

MINUTES

*This Meeting was rescheduled from March 18th, 2004.

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		

Mayor Anderson led the Pledge of Allegiance.

1. Consent Agenda:

- a. Approve Minutes from the Council meeting of March 4th and 18th, 2004.
- b. Approve Pay Ordinance No. 493.

Mayor Anderson stated to the Council that the checks in the pay ordinance had been signed due to the time frame.

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

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."

Sal Maturo, 8920 Lexington, stated he has a problem with his ditch and what his neighbor did to the ditch to destroy the rest of the street on the west side. He said his neighbor put in a circle drive and now the whole street and ditch line keep flooding. The culvert the neighbor put in was not correct. Mr. Maturo stated he feels the neighbor should be held accountable for the destruction of the right-of-way and the improper drainage. Discussion by Mike Brungardt, City Engineer, and Councilman Maniez on permit process for installing culverts. Mr. Brungardt stated this is the ditch project that has been ongoing for over a year. Mayor Anderson discussed the matter with Mr. Brungardt. Mr. Brungardt stated the capital project on Lexington Avenue could include this ditch project and this right-of-way should be graded at a constant slope. Discussion on maintenance of culverts. There is also water standing at 8930 Lexington as well as 8910 Lexington. Mr. Maturo's concern is the water that stays for 8 to 10 days and slime starts to form and bugs appear. Mr. Brungardt stated the City is going to look at the stability of Mr. Maturo's driveway as the water stands so long. Discussion with Mr. Brungardt and Mayor Anderson on this ditch project. Discussion by Council members on the slope of the ditch and water retention.

Ed Yount, 8682 Timber Trails Drive, stated there is new pavement construction going in and he is requesting that the new pavement be extended to the west side of the cemetery. He said there is a bad dust problem for him as well as his neighbors. Discussion by Mr. Brungardt that the scope of the project had been reduced due to the costs involved. Discussion by Mayor Anderson and Mr. Brungardt on the additional cost to extend past the

cemetery to the west. The approximate cost would be an additional \$23,000 to \$25,000 to extend the pavement. Mr. Brungardt stated this would be over the original contract cost. Discussion by Councilman Maniez on the 5% contingency in the contract. Mr. Johnson stated there have already been some contingencies to this particular contract. Mayor Anderson stated he thinks it should be paved. Mr. Brungardt stated there is another driveway about 50 feet past Timber Trails Drive and he feels the pavement should extend to this driveway. Discussion.

Motion by Councilwoman Zindler to allow staff to negotiate the 87th street contract to increase the scope not to exceed \$5,000. The motion was rescinded by Councilwoman Zindler as other citizens wished to express their concerns on the street construction.

Mrs. Erin Drennan, 8660 Timber Trails Drive, stated she manages a day care at her home. The children cannot play outside because the traffic and the big trucks churn up a lot of dust that covers her yard.

Walt Johnston stated he is concerned about the same street. He said this new curb will not take care of the west drive into the cemetery as the driveway is too steep. Discussion by Mayor Anderson and Mr. Brungardt on the unit costs for the curb and guttering of the additional 245 feet, for a total of 490 feet. Discussion by Mayor Anderson and Council that more study needs to be done on this project before laying down the pavement.

Ron McDaniel, 8680 Penner, stated he has lived here since 1964 and has had all the dust on that corner. He wants the street improved and the cemetery drive has to be improved. The City has changed the grade and it now needs to be fixed since the contractor removed rock. He appreciates the sidewalk for the kids to walk on. Mayor Anderson asked Mr. Brungardt to work on this project and investigate the grade situation. Discussion by Councilman Maniez and Councilman Urbanek on the steep grade on the cemetery drive. Council discussion on extending the curb and gutter.

Motion by Councilman Maniez to authorize staff to negotiate the extension of the curb and gutter and asphalt on 87th Street to be a fair and reasonable cost; second by Urbanek.

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

Motion carried.

Ron McDaniel, 8680 Penner, requested the speed limit on 87th Street be lowered to 25 mph rather than 35 mph. The reason he is asking is because people travel way too fast on the road now, and it will be worse when the street is paved. Discussion by Council that the residential areas are 25 mph.

Motion by Councilman Maniez to have staff to prepare an ordinance to reduce the speed limit on 87th Street to 25 mph; second by Urbanek. Discussion.

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

Motion carried.

3. Chamber / EDC Report: Sara Ritter, Executive Director, stated the Community Housing Assessment has been scheduled and there are six focus groups meeting at various times. A training exercise has been set for April. The marketing phase will begin in May. The transient guest tax funds will be used to pay for the studies. The Home Builders Association has contributed so the City's cost has been lowered.

4. Old Business: Councilman Maniez asked Mr. Brungardt about the overlay to be replaced by McAnany. Discussion on the core samples that were taken and the areas have been marked that will be repaved. Mr. Brungardt stated that we are not allowing them to take out any less than 100 feet at a time. McAnany will also be finishing the shoulder grading next week, depending on the weather. Councilman Maniez stated this is one of the worst jobs he has seen and there are numerous spots that are showing through. Mr. Brungardt stated the project is going to come in substantially under the original amount due to the problems. Councilman Urbanek asked if the

shoulders can be compacted. Discussion by Mr. Brungardt that he has asked that a roller be brought in to compact the shoulders. Council discussion on the material used on the shoulders. Mr. Brungardt stated the new asphalt will be smoothed out.

5. New Business:

- a. Consider request from Rural Water District # 4 to amend the boundaries of their official service area. Mr. Brungardt stated RWD #4 is wanting to incorporate some properties into their service area as they have provided service to this area over a thirty-year period. They are requesting the City's consent to allow RWD #4 to continue to serve these properties. Discussion by Council.

Motion by Councilwoman Templin directing Patrick to write a letter of no opposition; second by Zindler.

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

Motion carried.

- b. Consider P-D rezoning request for Kaw Valley Aerodome. Patrick Reavey, City Attorney, stated he has prepared the ordinance for this rezoning. He recommends adopting the ordinance as written, which incorporates a diagram of what exactly will be done on the property. Discussion by Mike Brungardt that this is a request by the flyer group to use the property as a flying field for radio-controlled model aircraft. Mr. Brungardt stated the Planning Commission recommended Council approve the rezoning request, as a Planned Development district, with the criteria as set out in the ordinance being met. Discussion by Mayor Anderson on watching the oil control on Gardner Road. Discussion by Councilman Maniez on whether or not carports are allowed in the P-D District. Discussion by Larry Baxter and Mike Brungardt on the structures that can be erected in the flood plain, and the carport meets the requirement.

Motion by Councilman Maniez approve the P-D zoning for the Kaw Valley Aerodome as Ordinance No. 2042; second by Cannon.

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

Motion carried.

- c. Consider Health Insurance renewal options for 2004. Greg Johnson, City Administrator, stated he has been working on renewal options for the past several weeks. The cost for the same plan as this year would result in a 26.5% increase. He has worked on an alternate plan with BCBS that will represent a 12.8% increase. Mr. Johnson has also looked at two other plans. He provided Council with a memo detailing the alternate health plans reviewed through MarKet and the state plan. Mr. Johnson recommends renewing with BCBS on the alternate plan. He will continue reviewing the MarKet plan

Motion by Councilwoman Cannon to approve Greg's alternate BCBS plan for 2004; second by Templin.

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

Motion carried.

- d. Consider adopting ordinance to prohibit the parking of vehicles on an unimproved surface. Mr. Reavey stated this ordinance was prepared at the request of Greg Johnson. Mr. Johnson had received some complaints as there are several areas where citizens are parking in yards and on unimproved surfaces. This ordinance would be enforced by our Codes Department. Discussion by Mayor Anderson and Council members on whom specifically at the City will give the approval for temporary parking permits.

Discussion by Larry Baxter, Building Official, that there could be a permit process like the RV parking permits. Discussion by Councilwoman Templin and Mayor Anderson. Patrick Reavey stated the City does not have to have personal observation for the citing of a complaint. Council discussion.

Motion by Councilwoman Templin to approve Ordinance No. 2043; second by Urbanek.

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

Motion carried.

Mayor Anderson called a five-minute recess at 8:35 p.m.

Mayor Anderson reconvened the Council at 8:40 p.m.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, gave an update on the RFQ's for the Planning Advisory services. There were four responses. He has talked with two more firms that will be submitting proposals. Mr. Johnson also gave an update packet to the Council on the fire meeting he, Councilman Urbanek and Councilman Maniez attended last week. He would like to have this as a discussion item at a future meeting. Discussion by Councilman Maniez, Patrick Reavey and Mr. Johnson on the documents. Mr. Reavey stated the consolidation of the northeast cities worked well; however, that is a little different than what De Soto has discussed in the past. Discussion by Councilman Maniez on comments that were made by the rural fire district members that they want consolidation. Discussion by Mayor Anderson that the problem, as he sees it, comes down to personnel. Mr. Johnson said the next meeting is in May and he agrees with Councilman Maniez that we should look at all the options. Discussion by Mayor Anderson that his goal for the City is to provide good service to the City and to build up our department. Council discussion. The Council will have a workshop on April 15th at 5:30 p.m. prior to the scheduled Council meeting.
- b. City Attorney, Patrick Reavey, stated that Kathy Ross has contacted him and said she has decided not to pursue the flea market this summer due to insurance concerns. Nothing has been received from the County regarding the Hunt-Midwest matter. Mr. Reavey has also talked to Don Jarrett regarding the water rights that the County has filed for. Mr. Reavey has compiled numerous documents on the Clearview City litigation that have been provided to the law firm.
- c. City Engineer, Mike Brungardt, discussed an advisory report dated March 18th that he updated progress and status on. The 83rd Street project underground utilities are wrapping up next week and the street will probably close the second week of April to begin the preparation for new pavement. The County has been in a three-year process of updating their comprehensive plan. It is his understanding the plan hasn't changed that much, with the exception of the urban fringe areas. He asked the Council if they would approve a Planning Commission recommendation that he write a letter regarding the City's opposition to the urban fringe area bordering the City, and asking the County to adopt the City's future land use plan. Councilman Urbanek said he feels the City is late in trying to respond to something that has been in the plan for several years. Discussion by Mr. Brungardt. Council discussion. Councilman Urbanek asked about minimum lot size for R-1 being reviewed by the Planning Commission. Mr. Brungardt suggested a joint workshop with the Council and the Planning Commission. Discussion.
- d. City Clerk, Lana McPherson, said the new City pins have arrived. Council discussion on how to distribute the pins. She also stated Larry Baxter has been certified as a State Fire Marshal. Council expressed their congratulations to Mr. Baxter.

7. Council & Mayor Comments:

Councilwoman Templin stated the City's sesquicentennial is coming up in 2007. She would like to begin an effort with the Chamber and other committees to begin celebration preparations.

Councilwoman Cannon asked about improving roads and discussing items for the CIP. Discussion on how far street improvements are made. Discussion by Mayor Anderson and Mr. Brungardt that funding determines the improvements. Councilman Maniez said he feels we should either hold back or speed up and complete one street fully, rather than in sections. Money is the determining factor. Discussion by Mayor Anderson and Mr. Brungardt.

Councilwoman Zindler stated the booklet provided from the K-10 Corridor meeting were really great. She asked if the City could get some extra copies. Mr. Brungardt will request more copies from Johnson County.

Councilman Urbanek read a "quality of life" statement he has collected from citizen comments during the past weeks. He asked that this be attached to the Minutes. Councilman Urbanek asked what do we have to do to get rid of the cars on 83rd Street that are parked in the yards. Discussion by Patrick Reavey and Greg Johnson that letters must be sent to the owners, per the new state statutes, prior to scheduling a public hearing.

Councilman Maniez stated he has received his packet for the "Relay for Life" cancer walk and will be contacting the Council members. He asked Mr. Brungardt if he would prepare a list for the chip sealing of streets in the City. Discussion by Mr. Brungardt. Discussion by Mr. Urbanek that he would like to see some sealing program in place to help preserve the road base. Discussion by Mayor Anderson and Council members. Councilman Maniez said 89th Street is a good example. It was a great road that the County put in and we have not kept it up properly due to money. Mr. Brungardt stated that the shift has been to mill and overlay rather than the chip and seal of the roadways. Discussion by Councilman Urbanek that there are areas that have been let go and now the streets are going to have to be totally redone.

Motion to adjourn by Councilman Maniez at 9:35 p.m.

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk