

| October |    |    |    |    |    |    | 2005 |
|---------|----|----|----|----|----|----|------|
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| 23      | 24 | 25 | 26 | 27 | 28 | 29 |      |
| 30      | 31 |    |    |    |    |    |      |

**October 11, 2005  
Council Agenda  
7:00 p.m.**

| November |    |    |    |    |    |    | 2005 |
|----------|----|----|----|----|----|----|------|
| S        | M  | T  | W  | T  | F  | S  |      |
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| 13       | 14 | 15 | 16 | 17 | 18 | 19 |      |
| 20       | 21 | 22 | 23 | 24 | 25 | 26 |      |
| 27       | 28 | 29 | 30 |    |    |    |      |

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**1. PROCLAMATIONS:**

**2. ROLL CALL:**

**3. CONSENT AGENDA:**

**A. DENIAL OF CLAIM APPEAL by Dale L. Hitsman, 329 NW Waite Street alleging that he had an allergic reaction to chemicals sprayed on his lawn by the City of Topeka on June 7, 2005.**

**B. A COMMUNICATION recommending the appointments of Greg Allen, Helen Crow, Mark Burenheide, Elizabeth Smith, Pete Tavares, Jr., Breta Bloomberg, Jim Turner, JoAnn Peavler and Doug Jones to the Topeka Landmarks Commission.**

*(The members will serve a three year term with the initial terms be staggered.)*

**C. A RESOLUTION introduced by City Manager Neil Dobler rescinding Resolution of Advisability and Authorization No. 7282 regarding Street Improvement Project No. 60468, Phase 4.**

*(The Council adopted Revised Resolution No. 7303 and the original resolution was not rescinded.)*

**D. MINUTES of the Regular Meeting of October 4, 2005.**

**E. APPLICATIONS:**

**4. PUBLIC HEARINGS:**

**A. A PUBLIC HEARING to consider the adoption of the Redevelopment Project Plan for a major motorsports complex in the proposed Heartland Park Redevelopment District. (Continued from the meeting of September 27, 2005.)**

**5. UNFINISHED BUSINESS:**

- A. A PROJECT BUDGET in the amount of \$70,000 and AN ORDINANCE introduced by City Manager Neil Dobler, authorizing Improvement Project No. 30252-00, which provides for improvements to the Discovering Apes building as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka. Final reading. (Deferred from the meeting of September 27, 2005.)**
- B. A PROJECT BUDGET in the amount of \$1,589,600, AN ORDINANCE and A NOTICE OF INTENTION introduced by City Manager Neil Dobler authorizing Phase 2 of Improvement Project No. 28509-02 which provides for the construction and installation of two, twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River at the time of bridge construction which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to make such improvements and to issue and sell revenue bonds of said City to pay the cost thereof pursuant to K.S.A. 10-101 and 10-1201 *et. seq.*, and all amendments thereto. Final reading. (Deferred from the meeting of September 27, 2005.)**
- C. A REVISED PROJECT BUDGET in the amount of \$39,000 and A RESOLUTION introduced by City Manager Neil Dobler amending the Project Budget of Improvement Project No. 28509-01 providing for the installation of two, twenty (20) inch water lines on the new Topeka Boulevard Bridge over the Kansas River as more specifically described herein and rescinding Resolution No. 7591. (Deferred from the meeting of September 27, 2005.)**

*(Resolution No. 7591 was originally approved to fund the entire project from utility operating funds. This resolution would provide \$39,000 from utility operating funds to provide design which has already been paid and to separate the rest of the project which would be paid from Water Revenue Bonds.)*

- D. A FINAL PLAT for Summer's View Subdivision located on property east of SE Downing Drive between SE 32<sup>nd</sup> Street and SE 33<sup>rd</sup> Terrace within unincorporated Shawnee County, Kansas. (P05/16) (Deferred from the meeting of September 27, 2005.)**

*(The parcel is located within the three-mile extraterritorial jurisdiction of the City of Topeka as well as the City's Municipal Service Area.)*

**5. UNFINISHED BUSINESS: (Continued)**

- E. AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 28527-00, for a water main extension along SW 17<sup>th</sup> Street and SW Urish Road. Final reading.**

*(The project would provide for a new water main transmission along SW 17<sup>th</sup> Street from Arvonja Place to Indian Hills Road; and along Urish Road from SW 17<sup>th</sup> Street to SW 21<sup>st</sup> Street.)*

- F. AN ORDINANCE introduced by City Manager Neil Dobler relating to Sunday sale of alcoholic liquor and cereal malt beverage in the original package within the City of Topeka, amending City of Topeka Code Section 10-37, 10-51, and 10-117 and repealing said original code sections. Final reading.**

*(The ordinance amends the existing code sections establishing the times and days that cereal malt beverage and alcoholic liquor may be sold to make them consistent with state law and City of Topeka Ordinance 18485 which authorizes Sunday sales.)*

- G. AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 30127-09, along the Shunga Trail between 17<sup>th</sup> Street, across the Burlington Northern and Santa Fe Railroad. Final reading.**

- H. AN ORDINANCE introduced by Brett Blackburn concerning public nudity in the City of Topeka. Final reading.**

**6. NEW BUSINESS:**

- A. A RESOLUTION introduced by City Manager Neil Dobler authorizing initiation of condemnation proceedings to acquire property for Trafficway Improvement Project No. 70142-01, for trafficway improvements on SE California Avenue from I-70 to SE 21<sup>st</sup> Street.**
- B. A RESOLUTION introduced by Councilmember Brett Blackburn amending the provisions of the Personnel Rules and Regulations relating to the benefits provided to employees on military leave.**
- C. A RESOLUTION introduced by Councilmember Brett Blackburn establishing a policy for the naming/renaming of City facilities and specifically rescinding City of Topeka Resolution No. 6346.**

**7. PLANNING:**

- A. A RESOLUTION introduced by City Manager Neil Dobler in accordance with Section 48-20.02(c)(5) of the Code of the City of Topeka, approving a Conditional Use Permit to establish a public use facility for outdoor storage of state and federal surplus items on property currently zoned "PUD" Planned Unit Development District (mixed use) and located at 2830 SW Kanza Drive in the City of Topeka, Kansas. (CU05/8) (Council District No. 1) (The Topeka Planning Commission recommended approval by a vote of 9-0-0 on September 19, 2005.)**

*(Approval would allow use of the site for an outdoor storage facility for state and federal surplus items.)*

- B. A ZONING PETITION and AN ORDINANCE introduced by City Manager Neil Dobler amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SW Huntoon Street the centerline of which is approximately 195 feet west of SW Harvey Street in the City of Topeka, Kansas from "C-2" Commercial District TO "C-3" Commercial District. Final reading. (Z05/32) (Council District No. 9) (The Topeka Planning Commission recommended approval by a vote of 9-0-0 on September 19, 2005.)**

*(Approval would allow for development of a home furnishings showroom and billboard space.)*

- C. A ZONING PETITION and AN ORDINANCE introduced by City Manager Neil Dobler amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located north of SW 8<sup>th</sup> Street between SW Lane Street and SW Washburn Avenue in the City of Topeka, Kansas from "O&I-2" Office and Institutional District TO "MS-1" Medical Service District. Final reading. (Z05/33) (Council District No. 1) (The Topeka Planning Commission recommended approval by a vote of 9-0-0 on September 19, 2005.)**

*(Approval would allow the property to be redeveloped for medical service purposes.)*

**8. MISCELLANEOUS:**

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

**10. PUBLIC COMMENT:**

**11. ADJOURNMENT:**