department Heads. *(Deferred from the meeting of September 16, 2008.)*

(Approval would grant an exception to the residency requirement for Mark Biswell, I.T. Director)

POLICY ISSUE:

Article II, Section 5B of the City's personnel code requires that all department heads reside within the boundaries of the City of Topeka, "unless specifically approved by the City Council". City employees who are not department heads need only reside within the boundaries of Shawnee County

STAFF RECOMMENDATION:

Adopt resolution.

BACKGROUND:

Mark Biswell was promoted to the I.T. Director position on February 22, 2008. Prior to that promotion Mr. Biswell had been a City of Topeka employee for twenty-two (22) years and was in compliance with the City's residency requirements for non department head positions.

BUDGETARY IMPACT:

N/A

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #16

RESOLUTION NO. _____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., concerning residency requirement exceptions for Department Heads.

WHEREAS, Article II, Section 5B of the City's personnel code requires that all department heads reside within the boundaries of the City of Topeka, "unless specifically approved by the City Council"; and

WHEREAS, City employees who are not department heads need only reside within the boundaries of Shawnee County; and

WHEREAS, Mark Biswell was promoted to a department head position on February 22, 2008; and

WHEREAS, prior to that promotion Mr. Biswell had been a City of Topeka employee for twenty-two (22) years and was in compliance with the City's residency requirements for non department head positions.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that Mark Biswell is specifically granted an exception to the requirement that he reside within the corporate limits of the City of Topeka and that he be permitted to reside within the boundaries of Shawnee County, Kansas. Provided however, the residency exception granted herein shall cease to apply if Mark Biswell moves from his current residence in which event he shall be required to establish residency within the corporate limits of the City of Topeka.

23 ADOPTED and APPROVED by the City Council _____.

24 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

30 ATTEST:

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35 _____
Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 10, 2008

+ Back Print

DATE: September 23, 2008

CONTACT PERSON: Deputy Mayor Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Carol Torrence **PROJECT #:**
appointment to the
Planning Commission

CATEGORY/SUBCATEGORY 020 Resolutions / 005 Miscellaneous

CIP PROJECT: No

ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by Deputy Mayor Jeff Preisner disapproving the appointment of Carol Torrence to the Planning Commission.

(Pursuant to State statute the Council within 45 days of the Mayor's appointment to a nonstatutory board or commission must make a specific finding by resolution that the person appointed is either unqualified or unfit to hold the office or position; or the appointment is deemed approved.)

POLICY ISSUE:

Whether or not the Council desires to make the necessary finding to disapprove the appointment of Carol Torrence to the City's Planning Commission.

STAFF RECOMMENDATION:

BACKGROUND:

Approval of this Resolution makes the necessary finding, as required by state statute, that Carol Torrence is not fit or is unqualified to serve on the City's Planning Commission as she has articulated views on a zoning case which oppose growth and development of the City and which are in conflict with the majority of the Council.

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

ATTACHMENTS:

Item #17

RESOLUTION NO. _____

A RESOLUTION introduced by Deputy Mayor Jeff Priesner disapproving the appointment of Carol Torrence to the Planning Commission.

WHEREAS, the Mayor on August 12, 2008, appointed Carol Torrence to the City's Planning Commission; and

WHEREAS, Charter Ordinance No. 94, codified at City of Topeka Code §A2-72 requires all mayoral appointments to nonstatutory boards and commissions to be confirmed by the City Council; and

WHEREAS, House Bill 2217, Section 4 states that any mayoral appointment to a board or commission which is subject to approval of the governing body of the City must be acted upon within 45 days of the appointment by the Mayor or it shall be deemed approved; and

WHEREAS, HB 2217, Section 4 requires the City's governing body to approve the mayoral appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified or is not fit to hold the office or position; and

WHEREAS, the Council on August 12, 2008, deferred the consideration of the appointment of Ms. Torrence for four (4) weeks which is the September 9, 2008, Council meeting; and

WHEREAS, the Council desires to make the necessary finding to disapprove the appointment of Carol Torrence to the City's Planning Commission; and

WHEREAS, Ms. Torrence has at open public meetings expressed views which are opposed to the growth and development of the City which conflict with those of a majority of the City Council.

27 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
28 TOPEKA, KANSAS, that Carol Torrence has articulated views on a zoning case which
29 oppose growth and development of the City and which are in conflict with the majority of
30 Council and thus, is not fit or is unqualified to serve on the Planning Commission.

31 ADOPTED and APPROVED by the City Council _____.

32 CITY OF TOPEKA, KANSAS
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William W. Bunten, Mayor

39 ATTEST:
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44 Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 29, 2008

+ Back Print

DATE: September 23, 2008
CONTACT PERSON: Rusty Rakestraw **DOCUMENT #:**
SECOND PARTY/SUBJECT: Street Improvement **PROJECT #:** 60632-01
CATEGORY/SUBCATEGORY 020 Resolutions / 002 Condemnations
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates.

(Approval would authorize the City Engineer to prepare a list of properties that may need to have property interests acquired for the project.)

POLICY ISSUE:

N/A

STAFF RECOMMENDATION:

Staff recommends Council approve Condemnation Resolution.

BACKGROUND:

December 18, 2007 Council approved the Petition, Project Budget and Resolution to construct streets in Lauren's Bay Estates Subdivision west of Wanamaker Road and SW 47th Street. Owners within the Improvement District will pay 100% of the project costs.

Additional right-of-way from one property owner outside the Improvement District is required to connect existing SW Marlboro Road to the proposed SW Marlboro Road in Lauren's Bay Estates Subdivision. Previously there was an easement for public roadway for this connection, but Shawnee County extinguished it May 19, 2008. The property owner opposes the street construction.

BUDGETARY IMPACT:

To be determined by Condemnation appraisers.

SOURCE OF FUNDING:

100% of the costs to be paid by the owners within the Improvement District.

Item #18

ATTACHMENTS:

[Lauren's Bay Resolution](#)

[Map](#)

(Published in the Topeka Metro News_____)

RESOLUTION NO._____

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing initiation of condemnation proceedings to acquire property interests for Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates.

BE IT RESOLVED by the City Council of the City of Topeka, Kansas, pursuant to K.S.A. 26-201 that it is necessary and advisable in the public interest to condemn certain private property in the City for the public purposes of Street Improvement Project No. 60632-01 which provides for street construction at Lauren's Bay Estates and such other public purposes as are authorized by law.

Pursuant to the provisions of K.S.A. 26-201, the Engineering Division is hereby authorized and directed to cause a survey to be made by some competent engineer of those private lands which are necessary to be appropriated for the improvements, and such other public purposes as are authorized by law, and the City Engineer, or his designee, is authorized and directed to file the report of the survey, including a description of those private lands and interests to be acquired by condemnation, in the office of the City Clerk.

THIS RESOLUTION shall become effective upon one publication in the official city newspaper.

ADOPTED and APPROVED by City Council _____.

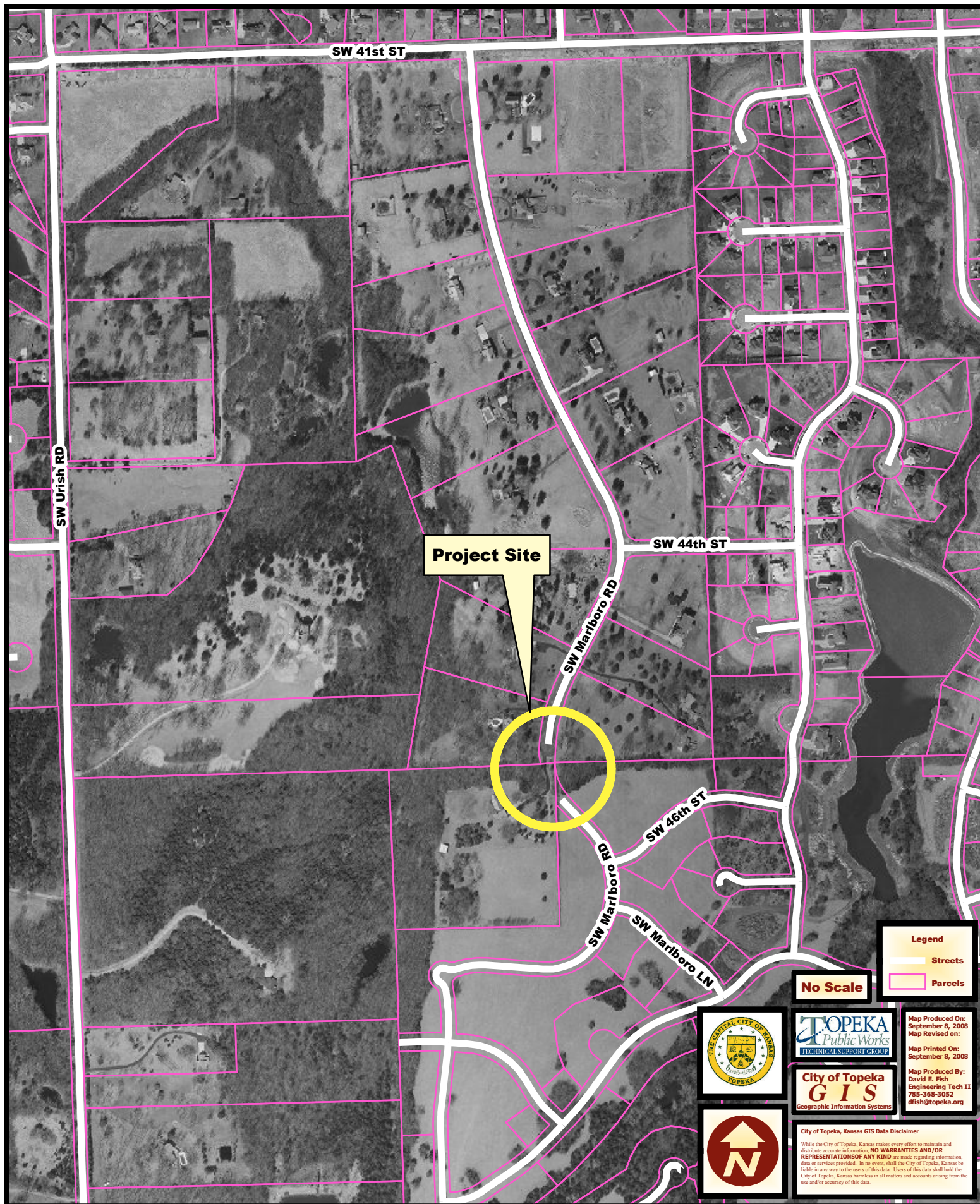
CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk

Street Improvement Project # 60632-01





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 8, 2008

+ Back Print

DATE: September 23, 2008
CONTACT PERSON: JIM LANGFORD/KEJ **DOCUMENT #:**
SECOND PARTY/SUBJECT: WEEKLY EXPENDITURES **PROJECT #:**
CATEGORY/SUBCATEGORY 014 Ordinances – Non-Codified / 005 Miscellaneous
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of September 1, 2008, through September 7, 2008, and enumerating said expenditures therein. First and Final Reading.

POLICY ISSUE:

Approve and allow weekly payments of valid operating expenditures, pursuant to Resolution No. 7607.

STAFF RECOMMENDATION:

Adopt as presented.

BACKGROUND:

Pursuant to Resolution No. 7607, adopted on April 12, 2005, which provides authorization to pay for certain expenditures prior to approval by the Council in an expenditure ordinance, the expenditures being authorized by this ordinance have been previously paid, in accordance with established procedures and policies for such payments.

BUDGETARY IMPACT:

Approves expenditures for the period September 1, 2008, through September 7, 2008, in the amount of \$599,844.18.

SOURCE OF FUNDING:

Appropriated funds and fees-for-service revenues of various City departments.

ATTACHMENTS:

[Weekly Expenditures](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by City Manager Norton N. Bonaparte Jr., allowing and approving City expenditures for the period of September 1, 2008, through September 7, 2008, and enumerating said expenditures herein.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. All expenditures made or authorized to be made by issuance of checks or electronic transfers as enumerated herein, are in accordance with City of Topeka Resolution No. 7607.

Section 2. The claims and expenditures listed in Exhibit A, which is on file in the City Council Office and the City Clerk's Office and incorporated herein by said reference, are hereby allowed and approved for payment.

<u>Section 3.</u>	Total for 1483 vendor checks written in this period	\$345,811.34
	Total vendor checks voided in this period (net)	(000.00)
	Total electronic transfers to vendors in this period	254,032.84
	Total net payroll to employees this period	000,000.00
	Total payroll related electronic transfers this period	<u>000,000.00</u>
	Total for expenditures in this period	<u>\$599,844.18</u>

Section 4. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council _____.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 9, 2008

+ Back Print

DATE:	September 23, 2008		
CONTACT PERSON:	David Thurbon/Bill Fiander	DOCUMENT #:	CU07/04
SECOND PARTY/SUBJECT:	Washburn Lane Parkway Renovations, LLC	PROJECT #:	N/A
CATEGORY/SUBCATEGORY	020 Resolutions / 001 Special Permits		
CIP PROJECT:	Yes		
ACTION OF COUNCIL:	JOURNAL #: PAGE #:		

DOCUMENT DESCRIPTION:

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing construction of a vehicle surface parking lot on real property presently zoned "M-1" Two-Family Dwelling District located at 1325 SW 16th Street in the City of Topeka, Kansas, pursuant to City of Topeka Code Section 80-4. (CU07/04) (Council District No. 6)

(Approval would allow construction of a public vehicle surface parking lot to be used in conjunction with the College Hill redevelopment project.)

POLICY ISSUE:

Proposal is consistent with the implementation of the Washnurn-Lane Parkway Plan.

STAFF RECOMMENDATION:

The Planning Commission recommended this proposal be **APPROVED** by a vote of **8-0-0** at their August 20, 2007 meeting as referenced in the attached minutes. Planning Department Staff recommended that this request be **APPROVED**.

BACKGROUND:

- See attached staff report
- City Council Options:
 - **Adopt** the recommendation of the Planning Commission by Ordinance;
 - **Override** the Planning Commission's recommendation by a two-thirds majority vote (6 votes) of the City Council membership; or
 - **Return** such recommendation to the Planning Commission with a statement specifying the basis for the City Council's failure to approve or disapprove.

BUDGETARY IMPACT:

The project budget has already been approved.

Item #20

SOURCE OF FUNDING:

The Topeka City Council approved general obligation bond funds (\$291,000) to be combined with private funding (\$106,075) for construction of this parking lot.

ATTACHMENTS:

[Staff Report](#)

[Aerial Photo](#)

[Zoning Map](#)

[PC minutes](#)

[Resolution](#)

[Site Plan](#)

August 20, 2007
Agenda Item #G.1

CONDITIONAL USE PERMIT REPORT

TOPEKA PLANNING DEPARTMENT

Presented to: Topeka Planning Commission

Date: August 20, 2007

CASE NO.: CU07/04

By: Melvin D. and Paula J. Jacobs

PROPOSAL: Requesting a Conditional Use Permit to establish a vehicle surface parking lot on property located about the southeast corner of SW 16th St. & SW Lane St., in the City of Topeka, Kansas.

PRESENT USE: Approximately ½ of the property is presently vacant, while the other ½ is used for single-family residential purposes.

PROPOSED USE: In accordance with Section 48-2.02(c)(7) of the Comprehensive Zoning Regulations, the applicant is seeking to establish a vehicle surface parking lot in association with the College Hill redevelopment district located to the west of this location across SW Lane Street. The parcel is approximately 0.5 acres in size. The proposed parking lot would contain 50 parking stalls.

CHARACTER OF NEIGHBORHOOD: The surrounding neighborhood to the north, south, and east is a mixture of single, two family, and multiple-family dwellings. The College Hill business district, which is presently being redeveloped, lies to the west. This property lies near the path of the 1966 tornado that decimated much of the Central Park neighborhood. In the aftermath of the tornado, many previously single-family dwellings were replaced or converted to multi-family apartments. The wholesale re-zoning of the neighborhood to accommodate multi-family dwellings further destabilized the single-family character of the neighborhood. The neighborhood is listed “at risk” by the Neighborhood Element of the Comprehensive Plan.

ZONING CLASSIFICATION AND USE OF SURROUNDING PROPERTIES:

ZONING CLASSIFICATION

North: “C-4” Commercial District
South: “M-3” Multiple-Family Dwelling District
East: “M-1” Two-Family Dwelling District
West: “M-3” Multiple-Family Dwelling District
“PUD” Planned Unit Development District

PRESENT LAND USE

High Density Residential
High Density Residential
Low-Density Residential
High Density Residential
Retail/Loft Development
(under construction)

GUIDELINES FOR EVALUATION: In order to protect the integrity and character of the zoning district in which the proposed use is located; and to minimize adverse effects on surrounding properties and neighborhoods, all conditional use permit applications shall be evaluated in accordance with the guidelines established in Section 48-25.02 of the City of Topeka, Unincorporated Shawnee County Comprehensive Zoning Regulations.

- 1) **Land Use Compatibility:** One-half of the parcel in question is presently vacant and may detract from the sense of “neighborhood” in the sense that it is not used to support the livelihood of the neighborhood. The other half of the property contains a single-family residence in moderate condition. The placement of a parking facility on this property, used directly in association with the College Hill redevelopment district located directly west across SW Lane Street, will help to maintain the district as an anchor and create a more cohesive and lively neighborhood than would vacant properties. The site is also adjacent to parking areas to the north and south for apartment complexes. Traffic will not have to travel past single-family homes along SW 16th Street to access this parking lot. Therefore, this proposal is deemed supportive and compatible with the general character of the surrounding neighborhood, and should help in restoring stability to the immediate area.
- 2) **Height and Scale:** The only construction proposed by this conditional use permit would consist of a vehicle surface parking lot, totaling 50 parking stalls. The height and scale of these parking lots will not introduce any structure of inappropriate height or scale.
- 3) **Site Development:** This proposal is for the development of a single parking lot, approximately 20,800 sq. ft. in size, to be used in conjunction with a principle use located immediately west of SW Lane Street. The parking lot, as proposed, does not meet minimum landscape requirements, which requires a 6’ landscaped buffer to the east, west and south. A 10’ buffer along SW 16th Street exceeds minimum requirements. Any lighting and signage will need to be accommodated and regulated by this conditional use permit. An unimproved alley right-of-way will remain adjacent to the parking lot along the property’s south border. The parking lot will not take access via the alley right-of-way.
- 4) **Building Design:** No buildings are proposed in conjunction with this conditional use permit. The parking lot will be constructed to City of Topeka standards for parking lot design.
- 5) **Operating Characteristics:** The parking lot will be un-gated, with heaviest usage anticipated during normal business hours.
- 6) **Public Facilities:** All essential public utilities, services and facilities are presently available to the site and will not be overburdened by this proposal. A drainage plan will need to be submitted and approved in conjunction with this proposal.
- 7) **Comprehensive Metropolitan Plan:** The Holiday Park Neighborhood Land Use Plan, adopted as an element of the Topeka Comprehensive Plan, recommends that this property be used for medium-density residential purposes. Under such use, parking-lots would be expected as a part of any redevelopment project. While this parking lot is not intended to serve the needs of any adjacent medium to high-density residential complex, it is intended to serve the College Hill redevelopment district, which itself is consistent with the overall land use plan and consists of medium-density residential and commercial uses. The ease of

parking will be a critical element to the success of the redevelopment of the College Hill redevelopment district, and this proposed parking lot will provide much stability and assurance that parking needs have been accommodated to the redevelopment project. In keeping with recommended urban design standards of the Comprehensive Plan, the parking lot will not directly front the arterial street (SW Lane St.) and will not exhibit strip-commercial characteristics. Therefore, this proposal is deemed in conformance with the Comprehensive Plan.

LENGTH OF TIME PROPERTY HAS REMAINED VACANT AS ZONED OR USED FOR ITS CURRENT USE UNDER PRESENT CLASSIFICATION: The subject property has been zoned for two-family residential purposes since 1966, and has been used for residential purposes since its initial development. The west ½ of the parcel was demolished sometime in the early 1990s.

COMPLIANCE OF THE PROPOSAL WITH THE ZONING CODE AND SUBDIVISION REGULATIONS: The proposed conditional use permit appears to be in conformance with applicable provisions of the Comprehensive Zoning Regulations, including the Guidelines for Evaluation of Section 48-25.02 thereof. The property is currently platted as part of Oakley's Subdivision.

CONCERNS OF STAFF AND REVIEWING AGENCIES: The proposed Conditional Use Permit and site development plan have been submitted to all applicable reviewing agencies for consideration and comment. The following comments have been received and should be considered prior to approval of the conditional use permit:

- 1) The drive entrance to the parking lot should be shifted to the east, either to the middle of the property or to the eastern property line in order to gain sufficient separation from the intersection of SW 16th St. and SW Lane St.
- 2) The landscape plan will require 6' parking-lot buffers in accordance with the City of Topeka Landscape regulations.
- 3) Site drainage information will need to be submitted to the Development Services Division for review and approval.
- 4) The proposed parking lot will need to meet all ADA requirements.

ADDITIONAL FACTORS:

- | | | |
|----|--|------------------|
| 1. | Neighborhood Improvement Associations: | Central Park NIA |
| 2. | Capital Area Plaza: | Not Applicable |
| 3. | Flood Hazard Area: | Not Applicable |
| 4. | Airport Hazard Area: | Not Applicable |
| 5. | Historic Properties: | Not Applicable |

PLANNING STAFF CONCLUSIONS AND RECOMMENDATION:

The Planning Staff recommends **APPROVAL** of this proposal in accordance with a revised Conditional Use Permit site plan that, prior to City Council consideration, demonstrates compliance with the following items,:

1. A note stating that no source of illumination shall be visible from adjacent properties;
2. Compliance with all applicable landscape regulations, including 6' landscape buffers along the east, south, and west property lines;
3. Approval of a site drainage plan by the City Engineer.
4. Shift the drive entrance to the parking lot to the east, either to the middle of the property or to the eastern property line, as approved by the City Traffic Engineer;

Prepared by Timothy Paris
Planner II

DRAFT

**Minutes of the
Topeka Planning Commission
August 20, 2007**

CU07/4 by Melvin D. and Paula J. Jacobs requesting a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property currently zoned "M-1" Two Family Dwelling District and located at 1325 SW 16th Street. **(Paris)** Tim Paris summarized the staff report.

Discussion by members:

Michelle Hoferer asked if the site plan needs to be resubmitted to staff? Mr. Paris replied yes. Ms. Hoferer asked if the neighbors were notified? What about all the people in the apartments? David Thurbon stated the neighbors were notified but only the owners of the properties not the tenants. Theron Sims asked if the applicant agrees to the conditions in the staff report? Mr. Paris stated since this will be a public parking lot, in the future, the city will own and maintain it. Mr. Thurbon added Braxton Copley from the City Attorney's office is here to speak about ownership of the lot.

Braxton Copley, City Attorney's office, said questions have been raised as to the ownership of the lot and secondly does the ownership issue have to be resolved prior to the conditional use permit proposal? The answer is no. He said the only question before the commission is the conditional use permit. He said if this moves forward and the city approves construction using general obligation bonds then the ownership has to go to the city. General obligation bonds can only go public purposes. He said if this becomes a public parking lot then the city will own it. No matter what conditions apply.

Terry Simnitt said the application shows the Jacob's as the owners. The owner of record shows Washburn Lane, L.L.C. Mr. Thurbon added ownership was transferred recently to this group. The new owners sent in a letter stating they want to continue with the application. Mr. Sanders stated the conditional use permit goes with the land not the owners. Mr. Thurbon said that is correct.

Mr. Copley said they aren't seeking to change the base zoning, but you should still think of it as a zoning action because it changes the make up of the property. Mr. Thurbon said it is an overlay, it is not changing the base zoning. Mr. Sanders asked what if they need to change part of the conditional use permit in the future? Mr. Copley said they would have to go back through the whole process for any major changes.

Mark Boyd asked what if a private developer comes in to build the lot but doesn't follow all conditions listed in the conditional use permit? Mr. Copley said the city could hold the building permit until all stipulations for the permit are met.

Mr. Boyd asked how the city holds one department liable for another? Mr. Copley said whoever builds the lot will have to pull the permit. I am sure Planning would be checked with prior to issuance of the building permit. Mr. Boyd said he is concerned if the city takes over the lot the drainage report won't get done. Mr. Copley said the engineering department would have to review and approve the drainage report before the contractor goes to pull the permit. Mr. Sanders said he had two people come to him questioning the drainage. No matter if the city or a private developer owns the lot they must follow the drainage report. Mr. Copley agreed. Mr. Sander asked if there was going to be illumination? Mr. Thurbon said we don't know yet because we don't have the site plan. We put a condition in the staff report regarding illumination.

Mr. Sanders said we are requesting a 6 foot buffer? Mr. Thurbon stated that is a requirement of the landscape ordinance. Mr. Sanders asked if that is a flexible condition? Mr. Thurbon said the Planning Director has the ability to waive site plan requirements but staff felt the buffer is needed. Mr. Sanders asked how it is known if they are compliant?

Mr. Thurbon replied staff goes to the site to check if they are. Jim Brown asked how did we get this far in the project not knowing we would need more parking? Mr. Thurbon said they are exceeding the parking requirements but they want more parking to handle the retail portion of the project. Mr. Brown asked if the city felt they needed more? Mr. Thurbon said the developers approached the city council with the need for more parking and the council added an item to the CIP.

Proponents:

Henry McClure, member of Washburn Lane L.L.C, spoke in favor of the proposal. He said he was the agent for the original property owners. He said they were under contract to purchase the property at the time the conditional use permit was applied for. He said they agree with the conditions listed in the staff report. There have been concerns from the retail occupants that there isn't enough parking. The parking lot will be accessible for the retail portions of the project. Mr. Simnitt asked if speed limits in this area be reduced? Mr. McClure said we haven't addressed that or crosswalks yet. Mr. Sanders asked if Mr. McClure feels there is ample parking or is it a perception of the retail entities there is not? Mr. McClure said perception is reality, it is needed.

Don Gigous, President of the Central Park NIA, spoke in favor of the proposal. He said the NIA has endorsed this whole project all along including this parking lot. He said this is a great project for our neighborhood.

Ms. Hoferer said she is disappointed with the submittal. It is incomplete. She said this application has had ownership change and there is no set plan. She said if we approve this it is going to reflect back on us. The drainage/lighting issue is a problem. There needed to be more on paper than what is here. Not happy how this came about. Mr. Sanders said the location of the property is not described very well in the staff report. It states about the southeast corner of 16th and Lane. This doesn't have any affect on our vote but a little more preparation would have made it easier to make our decision. Mr. Sanders asked Mr. Thurbon if he approves of this proposal. Mr. Thurbon replied he believes so since we have conditions to make it work. He said many of our PUD's are conceptual. The final review is during site plan stage. He said many plats are approved subject to approval of the drainage report and this conditional use permit is no different. I am confident the engineering department will not approve the report until it is to their standards. They have agreed with all conditions so I am satisfied with what is proposed with the conditions in the report.

Mr. Boyd stated drainage reports are usually submitted in a very preliminary stage. Mr. Boyd asked how are we going to handle the carry-over parking in the neighborhood? How will we control other apartments outside the Washburn Lane Development using the lots? Mr. Thurbon said they are public lots and anybody can use them. Unless the city puts in meters to control that.

Exparte communications:

All members had communications regarding this proposal.

Motion:

Theron Sims moved to approve as written by staff, seconded by Fred Sanders.

Mr. Simnitt stated the ownership situation has been questionable for him.

Ms. Hoferer said she has a lot of my concerns with this. If I was a neighbor I would be concerned. I wouldn't be sure who, what, where and why but that won't be known until the lot is constructed. I hope we do our best so the neighborhood doesn't have issues.

Mr. Sanders said he would like further discussion on this topic at the policy meeting.

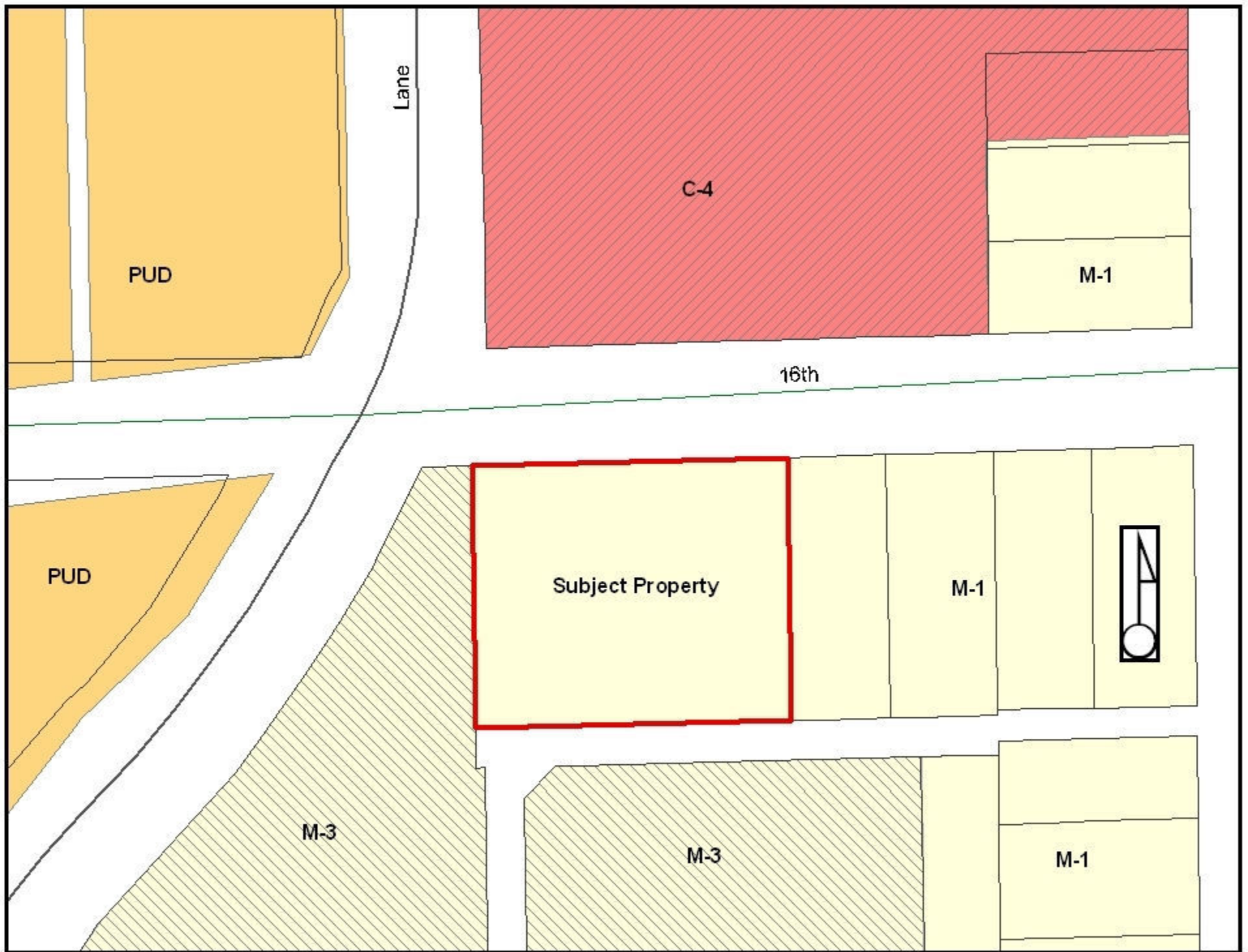
Restated motion:

Theron Sims moved to approve as written by staff, seconded by Fred Sanders. **APPROVAL, subject to conditions listed in the staff report. (8-0-0)**



CU07/04 by Melvin D. and Paula J. Jacobs

Topeka Planning Department
2007



CU07/04 by Melvin D. and Paula J. Jacobs

Topeka Planning Department
2007

RESOLUTION _____

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. in accordance with Section 48-8.02(c)(7) of the Code of the City of Topeka, approving a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property currently zoned "M-1" Two Family Dwelling District and located at 1325 SW 16th Street in the City of Topeka, Kansas. **(CU07/4) (Council District No. 6)**

BE IT RESOLVED by the Council of the City of Topeka, Kansas, that the application of City of Topeka under the provisions of Section 48-8.02(c)(7) of the Code of the City of Topeka, approving a Conditional Use Permit to allow for a vehicle surface parking lot in association with a principal use on property currently zoned "M-1" Two Family Dwelling District and located at 1325 SW 16th Street in the City of Topeka, Kansas, and legally described as follows:

The west ½ of Lot 217, all of Lots 219, 221, 223, 225, 227 and 229 on Sixteenth Street, in Oakley's Subdivision of Lot Nos. 11 and 12, Rural Homes, a Subdivision in the City of Topeka, Shawnee County, Kansas.

be, and the same is hereby approved, **subject to:**

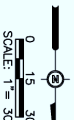
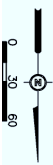
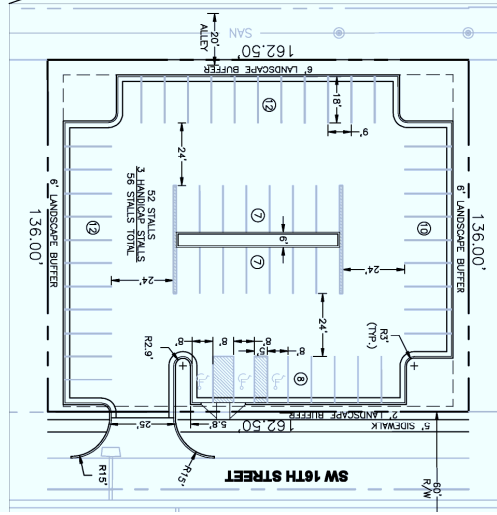
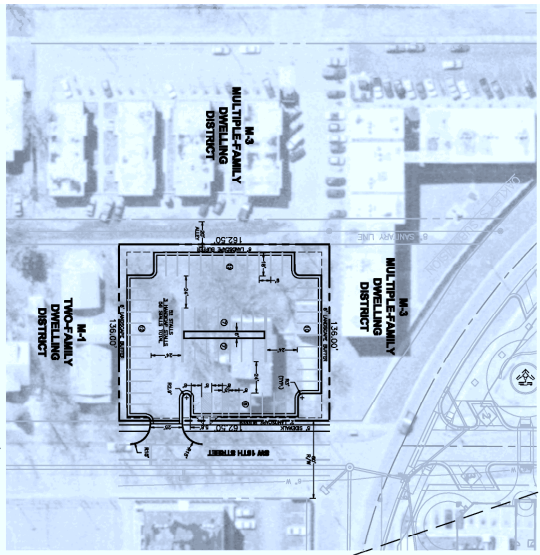
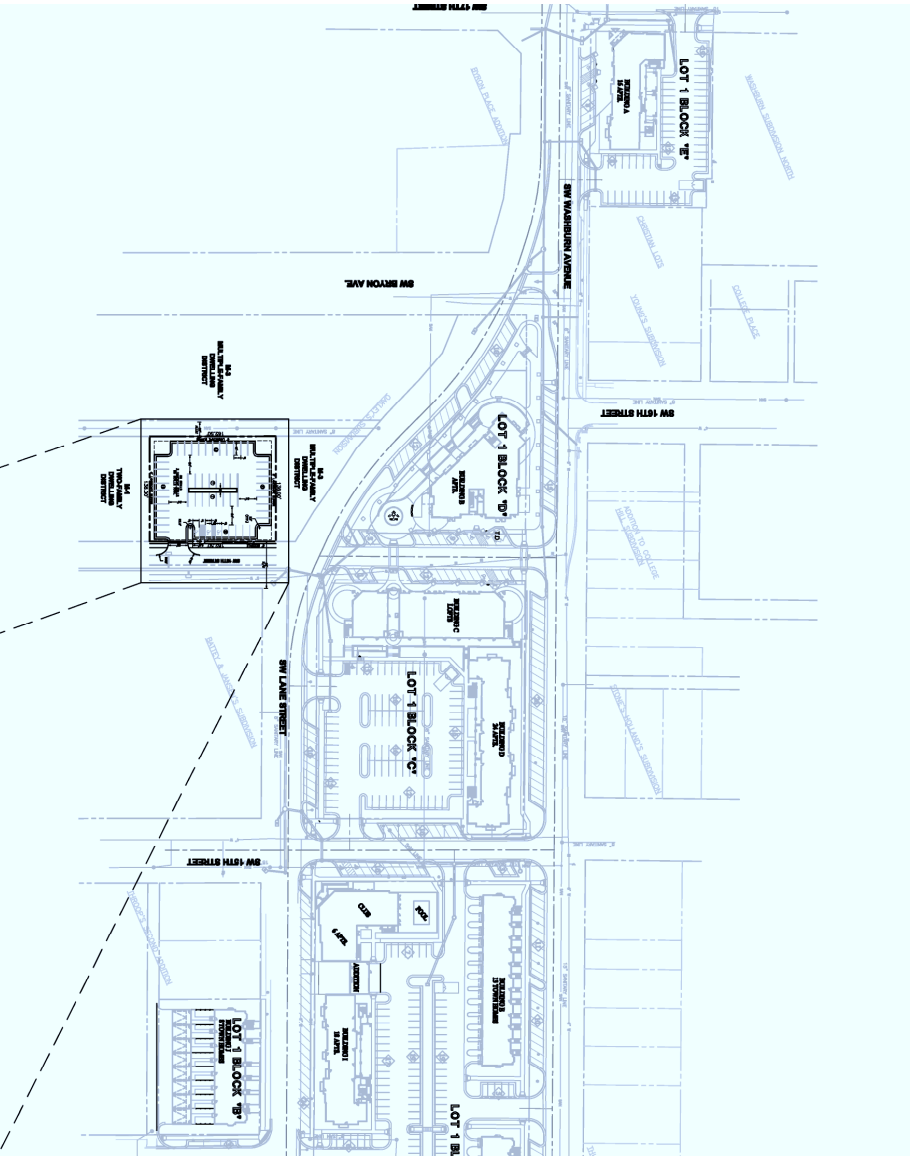
1. A note stating that no source of illumination shall be visible from adjacent properties.
2. Compliance with all applicable landscape regulations, including 6' landscape buffers along the east, south and west property lines.
3. Approval of a site drainage plan by the City Engineer.
4. Shift the drive entrance to the parking lot to the east, either to the middle of the property or to the eastern property line, as approved by the City Traffic Engineer.

ADOPTED AND APPROVED by the Council of the City of Topeka, _____, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk





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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

September 24, 2008

[Back](#) [Print](#)

DATE: September 23, 2008

CONTACT PERSON: Deputy Mayor Jeff Preisner **DOCUMENT #:**

SECOND PARTY/SUBJECT: Topeka Planning Commission Quorum **PROJECT #:**

CATEGORY/SUBCATEGORY 013 Ordinances - Codified / 110 Planning

CIP PROJECT: No

ACTION OF COUNCIL: 09/23/08 First Reading. **JOURNAL #:**

PAGE #:

DOCUMENT DESCRIPTION:

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code Section 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section. First Reading.

Added to the agenda at the meeting.

(Approval would change the number of Topeka Planning Commission members required to constitute a quorum to five (5) members instead of the seven (7) members currently required by City Code.)

POLICY ISSUE:

Whether or not to change the quorum requirement of the Topeka Planning Commission from seven (7) members to five (5) members.

STAFF RECOMMENDATION:

BACKGROUND:

Changing the current quorum requirement of the Topeka Planning Commission from seven (7) members to five (5) members will allow the Commission to meet and conduct business with fewer members present. Affirmative votes of all five (5) members would be required in order for the Commission to make a recommendation to the City Council

BUDGETARY IMPACT:

None

SOURCE OF FUNDING:

N/A

Item #21

ATTACHMENTS:

[Ordinance](#)

(Published in the Topeka Metro News _____)

ORDINANCE NO. _____

AN ORDINANCE introduced by Deputy Mayor Jeff Preisner amending City of Topeka Code § 110-35 concerning a quorum of the Topeka Planning Commission and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 110-35, Quorum, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Quorum.

(a) A quorum of the Topeka Planning Commission shall consist of ~~seven (7)~~ five (5) members. Except as otherwise provided by state law requiring a higher number of affirmative votes, any matter requiring that a recommendation be made to the city council shall require the affirmative votes of not less than a majority of the ~~quorum present at such meeting~~ membership of the Topeka Planning Commission. The secretary shall record all votes taken by name, indicating whether the member voted in the affirmative or negative or abstained, and a copy of such record shall be transmitted to the city council following each meeting of the Topeka Planning Commission. The planning director shall serve as secretary to the Topeka Planning Commission. The secretary shall cause a proper record to be kept of all the proceedings of the Topeka Planning Commission.

Section 2. That section 110-35 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council _____.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk



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Council Action Form

Council Chambers
214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

+ Back Print

DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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214 SE 8th Street
Topeka, Kansas 66603

July 28, 2008

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DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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July 28, 2008

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DATE: September 23, 2008

CONTACT PERSON:

DOCUMENT #:

SECOND PARTY/SUBJECT:

PROJECT #:

CATEGORY/SUBCATEGORY

CIP PROJECT: No

ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available



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ACTION OF COUNCIL:

JOURNAL #:

PAGE #:

DOCUMENT DESCRIPTION:

POLICY ISSUE:

STAFF RECOMMENDATION:

BACKGROUND:

BUDGETARY IMPACT:

SOURCE OF FUNDING:

ATTACHMENTS:

No Attachments Available