

MINUTES

The meeting was called to order with Roll Call by Council President Tim Maniez. Mayor Anderson was out of town this evening.

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

Mr. Maniez led the Pledge of Allegiance.

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

Motion by Councilwoman Zindler to amend the Consent Agenda to include Item 1.c, Resolution No. 706 Fixing the Hearing Date on a Structure Located at 8755 Lynne Road; and, to insert as No. 7, an Executive Session; and to move the numbered items accordingly; second by Templin.

All Council approved by "ayes".

1. Consent Agenda:
 - a. Approve Minutes from the Council meeting of November 18th, 2004.
 - b. Approve Pay Ordinance No. 510.
 - c. Approve Resolution No. 706 Fixing the Hearing on Structure Located at 8755 Lynne Road.

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

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

Motion approved.

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."

Anita Woywod, on behalf of the De Soto High School Madrigals, stated the Madrigals have the opportunity to sing at Carnegie Hall in New York City in June, 2005. The cost is about \$1,350 per student for the trip. Mrs. Woywod is requesting financial assistance from the City for the DHS Madrigals. The DHS Choir is also a finalist for the Grammy awards. Mrs. Woywod said the DHS Madrigals will be doing fundraisers, but there are students who cannot financially afford to pay the full cost of their way. Discussion by Council and Mr. Johnson on the funds currently in the Transient Guest Tax fund. Council discussion on sponsorship.

Motion by Councilwoman Templin to donate \$2,700 from the Transient Guest Tax fund to the De Soto High School Madrigals for their trip; second by Cannon.

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

Motion carried.

Monte Freeman stated he is here to ask what is going to happen with the house located at 8755 Lynne Road. Mr. Reavey stated the Resolution has set a hearing date of January 20, 2005, at 7:00 p.m. Mr. Freeman stated the house has sat unrepaired for over six months. Mr. Reavey stated the City has to have the hearing to determine the structure to be unsafe and dangerous. Discussion by Mr. Freeman that months have gone by and nothing has been done to clean up the property. Mr. Freeman said his home is across from this structure and he is trying to sell it and no one wants to buy next to this property. Council discussion that they have been very fair to the property owner in allowing him ample time to begin repairs and clean up the structure. Discussion by Mr. Reavey and Mr. Freeman on making the property safe and the time requirements that the City must meet per the Kansas statutes. Mr. Freeman asked why it has taken the City so long to set a hearing on taking this house down.

3. Chamber / EDC Report. Sara Ritter, Director, provided Council with a new marketing brochure from the Johnson County Partnership. De Soto chose Huhtamaki for the business in the brochure. Rich Caplan, K-10 Association, has asked all representatives to meet bi-monthly. She met with them today and the K-10 Association is in the process of preparing a labor study for the K-10 Corridor. The group also discussed doing some cooperative marketing together for the Corridor. The Mayor's Tree Lighting ceremony will be Saturday, December 4th, at 5:30 p.m.

4. Old Business:

a. Consider Resolution for Deer Depredation Permit for Charles Nichols, 8735 Corliss Road – Tabled from last meeting. Mr. Reavey stated he has talked with Mr. Nichols and he could not be here for this meeting. Mr. Reavey said Mr. Nichols hasn't made contact with his neighbors yet. Discussion by Councilwoman Templin and Mr. Reavey.

Motion by Councilwoman Templin to table this item to the next Council meeting; second by Urbanek.

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

Motion carried.

b. Public discussion on the wastewater treatment facility options. Mr. Brungardt, City Engineer, stated he wanted to give an opportunity to the public to discuss the options. He introduced Jay Norco and Steve Baker of Shafer, Kline & Warren, and Marty Nohe, the City's Financial Advisor. Mr. Brungardt provided handouts to the public. Mr. Baker provided information to the citizens as to how these options have proceeded to this point. Mr. Norco then provided the information regarding the lift stations and the operational costs over a twenty-year period. The plan should be to eliminate the five (5) lift stations in the future.

Mr. Norco then explained the treatment facilities and the options available; and, the building of a new treatment plant. He also outlined the costs associated with the options presented.

Marty Nohe, the City's Financial Advisor, stated the City has the choice of issuing General Obligation bonds for the project. It will take about 18 months to build the plant, and the City will need to borrow enough money to pay the interest during the timeframe of the building of the plant. It will take about 20 years to retire the principal amount of the bonds. The engineers have been provided different rate structures for consideration.

Mr. Mike Duffy, Shafer, Kline & Warren, provided a rate structure comparison of surrounding

communities. He said the City needs to begin increasing rates now so there is not a significant jump in the rates when the new plant comes on line. Although the City has increased sewer rates in the past, residents still pay more than \$2.00 less than the average of the surrounding communities. He explained the costs associated with the option presented. The monthly increase to the customer was discussed as well as the system development fees for new structures. Discussion by Councilwoman Templin on the rate increase structure. Councilman Maniez asked Mr. Nohe about the options and the back loading of the cost on the rate increase. Discussion by Mr. Nohe on the financial aspect and the variables between the east and west side locations. Councilman Maniez asked about the development fees and increases on any new structures. Discussion by Council and Mr. Brungardt on system development fees in the City and in surrounding cities. Councilwoman Zindler stated De Soto is low compared to other communities in our area. Discussion by Councilman Urbanek on services across 95th Street where the City doesn't provide water service. Discussion by Mr. Brungardt and Mr. Maniez. Discussion by Councilman Urbanek on RWD #6 providing water to new subdivisions.

Mr. Baker summarized the time schedule with comments from Mr. Brungardt. Mr. Johnson, City Administrator, stated the financing of either option is basically the same. Temporary notes will be issued in the beginning for the purchase of the land, design work, etc. that will be funded sometime in 2005. Discussion by Councilman Maniez regarding the options and in reviewing the current development fees. Discussion by Mr. Brungardt on back loading the bond issue for the plant costs.

Councilman Maniez stated, based on the rates and information provided, he feels the City will need to do the back loading on the bonds at some point. He would like to see some numbers with different levels of system development fee increases with some options. Mr. Maniez stated he would like to see what the numbers look like based on 50 new customers per year, as opposed to the 75 quoted. Discussion by Councilman Urbanek. Discussion by Councilwoman Cannon on multi-family system development fees being less costly than single-family residences. Mr. Brungardt explained the reasons.

Councilwoman Templin stated definitely go with the back loading option. She is still inclined to build the plant to the northwest as potential is so much greater than on the east. She explained her reasons for the position and she said system development fees should be increased. Councilwoman Zindler stated she has read the Master Plan Study, and based on the west option, it would provide more options and benefits to the City and the operational costs would be less than the east side option. She is leaning toward the west. She wants to see the back loading option and the system development fees discussed. Councilman Urbanek stated he feels the west side option in the long run will be the best option. He also agrees with the back loading option. Councilwoman Cannon said she agrees with the others in option 2b on the west side, and with the back loading. Councilman Maniez stated he was interested in the east option initially due to the costs and rates. However, the west side option is the choice. He does want to see the back loading option numbers and the system development fees as a comparison to the east side. Council discussion.

Mr. Nohe stated that the increase to the system development charges can also affect the builder in developing new structures. Discussion that this is always a balancing act.

Mr. Brungardt thanked the Council, and the citizens, for their comments and participation in this discussion. Councilman Maniez asked for any public comments.

Discussion by Mr. Freeman on how this will affect those in rural areas that are not currently on sewer. Mr. Dave Vigness asked about the plan requirement for a force main on either option. The west side option has a fairly good estimate on constructing the force main on the western option. Discussion by Mr. Baker of Shafer, Kline & Warren regarding the options and the costs to build the force main. Discussion by Mrs. Lavenberg and Mr. Baker concerning costs in undeveloped areas.

Council President Maniez closed the discussion at 8:35 p.m. and called a five-minute recess.

Council President Maniez called the meeting back to order at 8:40 p.m.

5. New Business:

- a. Consider Ordinance amending the City Code to allow archery hunting of deer within the City. Mr. Reavey, City Attorney, stated each year the City has a few citizens that request deer depredation permits. The state conservation department will issue the permits if the City approves a resolution. There is no hunting allowed within the City Limits. The term "firearm" does include bow and arrow. At the Council's direction, Mr. Reavey has surveyed surrounding communities. Lenexa and Olathe allow are the only two that have made a concession. Mr. Reavey reviewed the proposed ordinance language with the Council and the explicit requirements in issuing a permit to hunt deer within the City Limits.

Councilwoman Templin stated she generally likes the language; however, she would like the City to determine a minimum acreage requirement. She stated Lenexa's ordinance stated an "elevated position". Does that mean a tree stand, or can it just mean an elevated position. Discussion by Mr. Reavey and Council regarding someone just shooting off a roof. Councilman Maniez stated his concern is the wounded deer leaving the property and going onto another person's property. What is the City's responsibility in allowing someone to let a deer get away and do damage to someone's property. Mr. Reavey stated the City would not be responsible for personal injury. Discussion by Mr. Reavey that surrounding property owners must be notified prior to a permit being issued by the Council.

Further Council discussion on a minimum acreage requirement. Discussion by Lt. Quigg of the Johnson County Sheriff's Department that a minimum acreage should be stated. Mr. Reavey will consult with the Kansas Wildlife and Parks on a minimum acreage requirement.

Discussion by Councilman Urbanek that most hunters use a compound bow for deer hunting.

Motion by Councilwoman Templin to table this item; second by Urbanek.

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

Motion carried.

- b. Consider approval of Final Plat for Davis Estates. Mr. Brungardt explained the City's regulations and the issues that were discussed and then recommended for approval by the Planning Commission. This is a zoning of the "R-O" district. This plat is consistent with the Comprehensive Plan and it would be feasible for on-site septic systems. Test holes support favorable soils for a septic system. Staff recommends approval of the Final Plat. Discussion on how the lots were split initially.

Motion by Councilwoman Zindler to approve the Final Plat for Davis Estates; second by Cannon.

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

Motion carried.

- c. Consider Planned Development Final Plat for Linden-Tripkos VFW. Mr. Brungardt provided comments in his memo dated November 24, 2004. He stated the final plat is consistent with and meets the requirements of the zoning and subdivision regulations and is also consistent with the Site Plan. The Planning Commission has considered and approved this final plat for Council's consideration.

Motion by Councilman Cannon to approve the Final Plat for the VFW; second by Templin.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, stated that Steve Brady's timeline on his system development fees is up December 31, 2004. Mr. Brady will be approaching Council at their next meeting.

Mr. Johnson is now reviewing the contract proposal with Weldon Sanitation Services. He is also checking with other providers for cost quotes.

- b. City Attorney, Patrick Reavey, provided Council with a copy of the Order in the Lambie-Geer litigation. Mr. Reavey provided Council with a letter regarding the Clearview City litigation. The insurance carrier is meeting with Mr. Reavey and Mr. Brunk regarding the deposition of Mr. Brunk next week.

The structure at 83rd and Kill Creek was also discussed.

- c. City Engineer, Mike Brungardt, no report this evening.
- d. City Clerk, Lana McPherson, had no report.

7. Council & Mayor Comments:

Council members had no further comments.

8. Executive Session: Mr. Johnson stated this is an informational meeting for personnel matters.

Motion by Councilwoman Templin to go in Executive Session to discuss personnel matters at 9:10 p.m. to return at 9:25 p.m.; second by Urbanek.

All Council approved by "ayes".

Motion by Councilwoman Templin to return to regular session at 9:27 p.m. and only the item stated was discussed and no votes were taken; second by Urbanek.

All Council approved by "ayes".

Motion by Councilwoman Templin to adjourn at 9:30 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk