

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		

The Mayor led the Pledge of Allegiance.

A Proclamation was read by Mayor Anderson designating the month of April as "Fair Housing Month".

1. Consent Agenda:
 - a. Approve Minutes from the Council meeting of March 25th, 2004.
 - b. Approve Pay Ordinance No. 494.
 - c. Approve maintenance agreement for Wilderness Park with Bruce Neis
 - d. Approve maintenance agreement for Widow Big Knife Park with Mark Neis

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

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."

No one appeared.

3. Chamber / EDC Report: Sara Ritter, Executive Director, stated the CHAT process began today and three groups have met. The results will be made known on Monday, April 5th, at 7:30 a.m. in the Council Chamber. The EDC has a new tiered dues structure and two companies have invested at the Platinum level. The EDC has met their goal.
4. Old Business: None.
5. New Business:
 - a. Consider approval of engineering services contract with Shafer, Kline & Warren for Sewer Master Plan Study. Mike Brungardt, City Engineer, stated he has been negotiating the project scope and fees with Shafer, Kline & Warren. Some field investigation services are also included in the scope. The total contract fee as presented is in the amount of \$62,400, which includes the field investigation services. If those services are removed, the project amount would be reduced to \$52,705. Steve Shafer of Shafer,

Kline & Warren was present to discuss Council's questions on the project. Councilwoman Zindler stated she felt the diagnosing process is important. Discussion with Mr. Brungardt on the diagnostics of the field services. Discussion by Councilman Maniez on what information the City has available right now on the sewer lines. He asked if the City would have data after this service that future Councils would have information to review. Mr. Brungardt stated there would be reports, written as well as a GIS data base, that the City will be able to utilize. Mr. Brungardt stated the City does have records now; however, they have not been put into electronic format. Discussion with Mr. Steve Shafer that there will be a hard copy report as well as an electronic format that will be provided. Councilman Maniez stated he would prefer to spend the money and do the whole project as it is important to know and plan ahead.

Motion by Councilwoman Zindler to authorize the Mayor to enter into the consulting services contract with Shafer, Kline & Warren in the amount of \$62,400; second by Urbanek.

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

Motion carried.

- b. Consider recommendation of selection committee regarding Water Master Plan Study. Mr. Brungardt outlined his memo to Council dated March 25, 2004, stating the committee recommends selecting Burns & McDonnell to perform the water facilities master plan, as they ranked the highest overall due to their approach to public and City involvement; and, their overall project sequencing was preferable. They also have recent experience with similar master plans.

Motion by Councilwoman Templin to accept the recommendation of the committee to select Burns & McDonnell to perform the water facilities master plan, and authorize the committee to proceed with the design contract scope and fee negotiations for the water facilities master plan; second by Cannon.

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

Motion carried.

- c. Discuss Lexington Avenue access management concept plan. Mr. Brungardt outlined the concept plans for the Capital Improvements Plan for Lexington Avenue. Mr. Brungardt stated he would like Council to think about costs to be assessed to adjoining property owners. The City project will fund the curb and gutter for the parking islands, and the additional asphalt pavement to be included. Any paving behind the curbs could be assessed to the adjacent property owners. Chris Rops with HNTB was present and discussed the three concept zones of the plan. Discussion by Councilman Maniez and Councilwoman Templin on business drive access on and off Lexington Avenue. The right-of way does belong to the City and not to the property owners. This plan is for the greatest benefit of public safety and the City has the ability to use the right-of-way to enhance the safety of pedestrians as well as vehicles.

Mr. Rops outlined the costs of each zone discussed. The total cost to complete the entire project is \$1,104,300 which includes a pedestrian tunnel. There needs to be a sense of budget constraint, yet maintain public safety. Property owners may have the opportunity to invest in paving their drives that adjoin the City's right-of-way. Discussion by Mayor Anderson and Mr. Rops on putting gravel on the backside of the curb and gutter. Discussion by Councilman Urbanek on which side of the street is the better side to place the sidewalk. Discussion by Councilwoman Cannon on the right-of-ways that extend almost to the front doors of some businesses. She would like to see the property owners asphalt their driveways to meet up with the City's pavement. Councilman Urbanek stated he likes the plan, but does not think the City should pay for the property owners' part of the paving. Councilman Maniez agreed, and stated the Golden Lane access should be reviewed to make a transition for the public's safety. Councilwoman Zindler and Councilwoman Templin both concurred. Mayor Anderson asked if there would be a way to offer the property owners a benefit district as an incentive to pave their adjoining driveways. Discussion by City Administrator Johnson that the bond costs would have to be

reviewed with the paving costs for financial feasibility. Discussion by Council, Mr. Brungardt, and City Attorney Patrick Reavey on bonding for benefit districts. Councilwoman Templin asked about the cost for a pedestrian tunnel and the continuation of a pedestrian sidewalk. Construction could begin in August.

- d. Consider approval of letter to Johnson County regarding Rural Comprehensive Plan. Mike Brungardt stated the Planning Commission wanted to express to the County the City's concern with the Urban Fringe Zone. Council discussed this at the last meeting and Mr. Brungardt prepared this letter addressing those concerns. The City is asking the County to adopt the City's Future Land Use Plan. Councilwoman Templin stated she approves of this letter. Discussion by Councilwoman Zindler and Mr. Brungardt on the 1 dwelling unit per 10 acres. Councilman Maniez stated he feels the timing might have been better in expressing our desires to the County sooner. Mr. Brungardt stated that the City hadn't yet adopted the Future Land Use Plan. Discussion that this is the County's draft and it has not yet been adopted. The County could consider our plan in their future planning. Councilman Urbanek stated he believes this is the County's final draft and they will be accepting it soon. Discussion by Mayor Anderson and Mr. Brungardt that the County is aware of the City's plan, and have received a copy of it. Councilwoman Cannon said she has no problems with the letter. The Mayor will sign the letter.
- e. Consider approval of escrow agreement between Bedford's, Big Cedar Development LLC, and City of De Soto. Patrick Reavey, City Attorney, stated this is an agreement that was discussed in the past. Mr. Harding, and his attorney, have presented their concern to the Council previously regarding Primrose Drive being constructed. City staff has had meetings with all parties involved and have reached a resolution of this matter. This agreement states that Mrs. Thompson will set up an escrow account with the City and \$7,500 will be designated to use for removing silt and sediment from the Bedford's pond at the completion of the Cherokee Woods' development. Mrs. Thompson will enter into an agreement with Mr. Harding to construct Primrose Drive under a separate agreement.

Councilwoman Zindler asked about the initial survey and the second survey that are discussed in the agreement. She asked that all parties be provided a copy of the survey. She also discussed paragraph 5 concerning the Second Survey and what triggers the notification of the 90% or the 60 days. Mr. Reavey stated the City has control over the \$7,500 for the dredging of the pond. Discussion by Mr. Reavey that the Bedfords do not have a problem with the second survey funding coming out of the \$7,500 escrow account. Discussion by Councilwoman Templin on paragraph 1. Councilwoman Zindler asked about paragraph 8, and having the City included in the Mutual Release. Discussion. Mr. Reavey will bring back the revised agreement for Council's approval at the next meeting.

- f. Consider ordinance amending the City Code with regard to modifications of the standard traffic ordinance. This amends the City Code regarding the speed limit on 87th Street as well as correcting other street names. Council discussion. This will appear on the Consent Agenda at the next meeting.

Mayor Anderson called a five-minute recess at 8:20 p.m.
Mayor Anderson reconvened the meeting at 8:25 p.m.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, reminded Council there is a workshop at 5:30 p.m. prior to the next Council meeting for Council to discuss the fire district meeting. He also provided the Council with a copy of the K-10 Corridor Study. Mr. Dean Palos, Johnson County Planning, would like to come to the next Council meeting to provide Council with an overview of the study.
- b. City Attorney, Patrick Reavey, stated the Shawnee Tribe lawsuit was dismissed today. He provided a copy to the Council. He requested an executive session under attorney-client privilege and personnel, with 15 minutes for attorney-client privilege and 25 minutes for personnel.
- c. City Engineer, Mike Brungardt, said Councilwoman Templin contacted him today about placing a stop sign at 83rd and High Streets. Residents have also requested a stop sign at this location. It appears drivers are being unsafe. Mr. Brungardt stated that a sign would definitely help with the safety issue. Council agreed. Staff will prepare an ordinance for Council's approval at the next meeting.

Dr. Robert Haynes, Hillside Village, has requested some directional signs be placed on Lexington and Ottawa, and on 85th Street, so that out-of-town people can find Hillside Village. Dr. Haynes has offered to pay for the signs. Mr. Brungardt discussed the directional signs and guidelines. Discussion by Council to proceed with signs in a reasonable size.

Mr. Brungardt gave a project update on the paving progress on 87th Street. Mr. Brungardt and Ron Creason, Street Superintendent, met with Mr. Sal Maturo, 8920 Lexington Avenue, and are working on the drainage ditch problem by his house.

d. City Clerk, Lana McPherson, had no report.

Greg Johnson, City Administrator, provided Council with a progress report from Clarence Brunk, Water Superintendent, on the Sunflower Water Plant and other water projects that have been completed. Mr. Johnson stated Mr. Brunk did an outstanding job in putting this report together. A copy has been provided to Burns & McDonald for the water study.

7. Council & Mayor Comments:

No comments from Councilwoman Templin.

Councilwoman Zindler stated there is no street sign at Wea and Lexington. Mr. Brungardt will follow up.

Councilman Maniez asked about the turning radius on Kill Creek at 83rd Street going east. He said this has been discussed before as there is a very short turning radius off of Kill Creek Road going east on 83rd Street. Discussion by Mr. Brungardt and Mr. Johnson regarding the funding for a special project.

Councilman Urbaneck thanked Mr. Brungardt for numbering the pages in the memos. Councilman Urbaneck asked about the Water Committee. Discussion by Mr. Johnson that he will call a meeting.

No comments from Councilwoman Cannon.

Mayor Anderson stated he attended a Legislative Luncheon in Topeka. He also attended a meeting in Shawnee for the retiring Mayor of Shawnee. Former Lenexa Mayor Joan Bowman passed away a few weeks ago after a battle with cancer.

Motion by Councilwoman Zindler to go into executive session for 40 minutes at 8:45 p.m. to return at 9:25 p.m. for the purpose of attorney-client privilege and personnel matters; second by Urbaneck.

All Council approved by "ayes".

At 9:25 p.m., Councilwoman Zindler requested an additional 10 minutes, to 9:35 p.m.

Motion by Councilwoman Zindler to return from executive session at 9:35 p.m., with one 10 minute extension; and only the two items mentioned were discussed and no votes were taken; second by Templin.

All Council approved by "ayes".

Motion to adjourn by Councilwoman Templin at 9:35 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk