

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 8.

The Mayor led the audience in the Pledge of Allegiance.

PUBLIC HEARING: Petition filed by Doc & Brutie's LLC for a Waiver of the City's Code Requirement that no alcoholic liquor be sold or served within 200 feet of a church, school, nursing home, library or hospital.

Patrick Reavey, City Attorney, provided Council with a copy of the Petition filed by the applicant and reviewed this matter for Council. This business has been operating at this same location for several years. Mayor Anderson opened the public hearing for comment.

No one appeared and Mayor Anderson closed the public hearing.

Discussion by Councilman Maniez and Mike Brungardt on how the footage is determined. Discussion by Mayor Anderson on how this petition was brought to Council.

Motion by Councilman Maniez to approve Ordinance No. 2040 as written; second by Cannon.

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

Motion carried.

1. Consent Agenda:
 - a. Approve Minutes from the Council meeting of February 12th, 2004.
 - b. Approve Pay Ordinance No. 491.
 - c. Resolution regarding authorized users for Municipal Investment Pool accounts.
 - d. Fee Resolution with new water and sewer rates.

Motion by Councilman Maniez to remove item 1.c. for discussion; second by Urbanek.

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

Motion carried.

Mayor Anderson called for the Consent Agenda approval. Councilwoman Zindler requested the resolution number. Councilman Urbanek stated pool fees should be reviewed the next time. Discussion by

Councilman Maniez that this matter was brought up a few years back and the discussion was to leave the pool fees the same so it would be a reasonable cost for the citizens.

Motion by Councilwoman Zindler to approve the Consent Agenda including Resolution No. 681 for new water and sewer rates; second by Templin.

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

Motion carried.

Mayor Anderson called for discussion on item 1. c. Councilman Maniez said he read this resolution several times over and it appears that only one person is required to move the funds. Discussion by Mr. Johnson that the state only requires one person to sign; however, he is not in favor of changing the City's internal practice of having three (3) authorized signatures. Councilman Maniez stated he would like language to clarify that all three (3) signatures be required. Discussion by Councilwoman Zindler and Mr. Johnson.

Motion by Councilman Maniez to approve Resolution No. 682 with an addition to section 2 that all three officers' signatures are required for transfers; second by Urbanek.

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

Keil Hileman, 8455 Rik-Mar Drive, De Soto. Mr. Hileman stated he is the Kansas Teacher of the Year for 2004. He said there is a tradition that was started by John F. Kennedy that teachers are to bring gifts from their respective communities to exchange at these conferences. The teachers bring their cities' pins and exchange and he stated De Soto needs a pin. Mr. Hileman feels a pin would be beneficial in helping promote the City. He said he would like to be on a design committee if the City wants to design a pin. Mr. Hileman will be going to NASA space camp in July for another national conference and he would like to have a De Soto pin to take for the exchange. Council thanked him for coming. Mayor Anderson congratulated Mr. Hileman on his honor. Mr. Hileman stated the USD 232 has had a state finalist in the past 8 years and he feels blessed to have this honor this year. Discussion by Council and Mr. Hileman.

John Taylor, 5 Lane J, Clearview City. Mr. Taylor said he is surprised the Council has approved water and sewer rates tonight without Council discussion. He stated this was the second increase in the past six months. Mike Brungardt, City Engineer, stated this was not the second increase. This is the increase the Council discussed several months ago and it is just now taking effect. Mr. Taylor said the Mayor made comments at the Chamber that the water had a surplus so he is wondering why raise the rates. Discussion by Mayor Anderson that the newspaper did not fully clarify his statement. The water fund does not fully fund itself and that is why the rates have to be raised.

Mr. Taylor stated the pool is now on the ballot and there have been no public forums set to inform the public as to how much the real costs are going to be for upkeep. Mayor Anderson stated there will be documents available at City Hall and at the De Soto Library with all the information. Discussion by Mr. Johnson that he has calculated estimates on the expenses. Mr. Taylor stated the operating costs are extremely high and these costs need to be provided to the public. Councilman Maniez stated he feels there should be a public

forum. Discussion. Council members agreed the City should be providing that information and the Council will have a forum to answer the public's questions. Council determined to have a public forum on April 1st from 5:00 p.m. to 6:00 p.m. to answer questions from the public.

3. Chamber / EDC Report: Sara Ritter, Executive Director, introduced Shannan Nelson, Chamber President, Charley Vogt, EDC Chairman, and Dan Gulley, past President of the Chamber. She invited everyone to the EDC meeting on Wednesday, February 25th, from 5:00 p.m. to 6:30 p.m. at the Country Club Bank in Shawnee, Kansas.

4. Old Business:

a. Consider Ordinance adopting the City's Comprehensive Plan update. Patrick Reavey provided Council with a memo regarding the Plan and reviewed the choices for adoption of the Plan. Mike Brungardt stated this plan has been back to the Planning Commission to review the Council's recommendations from the first draft.

Councilwoman Templin asked for the rationale for defining three houses to one acre. Sean Ackerson, City Planner, stated that in the prior discussions on four units per acre was too dense per the Council's recommendation. Councilwoman Templin stated she has a big concern with recommending three houses per acre for all future land use, especially to the west. She feels the eastern buffer might handle this, but she does not want to set a pattern for the entire City.

Councilman Urbanek stated this was a compromise as some people wanted two houses and some wanted four houses per acre. Discussion by Councilwoman Cannon that the three houses per acre plan was mostly for the eastern part of the City. Discussion by Councilwoman Templin. Councilwoman Zindler stated she is comfortable with the three units per acre as a developer will always ask for the more dense zoning. Councilman Urbanek agreed. Mayor Anderson stated this issue was a compromise and the Planning Commission will continue to discuss this as it is an ever-changing plan. Councilman Maniez said he looks at this as a guideline or a basis to start from. Discussion by Councilwoman Templin that her fear is the public perception will base future land use on this proposed future land use map. Discussion by Councilman Maniez that developers constantly come in and ask for zoning changes. He stated he is comfortable with this as the base plan. The Comprehensive Plan is a basis to start from. Councilman Urbanek stated the developers always come in and ask for more.

Motion by Councilman Urbanek to approve Ordinance No. 2041 as written; second by Cannon.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Maniez	Yes	Zindler	Yes
	Templin	No	Mayor	Yes

Motion carried.

b. Consider awarding contract for mowing and weed control applications. Greg Johnson stated he has contacted Mr. Van Ann, who is here this evening to discuss his proposal.

Mark Van Anne, 1312 Elm, Eudora, KS, stated he has reviewed the present plan and reviewed the past bid amounts. He said this year's mowing plan had an increase in mowings and the right-of-ways that were added. Based on his pricing from his 2001 bid, he bid this project with the additional mowings, and also added in the unimproved right-of-ways. Mr. Van Anne stated his equipment is paid off and he has dropped the price by 16%. Discussion by Councilman Urbanek on the unimproved right-of-way mowings. Mr. Van Anne stated he could mow these areas. Discussion by Councilwoman Templin on the unimproved right-of ways. Councilwoman Zindler asked Mr. Van Anne if he has the proper equipment to mow the unimproved right-of-ways. Mr. Van Anne stated he knows what his mowers can do and he can do the work. He stated he wants the opportunity to do this job. Councilman Maniez said the City has an articulating type mower and our crew has had difficulty in mowing the unimproved areas. Councilman Maniez asked Mr. Van Anne if his equipment can handle the hard to get to areas on the unimproved right-of-ways. Mr. Van

Anne stated he has photographed the areas and he feels the City's mower wasn't doing its job. He said if he can't do it with a mower, he will use a weed eater to take it down.

Bill Fletcher, 8953 Hillview, De Soto, KS, stated he drove the right-of-ways today. There are 15 miles of unimproved right-of-ways and he doesn't see how anyone can weed eat 15 miles of right-of-ways. Mr. Fletcher stated he respects Mr. Van Anne's bid.

Mayor Anderson asked Mr. Johnson when Council will need to make the decision. Mr. Johnson stated it should be made by mid-March. Councilman Maniez stated he has looked at the City's equipment and he knows there are many rough areas that have to be mowed. Mr. Fletcher has proven himself through the years and Councilman Maniez stated there has to be some extra equipment to do these right-of-ways.

Motion by Councilman Maniez to award S & F the mowing contract for \$40,338, including weed control. Motion died for lack of a second.

Councilwoman Zindler stated she would like more discussion before another motion is made. She said she has a problem with spending 30% more if there is a lower bidder. Discussion by Mr. Johnson that the mowing contract is evaluated based on performance and the City needs to see the work first-hand. Discussion on the difference in the price of the two bids. Councilman Maniez stated he is afraid the bidder has underestimated the unimproved right-of-ways and mowing these has torn up our equipment. He feels the low bidder may not have the proper equipment to handle these areas. Councilwoman Cannon asked if the low bidder can get more equipment if needed. Mr. Van Anne stated he can get a radial arm mower if needed.

Motion by Councilman Urbanek to award Cru-Cut the bid for \$29,804.20 for the mowing contract for this year; second by Zindler.

Roll Call:	Maniez	No	Urbanek	Yes
	Cannon	Yes	Templin	Yes
	Zindler	Yes		

Motion carried.

5. New Business:

- a. Consider recommendations from De Soto EDC for initiatives funded by Transient Guest Tax. Sara Ritter gave background information on the past three initiatives that have been completed. She said the brochure is beautiful but she sends it out in a manila envelope. She sends out information on all types of City information and she would like to have a better packaging plan.

Ms. Ritter outlined the seven initiatives that she would like to have funded by the TGT. She said De Soto needs to find out what our "brand" is, what our image is to outside prospects. Ms. Ritter stated the branding provides an additional way to look at your community and to seek a competitive difference to develop more effective marketing programs to bring businesses into the City.

Ms. Ritter stated it is very hard to produce quality documents when the equipment she works with is not properly functioning. So much of what she produces on the computer are marketing documents and they need to look professional.

The Community Housing Assessment Team (CHAT) project was discussed. Ms. Ritter said this is a team that combines the resources to reach a consensus on what the housing situation is in a City and what or how it should be addressed. Discussion by Councilwoman Zindler on what information is reviewed by CHAT. Sara said this information would also help with revitalization efforts in the City.

Ms. Ritter said the growth in the EDC is exciting; however, until the organizations, the EDC and the Chamber are larger, they are going to need assistance from the City. The EDC has its own

account and their funding does not combine with the Chamber funds.

Councilman Maniez stated his biggest concern is the CHAT as he feels that development is market driven and he doesn't feel the need to spend this kind of money. A developer will come in and see a need or an opportunity and will take advantage of that. He feels the CHAT might be nice to have, but he doesn't see it as a big benefit to the City right now. Discussion.

Councilwoman Templin asked about the professional packaging and the brochures. Ms. Ritter said the Chamber has members that will assist in the costs. She then introduced Charley Vogt.

Charley Vogt, 13907 W. 72nd Court, Shawnee, KS, stated he is the Chairman of the EDC for De Soto. He represents Country Club Bank as De Soto's business as it is in the USD 232 school district. He said his motto for De Soto this year is "doing more in 2004". Mr. Vogt said his goal is to leverage funds from other sources who might benefit from De Soto's growth. Mr. Vogt stated his clients were impressed by the energy that is obvious in the De Soto Chamber and EDC. He said he is a member of the Home Builders Association and there are changes in the housing market trends. He feels the CHAT analysis would be very beneficial to the City and EDC in promoting De Soto. He is pledging to bring more private sector funds into the City.

Councilman Urbanek asked why this wasn't presented at budget time. The Sheriff's contract had to be cut out because we didn't have funds. Now, the budget is set and people are asking for \$17,000 on top of the \$25,000 they are already given. Greg Johnson said there is spending authority in the budget this year to spend \$20,000 from the Transient Guest Tax fund. Discussion by Patrick Reavey that the City has a charter ordinance to allow the Transient Guest Tax funds to be used for certain items. Mr. Johnson said he feels the office equipment would not be appropriate for the Transient Guest Tax fund. Councilman Maniez said if the City is being asked to provide office equipment, the EDC should use the City's purchasing policy. Mayor Anderson asked if Sara could use the City's copier. Discussion by Councilman Maniez on why the City should pay an outsider to man a website when the City is doing their website in house. Why can't the City also maintain the Chamber's website. Councilwoman Templin agreed on using the City's office equipment. Councilwoman Templin said she is in favor of doing the CHAT so that when developers come, there will be a useful tool for discussion on what is needed and what is best for this community. Councilwoman Cannon said she agreed with the CHAT assessment. She stated the office equipment does need to be updated.

Shannon Nelson, 7124 Blueridge, Shawnee, KS, introduced himself as the Chamber President. He stated the office expenses are going to be split between the Chamber and the EDC. The Chamber wants this information to be used by the City and the Chamber to promote the best interests of the City. Mr. Nelson stated he is going to work hard at building membership in the Chamber and to utilize the resources of the members.

Councilwoman Templin asked if the office equipment purchase can be taken from the Transient Guest Tax fund. Mr. Johnson stated based on the ordinance, in his opinion, he does not feel this should be taken from the Transient Guest Tax fund. Discussion by Council.

Councilwoman Zindler commented that she supports the initiatives outlined. She supports the CHAT for an outside opinion and perspective. Councilman Urbanek asked how long the CHAT will take. Sara said it could be done as early as 30 days as long as scheduling permits.

Councilman Maniez stated he thinks before the door is opened up for everything, he feels the office equipment should be pulled from the proposal, and have the City purchase it from the City's funds and not from the Transient Guest Tax.

Motion by Councilwoman Templin to fund the Chamber/EDC initiatives, minus the office equipment request, in an amount not to exceed \$14,700 to be paid from the Transient Guest Tax fund; second by Cannon.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Maniez	Yes	Zindler	Yes

Motion carried.

Mayor Anderson called a five-minute recess at 8:50 p.m.
Mayor Anderson reconvened the meeting at 8:55 p.m.

- b. Consider contract for engineering and design services for Lexington Avenue Reconstruction. Mike Brungardt, City Engineer, stated he has worked with HNTB on the contract document and provided Council with a memo on the general overall budget and range for design fees. He also provided Council a copy of a letter written by Patrick Reavey directed to HNTB. Mr. Brungardt reviewed the Agreement for Professional Services that has been prepared for this project. He recommends the Council authorize the Mayor to enter into the contract. Councilwoman Templin has asked about bike lanes being included in the scope for a reasonable fee. On some of the conceptual items, these items are not written into the original project scope or the project's budget.

Patrick Reavey discussed a revision to the Agreement regarding the "limitation of liability" language. Mr. Reavey has talked with HNTB's attorney, and they have agreed to the compromise language requested by Mr. Reavey.

Mike Brungardt introduced the two design engineers from HNTB. They stated they are pleased to be working with the City and can see there are some exciting things taking place in De Soto.

Councilwoman Templin stated she had asked Mike about the bike lanes previously and was surprised that it was not included. She would like it to be considered. Councilwoman Cannon agreed that it should be included as there are children riding bicycles along the road. Discussion by Mayor Anderson and Mike Brungardt. Mr. Brungardt stated the bike lane can be included in the concepting. Discussion by the HNTB engineers on identifying the alignment as the key in determining shoulder width, sidewalk, and bike lanes. Discussion by Councilwoman Templin that she envisions a three-foot wide striped bike lane. Councilwoman Templin stated that adding bike lanes should be considered when improving the roadways in the City.

Mayor Anderson asked Councilwoman Cannon her opinion on bike lanes. Councilwoman Cannon said it would be something to think about on Lexington as kids ride bikes to school. Councilwoman Zindler agreed that it should be looked at. Councilman Urbanek said it could be checked into and then figure the cost factor. Councilman Maniez agreed with Councilman Urbanek that the cost factor has to be looked at and determined if it is cost effective. The City has a lot of streets that need repairs and the cost factor has to be justified for bike lanes.

Councilman Maniez said he hasn't had time to review all the documents that were placed on the table tonight. He stated Patrick has already presented some challenges on this agreement with the liability insurance and he would rather table this to the next meeting so that there is time to review it. Councilman Maniez stated this is a lot of information to make a decision on when it was just put in front of him tonight. Discussion by Mike Brungardt on the agreement. Mayor Anderson stated he understands Tim's comments, yet he is torn because we are holding Mike to task on the CIP. Councilman Maniez stated he thought Council had made a policy that they would not make a decision on something that was laid on the table the night of the meeting.

Discussion by Councilman Urbanek on the Task 6 in Attachment A. Councilman Urbanek stated he assumes nothing was changed from Mike's email except what was discussed tonight. Mayor Anderson and Mr. Brungardt commented that all the information was e-mailed to the Council on Tuesday, per the Council's discussion at the meeting on February 12th that the information was going to be distributed via e-mail due to the timing of the Council meeting.

Motion by Councilwoman Templin to authorize the Mayor to enter into the agreement with HNTB with the subject of the City Attorney reaching an agreement on liability insurance; and to add bike lane concepts into Task B.; and, by adding the City Council on Task 6.1; second by Zindler.

Councilwoman Templin said she feels comfortable with this because she was part of the meetings of the committee. She agrees with Tim that she doesn't want this to happen again. Councilman Urbanek said he would appreciate page numbers being put on the pages so Council can follow along. Mayor Anderson stated he agrees with Council members Mitra and Tim on voting on items placed on the table at the last minute. Councilman Maniez stated he does not feel it is fair to the Council, as a whole, to vote on a million dollar project on such short notice.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Zindler	Yes	Templin	Yes
	Maniez	Abstained, due to being unprepared on the contents of the Agreement		

Motion carried.

- c. Consider recommendations for engineering and design services for 2004 CDBG Project. Mike Brungardt stated this is the Miller Park parking lot project. He provided a memo to Council reviewing the RFQ's that were received from the engineering firms. He recommends the City enter into negotiations with Shaffer Kline and Warren for the design services. Discussion by Councilman Urbanek regarding the pool area and if it will affect that parking lot area. Councilman Maniez asked Mr. Brungardt if he could draw up the specs for a parking lot and why we need to contract it out. Mr. Brungardt stated he could do it, but he doesn't have time to do it. Discussion by Councilwoman Templin on the parking area around the pool. If the new pool doesn't pass, can the parking area around the present pool be improved. Discussion by Mr. Brungardt that this area could be added to the scope.

Motion by Councilman Urbanek to approve Shafer Kline and Warren for the design of the parking lot and to have Mike negotiate the fee and bring it back to the Council; second by Cannon.

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

Motion carried.

- d. Discuss proposed boat ramp layout. Mike Brungardt asked for discussion on this matter. He said he provided a map to the Park Board and has met with Jay Garvin on the Park Board's recommendation on the layout. Discussion by Councilwoman Templin that she feels the parking area is small, especially if someone is pulling a boat. Mr. Brungardt stated the stalls are about 70 feet long so they are long enough for a truck and a trailer. Discussion by Mr. Brungardt on the conceptual improvements. The Park Board would like there to be a walking path and some benches placed in a shady area, along with some playground equipment.

Councilwoman Cannon asked about the existing building being used for restrooms. Mr. Brungardt will check into this. Discussion by Councilman Maniez on whether or not there have been talks with the Corps of Engineers before we spend a lot of time and good ideas on this. Mayor Anderson stated he and Councilwoman Zindler have talked with the Friends of the Kaw and a representative from the Corps of Engineers, and have walked the area with them. Discussion on possible fund-raising or partnering with the County or State. Mayor Anderson stated he feels it should be kept gravel for now. Discussion on a walking path layout. Mr. Brungardt will come up with some cost factors on some of the ideas discussed.

- e. Consider approval of Planning Advisory Services RFQ. Greg Johnson provided Council with a memo regarding the on-call planning advisory services. He provided a draft on the scope of services. Mr. Johnson will keep Council advised on the selection process.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, stated he is trying to monitor any changes to the streamlined sales tax law. The Department of Revenue has come out with a tool kit for businesses on how

to calculate the sales tax. The City has received an increase in sales tax, which may or may not be wholly attributed to this law; however De Soto has benefited.

The League is working on revenue sources for local governments in this legislative session.

- b. City Attorney, Patrick Reavey, stated he has a Hunt-Midwest item to be discussed. Councilwoman Cannon recused herself from the Council room. Mr. Reavey provided Council with an email he received this afternoon from Don Jarrett, legal counsel at Johnson County. Mr. Reavey informed Dean Palos that the City will be holding firm on their regulations. Mr. Palos sent a fax for the Council to review regarding the five-year versus the ten-year term of the permit. Discussion by Councilman Urbanek. Mr. Palos stated the County has not made a positive determination and the language in this document is a draft.

Councilman Maniez stated the draft does state that the property has to remain compliant and provides for public notice and hearings. Councilwoman Zindler stated she is not satisfied with it and we should be sticking to our regulations and standing firm on them. Councilwoman Templin said we should stick with our regulations. Councilman Maniez asked if this draft is a negotiating tool to determine what the City will agree to. Discussion by Mr. Reavey that this is an effort by the County departments to head off a dispute in future. Discussion by Councilman Maniez that he feels the City should stand on our regulations. Mr. Reavey stated the City's regulations were passed when the quarry was within the City's boundaries. Our regulations are not currently binding on Hunt-Midwest, only on quarry operations within our boundaries.

Councilwoman Cannon returned to the meeting at 10:15 p.m.

Councilman Maniez asked about the Inter-local Agreement status with the County. Mr. Reavey stated he will check into this and report back to the Council at the next meeting.

- c. City Engineer, Mike Brungardt, said he has distributed the RFQ's for the water system plan.
- d. City Clerk, Lana McPherson, no report.

7. Council & Mayor Comments:

No comments from Councilwoman Cannon or Councilman Urbanek.

Councilman Maniez stated he would like the Council to consider purchasing the lapel pins for the City as a promotional item and good will. Council members agreed. Council discussion on the pin color, cost and amount. Council approved 2,500 pins to be ordered with the green background at a cost of \$.45 each. Discussion by Council members on assisting the City Clerk with lodging and meal expenses for the IIMC conference not covered by her scholarship. Mr. Johnson stated there is a line item in the budget for these expenses.

No further comments from Councilwoman Zindler and Councilwoman Templin.

Mayor Anderson stated he will be providing a letter to Council each month regarding his activities and the various meetings he attends.

Motion by Councilman Maniez to adjourn at 10:33 p.m.; second by Templin.
All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk