

MINUTES

The meeting was called to order with Roll Call by Mayor David Anderson.

Roll Call:	Cannon	Present	Urbanek	Present
	Maniez	Present	Zindler	Present
	Templin	Present		

Citizens signed the book on page 27.

Mayor Anderson led the Pledge of Allegiance.

Mayor Anderson read a Proclamation proclaiming November 14-21st, 2004, as "Hunger and Homelessness Awareness Week". Jodi Hitchcock, Johnson County Multi-Service Center, gave a synopsis of the situation in De Soto. The office has had 624 visits to the food pantry here in De Soto so far this year. Mayor Anderson and the Council thanked her for her work here.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

1. Consent Agenda:

- a. Approve Minutes of Council Meeting on October 21st, 2004.
- b. Approve Pay Ordinance No. 508.
- c. Approve Resolution No. 703 to Abate Environmental Code Violation at 33704 W. 88th Street.

Councilwoman Templin asked for a revision of the Minutes regarding her motion on page 2 of the Minutes. She rephrased her Motion to state: "Motion by Councilwoman Templin to direct staff to extend the abatement **so that a building permit can be issued within thirty (30) days to begin work on roof repairs**" at 8755 Lynne Road"; second amended and approved by Councilman Urbanek. All Council agreed.

Motion by Councilwoman Templin to approve the Consent Agenda with the amendment to the Minutes; second by Cannon.

Mr. Reavey stated he talked with Councilwoman Zindler this afternoon regarding the property at 33704 W. 88th Street concerning clean-up. Mr. Reavey has talked with City staff and Ron Creason, Street Superintendent, regarding any storage. He will work with City Staff on disposition of any property.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Maniez	Yes	Zindler	Yes
	Templin	Yes		

Motion carried.

2. Call to Public:

"Members of the public are welcome to use this time to comment about any matter relating to City business that is not listed on this Agenda. The comments that are discussed under Call to Public may or may not be acted upon by the Council during this meeting. **There is a four-minute time limit.** Please stand and wait to be recognized by the Mayor."

Richard Brazukas, owner of Mikes' Liquor, stated that he is requesting the City Council put on the April, 2005, ballot, the question of Sunday liquor sales. Surrounding cities have approved the Sunday liquor sales in this past year. Discussion by Patrick Reavey that the City Council will have to approve a Charter Ordinance chartering out of the prohibition of Sunday liquor sales. Discussion by Councilman Urbanek on whether a public hearing has to be held on the charter ordinance. Discussion by Councilman Maniez that he had calls the last time this was discussed from people who were very upset and against this. Councilman Maniez asked Mr. Brazukas if he could bring in a petition from those in the City who are requesting the Sunday liquor sales. Mr. Reavey stated the charter ordinance would have to state whether liquor sales would be held on holidays. Councilwoman Templin said she would agree to let the public decide, as did Councilwomen Cannon and Zindler, and Councilman Urbanek. Mr. Brazukas said he presently does not open his store on holidays.

Motion by Councilwoman Zindler to direct staff to prepare a charter ordinance exempting the City from state law in allowing the sale of alcohol on Sundays and some holidays, provided that the question of whether the charter ordinance should go into effect, be placed on the ballot for the next general election in April, 2005; second by Templin.

Roll Call:	Maniez	Yes	Urbanek	Yes
	Cannon	Yes	Templin	Yes
	Zindler	Yes		

Motion carried.

Discussion by Councilman Urbanek and Mr. Brazukas.

Dave Vigness, 8930 Lexington, stated he wanted to state that the banning of liquor sales on Sunday is actually a religious discrimination as some people celebrate the Sabbath day on Saturday. Mr. Vigness agrees with the holidays, but where do you draw the line as different religions celebrate different holidays.

Darrel Zimmerman, 34055 W. 86th Terrace, provided Council with some photos taken at the farm. He asked what plans are being undertaken for the City of De Soto to celebrate its 150th birthday in 2007? He stated the community needs to come together and begin work on this. He thanked the City staff and Council who helped with the events at the farm this year.

3. Chamber / EDC Report: Sara Ritter, Executive Director, said Westar Energy met with about 15 community leaders this week. The CEO of Westar came and spoke to the group. She stated she now has a number and a contact for tracking a power outage. The Chamber Bingo will be held Friday night at the VFW. The Chamber luncheon is Tuesday, November 9th, at Huhtamaki. The Mayor's Tree Lighting ceremony is Saturday, December 4th, 2004. The Chamber's annual dinner is Saturday, January 22, 2005. Sara said November is nomination month for the Chamber and EDC. Sara attended a conference last week in Oklahoma City. She said she learned a lot, especially on business retention programs.

4. Old Business: NONE

5. New Business:

- a. Consider approving 2005 contract with Johnson County Sheriff's Department. Col. Walt Way gave a summary, as outlined in Greg Johnson's memo to the Council, regarding the proposed contract provisions. The power shift has been included, bringing the total annual cost to \$397,913.00.

Councilman Urbanek stated he appreciated the officers showing up at closing time at the polls last Tuesday evening. The gesture was appreciated. Councilman Maniez asked about a citizen complaint regarding continued speeding violations on Penner Avenue. Col. Way stated citizen contact will be made with the complainant, if requested. Discussion by Councilman Urbanek and Col. Way regarding the Sunday liquor sales. Councilman Maniez asked about the enforcement of the speed limit on K-10 around De Soto. Discussion by Col. Way that the Sheriff's Department does concentrate on that area.

Motion by Councilwoman Templin to approve the 2005 sheriff's contract in the amount of \$397,913; second by Zindler.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Maniez	Yes	Zindler	Yes
	Templin	Yes		

Motion carried.

Col. Way introduced Mr. Frank Denning, Sheriff-elect for Johnson County. Mr. Denning stated he is familiar with De Soto as he started patrol in De Soto in 1978. He introduced Capt. Dave Burger, of the Lenexa Police Department, who will be appointed as the Undersheriff in January, 2005. Mr. Denning stated his office will continue to serve De Soto with good public safety service.

Mayor Anderson called a five-minute recess at 7:35 p.m.

Mayor Anderson reconvened the Council at 7:45 p.m.

- b. Complete Visual Preference Survey. Greg Johnson, City Administrator, introduced Lisa Briscoe, City Planner, who provided a power point presentation on what types of development the City would like to encourage. Council members participated in a photo survey. Ms. Briscoe discussed the uses for the survey results.
- c. Discuss scope of remaining building improvement, drainage, waterline, sewer rehabilitation, and street projects to be funded with 2002 B Bond proceeds. Greg Johnson provided an update on the status of the projects. The purpose of this discussion is to review the scope of the remaining projects in order to plan for completion of these projects in 2005. He discussed the items of building improvements on the fire station; sewer rehabilitation; drainage improvements; street improvements; and waterline improvements. The bond proceeds will need to be spent by July, 2005.

The revised bond resolution allowed \$30,000 for building improvements toward a fire station. Discussion by Councilwoman Zindler that she would like to hire an outside consultant to do a feasibility study to analyze the detachment and consolidation issues. She would like a plan that would be conducive to the county and the city. Discussion by Mr. Johnson that the bond instrument is not constructed in this way, as this funding was designated for building improvements. Councilman Maniez stated he agreed with Councilwoman Zindler that an outside consulting analysis would be good; however, he agreed that the City should not spend the money on building needs until we know what those needs really are. Councilman Urbanek stated there is no reason to plan to build if consolidation is coming. He would like to see a study done. Councilwoman Cannon said she agreed that an assessment is needed by an outside consultant, as did Councilwoman Templin. Mr. Johnson will consult with the City's bond counsel on this matter. Discussion by Council, Mayor Anderson, and Mr. Reavey regarding bond requirements. Mr. Johnson will put together some prospective scopes and bring them back for discussion.

Mr. Johnson reviewed the sewer rehabilitation options. Discussion by Mr. Reavey on jetting the lines and a maintenance plan. Council discussed going with the additional jetting and televising of sewer lines. Mr. Johnson will put together a plan and bring it back to Council.

The bond funded drainage improvements and two projects will be done in 2005 as originally planned.

The street improvement projects are the mill and overlay for 83rd Street, Wea, Osage and Jaycee streets. Council discussed the projects and funding. Discussion by Councilman Maniez that the people on Waverly Road didn't want the City making improvements on Waverly. Discussion by Council on the comments that were made by the property owners along Waverly Road. Council stated they would like to finish 83rd Street and extend the sidewalk.

The waterline improvements are scheduled for 87th Street and 83rd Street, which are both high-maintenance lines. Discussion by Council on which line would be the best improvement. Councilmen Maniez and Urbanek favored the 83rd Street line be improved first. Council members Cannon, Zindler and Templin favored the 87th Street line based on Clarence Brunk's statement to Mr. Johnson.

Councilman Urbanek questioned the 87th Street line improvement over the 83rd Street line as there are fewer customers to be served. Discussion by Mr. Johnson and Council that both lines have issues. Council requested more detailed information for each line before making a final determination.

6. Executive Session: Mr. Reavey stated there are two items under attorney-client privilege and land acquisition for 15 minutes each.

Motion by Councilman Maniez to go into executive session at 9:18 p.m. for attorney-client privilege for 15 minutes and land acquisition for 15 minutes, and to return at 9:48 p.m.; second by Urbanek.

All Council approved by "ayes".

Motion by Councilman Maniez to return to regular session at 9:52 p.m., and only the items mentioned were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

7. Advisory Reports:

- a. City Administrator, Greg Johnson, no report.
- b. City Attorney, Patrick Reavey, thanked the Council for excusing him from the last Council meeting. He attended a meeting yesterday at Bio-Science wherein he learned there is legislation being discussed regarding a bio-science designation for certain land areas. Funding could be from TIFF and STAR bonds. Mr. Reavey is still working on the title report for the property behind City Hall.
- c. City Engineer, Mike Brungardt, was absent.
- d. City Clerk, Lana McPherson, said she would be attending the Master Municipal Clerk Academy next week in Wichita.

8. Council & Mayor Comments:

Councilwoman Templin stated Michele Bufkin, who lives in Oak Country, is going to be on the David Letterman show tonight and will be saying she lives in "De Soto, Kansas".

Councilwoman Zindler had no comments.

Councilman Maniez stated the old garage at the corner of 83rd and Corliss needs to be looked at as the roof has now fallen in. He requested Larry Baxter look at this. Councilman Maniez thanked Mr. Johnson for seeing that the shrubbery has been trimmed on Commerce Drive.

Councilman Urbanek asked about the 35 mph speed zones on 83rd Street. Mr. Johnson stated the 35 mph speed zone is out to Waverly Road pursuant to the Ordinance that was adopted several years ago.

Councilwoman Cannon had no comments.

Mayor Anderson said he heard from three citizens regarding the excessive noise on Saturday night. Discussion that the property owner was issued a noise permit. Councilman Urbanek said he didn't receive any phone calls about the noise. Councilman Maniez stated he did not receive any calls, and that noise permits for outside bands had been issued to Doc & Brutie's restaurant in the past. Mayor Anderson said he feels the Council should consider changing the ordinance to allow the Council to make the determination on granting noise permits.

The Council of Mayors Dinner is Tuesday, December 14th. He asked Council to note that date.

Arlen Siegfried has asked area mayors to respond to excise tax, eminent domain and the streamlined sales tax issues that are being discussed in the legislature.

Mayor Anderson asked for Council approval to appoint Richard Hemphill to fulfill the term of Gary Pannell on the Planning Commission until April, 2005. Mr. Pannell has resigned due to health reasons.

Motion by Councilman Maniez to approve the Mayor's appointment of Richard Hemphill to the Planning Commission; second by Zindler.

All Council approved by "ayes".

Councilman Maniez stated he felt there should be someone appointed to represent the interest from those who live in the "older" part of De Soto and represent the more historical area of the City, especially when it comes to discussing the water and sewer issues.

Mayor Anderson asked Council if they would consider a monetary bonus to the employees this year rather than an employee holiday dinner. Council members will advise Mr. Johnson of their comments.

Mayor Anderson and the Council presented Patrick Reavey a congratulatory gift certificate on the birth of his son, Cavan Michael. Mr. Reavey thanked the Governing Body for their thoughtfulness.

Motion by Councilwoman Templin to adjourn at 10:15 p.m.; second by Zindler.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk