

MINUTES

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

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

The Mayor led the audience in the Pledge of Allegiance. Citizens signed the book on page 16.

A Proclamation was read by Mayor Anderson proclaiming June as Kansas Business Appreciation Month.

PUBLIC HEARING: SELECTION OF 2005 CDBG PROJECT. Mayor Anderson stated Mike Brungardt, City Engineer, has provided Council with a memo date May 13, 2004, outlining projects that could be funded with the grant money. The project application must be submitted on June 4, 2004. The Community Development Block Grant is administered by Johnson County, and is awarded in the amount of \$100,000. Any project costs over the CDBG funding is paid by the City. Mr. Brungardt discussed the options. The downtown sidewalks are a consideration at a cost of approximately \$143,000. A sidewalk along Lexington Avenue was also discussed as a segment of sidewalk that would link Lexington Trails Middle School to the CIP project on Lexington Avenue. This sidewalk segment could include a pedestrian tunnel under the railroad tracks at a cost of \$152,000. The third project to be considered is some renovations to the upstairs of the City Hall. Further refinement of the elements to be included will need to be done. The 4th project option is a street resurfacing of an asphalt cap of approximately a one-mile lane at a cost of \$119,000 per lane mile. Project option #5 is the connection of Golden Lane to Lexington Avenue just east of the Lexington Plaza. Councilwoman Zindler has also suggested an improvement to the corner of 83rd Street and Kill Creek Road; however, no costs have been confirmed for these improvements. Mr. Brungardt stated the requirements for the CDBG funding are for any public improvement within the City.

Mayor Anderson opened the public hearing for the CDBG project. No one appeared to speak.

Councilwoman Templin stated her first choice is the Lexington Avenue sidewalk and pedestrian tunnel. Her second choice is the Golden Lane project, with the third choice being the 83rd Street & Kill Creek Road beautification project.

Councilwoman Zindler stated her first choice is the Lexington Avenue sidewalk and pedestrian tunnel for safety reasons. There is no pedestrian access now and this would be a good time to coordinate projects. Councilwoman Zindler's second choice is the Golden Lane project for linking with the Lexington Avenue project so as to focus improvements in the same area. Her third choice is the beautification project.

Councilman Maniez stated the Lexington Avenue sidewalk is his first choice. Discussion with Mr. Brungardt regarding the railroad tracks. He stated the downtown sidewalks would be his second choice, with the Kill Creek beautification project his third choice because the turning radius needs increased.

Councilman Urbanek stated his first choice is the Lexington Avenue sidewalk as he feels it is more important; his second choice is the downtown sidewalks, and the street resurfacing is his third choice.

Councilwoman Cannon said her first choice is the Lexington Avenue sidewalk project for the reasons others have stated. Her second choice is the downtown sidewalks; and third choice is the Kill Creek beautification project.

Motion by Councilwoman Zindler to authorize Mike to proceed with filing the application for the 2005 CDBG project, which Council has determined is the Lexington Avenue sidewalk; second by Templin.

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

Motion carried.

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 from the Council meeting of May 6th, 2004.
- b. Approve Pay Ordinance No. 497.

Motion by Councilman Maniez to approve the Consent agenda; 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.”

Tim Thrasher, 8490 Wea, has a question regarding the ordinance for no parking on the grass. He has a concern about the parking on Wea as it is already a big problem. He stated there are always cars parked on the east side of the street. He asked if gravel is put down in yards, what are the specifications? He would like to request a three-way stop sign at Spring Drive and 83rd Street.

Patrick Reavey, City Attorney, stated the ordinance requires a vehicle has to be parked on an improved surface, which is a minimum of four inches of gravel. Discussion with Mr. Brungardt. Mr. Thrasher asked if the zoning regulations are going to be improved to double-wide driveways to handle the homeowners' vehicles if they aren't allowed to park in yards as streets are already too crowded. Discussion by Mr. Thrasher that taxpayers paid for the street and can't drive on it because of all the cars being parked on it. Wea Street is posted for no parking on the west side. Council discussion with Mr. Thrasher. Mayor Anderson requested Mr. Johnson contact the Sheriff's Office to enforce the "no parking" on the west side of Wea Street. Discussion by Mr. Brungardt, Council and Mr. Thrasher. Mr. Brungardt will review the Spring Drive area for a possible placement of a three-way stop sign.

3. Chamber / EDC Report: Sara Ritter was not present.

4. Old Business:

- a. Consider follow-up information on Hunt Midwest Conditional Use Permit application to Johnson County. Councilwoman Cannon excused herself from open session. Patrick Reavey, City Attorney, provided Council with a memo regarding the conflicts the City recognized. The Council identified four conflicts: the setback along the west side; blasting on the weekends; relocation of the haul road; reclamation of the quarry. Mr. Reavey provided Council with a copy of a letter received from Johnson County with their responses to the four conflicts the City has. There was a meeting this afternoon with Dean Palos, Johnson County, Larry Winn, the attorney for Hunt-Midwest Mining, and Councilman Maniez, Patrick Reavey, Mike Brungardt, and Greg Johnson of the City.

Dean Palos, Johnson County Planning, stated the overlay district regulation process is being complied with. He stated the City will have the opportunity to add additional comments throughout this process. A public hearing is set for June 8th at 7:00 p.m. at the USD #232 Administration Offices. Mr. Palos stated the staff is representing the County, not the applicant. He stated the County feels it is better to leave the stipulations than to change them. Discussion with Council and Mr. Reavey.

Paul Greeley, Johnson County Zoning Administrator, thanked Council for the feedback they received at the last Council meeting. He discussed the quarry setback and explained the County's reasoning for the noncompliance of the 750 ft. setback requirement as it would move the operations closer to the neighbors. The Mine Limits area was established in 1991, prior to adoption of the County's standard. Mr. Greeley also said there is another 100 ft. setback on about 15% of the west property line. The applicant has offered to finance the installation of a berm along the west property line. Discussion by Councilwoman Templin on how these standards and offers are going to be written up in final form. Mr. Greeley stated this becomes a part of the record. Councilwoman Zindler asked Mr. Greeley about the expansion of the quarry in phase 1 and in phase 2 in expanding to the north. Discussion by Councilman Maniez that the existing quarry as it is exposed now would be very costly to expand to the south due to the overhead power lines and the water table and drainage issues.

In 1991, Mr. Greeley stated the County's reclamation plan was not concise. This was to be an ongoing activity by the quarry and the property would be reclaimed by October 31, 2000. This was an unrealistic compliance matter. The County will require a reclamation bond based on 150 acres, and an independent expert will review the bond amount. There will be annual reporting on quarrying and reclamation and the criteria will be reviewed and verified in the reclamation process. A conditional use permit has enforcement procedures in complying with the regulations. The BOCC can start a procedure to revoke the conditional use permit.

Councilman Maniez asked about the definition of "reclamation" and what it really is. He said the quarry officials explained it today that every active load taken out of the quarry must be refilled with two loads of overburden product. They are actually reclaiming the land with the overburden as they go. The overburden is used to bring up the previous elevation levels, and when it is completely filled back, then they put down the clay and the top soil. Councilman Maniez asked "when will we see more green space" and the quarry officials said the review process of the reclamation will be reviewed by the County on an annual basis. Realistically, there will not be a green area for another two years until the process has come full circle in the overburden filling process. Discussion with Councilwoman Templin that the mining limits in the non-disturbed area not exceed 50 acres. Discussion with Mr. Palos and Mr. Greeley. Councilman Maniez stated 50 acres on an active mining pit would clearly define what they are working on and what they are reclaiming. Council discussion on not exceeding the 50 acres for active mining.

Mr. Greeley continued with the comments on the haul road. Mr. Greeley said Don Jarrett, County Attorney, said they will work closely with City officials on input; however, the Board of County Commissioners will have sole approval authority of a new haul road route. There are stipulations on the haul road. A new road would be limited to 95th Street, to the west through Sunflower, to the south through the park or the new Kill Creek Road alignment. The option will not include Kill Creek Road, 103rd, 107th or 111th Streets. Discussion by Mayor Anderson on the County stipulating the haul road. Mayor Anderson stated he disagreed with Mr. Jarrett's comment because the City does control the streets and roads within our City. If the trucks make a right turn off 95th Street, they are on a City street. Discussion by Patrick Reavey who stated that Mr. Winn agreed the City should have the final say in where the haul road goes, and Mr. Winn stated the quarry would not put in a haul road without the City's approval. The truck traffic is the most nuisance piece of the quarry project. It is important the City have a real say in where the haul road is relocated. It is a policy for the Council to make. Council discussion.

Discussion by Councilwoman Zindler on the terms outlined in the K-10 Overlay District Regulations. Mr. Palos stated a conditional use permit is different than a straight zoning regulation. Mr. Palos discussed the overlay regulations with Mr. Reavey pertaining to the mining and quarrying regulations. Mr. Jarrett stated that the quarry was a heavy industrial use when he was contacted by the City in the writing process of the City's revised zoning regulations; and now the shoe is on the other foot, he has taken a difference of opinion. Mr. Palos stated each zoning request is reviewed on an individual basis.

Councilwoman Zindler asked about the conditional use permit request for asphalt and batch plants. Mr. Palos stated it is better to have these types of plants located within the quarry rather than in other locations outside of the quarry boundaries.

Mayor Anderson thanked Mr. Greeley and Mr. Palos.

Mayor Anderson called a five-minute recess at 8:25 p.m. Mayor Anderson reconvened the meeting at 8:30 p.m.

Mayor Anderson called for any further Council comments on the Hunt-Midwest conflicts. Councilman Urbanek stated the haul road is pretty well defined. The other items he doesn't have a real problem with and the setbacks were there before. He felt Councilman Maniez explained the reclamation plan and he doesn't have a problem with it. Councilman Maniez stated he doesn't have a problem with the quarry setbacks. The reclamation appears to have been agreed to and he agrees with Councilwoman Templin on the 50 acres of active mining in helping to define the mining operation. Councilman Maniez stated he does have a problem with the haul road. He feels the City must have a say in the decision process and there should be a formal hearing for a recommendation, not only for where it is put, but for the repercussions a haul road could create for the City. Discussion with Mr. Reavey that the City and County would have to agree on the new location for a haul road. The applicant would prefer not to have another public hearing on the haul road process. Councilman Maniez stated if the road is changed, it would impact the traffic in the City, and the City does have a say in controlling the City's streets. The City must be a part of the process. He would not be in favor of a side agreement with the quarry. Councilman Maniez said the City must be a part of the process beyond just being advised of the County's decision.

Councilwoman Zindler stated she would concede to the reclamation part if the verbage would state the 50 acres being actively mined. The haul road is an issue as she lives in that area. It is important that the people who live on a new haul road should be heard in a public hearing as they will definitely be impacted. She is not in favor of removing the setbacks until she has something in writing from the park district or the government that the quarry has an agreement to provide the buffering.

Councilwoman Templin said she is all right with the setbacks. She wants the 50 acres of active mining verbage included as discussed previously. The haul road issue is unacceptable. The City must have input in the decision and absolutely need to be a part of the process. Public hearing are necessary as it will impact the citizens. She feels the haul road is a big concern as it will affect the City.

Mr. Reavey reviewed the Council's comments and stated the majority of the Council has agreed that the City must have a say in the relocation of any haul road and there must be a public hearing with notice given to any property owners within a 1,000 feet of the boundary. Mayor Anderson stated he has a problem with the wording in the County's memo because the City does have a say on the north side of 95th Street as it is within the City. The County has total jurisdiction on how the transaction will take place, so they could certainly define the haul road now.

Councilman Maniez stated this Council has made compromises and he feels the County should make a compromise on the haul road. Mr. Reavey stated that Mr. Palos and Mr. Greeley have been agreeable, but Don Jarrett has made the statement regarding the City's involvement in final approval of the haul road. Mayor Anderson stated that if and when the haul road is moved, the City will have to mutually agree, or in essence, have veto authority since this truck traffic will definitely impact the City's streets.

Mayor Anderson and Council thanked Mr. Palos and Mr. Greeley for their time in coming.

Councilwoman Cannon returned to the regular meeting at 8:50 p.m.

- b. Consider approval of Ordinance 2050 authorizing the issuance of General Obligation Bonds in the amount of \$2.65 million, Series 2004 A. Mr. Marty Nohe, Financial Advisor, stated the City conducted its' first-ever on-line electronic auction of the bonds. The City received one bid as a result of a very volatile market. Gold Capital Management was going to be a second bidder; however, they decided to join a group bidder. He and Greg Johnson are recommending acceptance of this bid. It will cost about \$20,000 more than the figures originally computed last year due to economic trends and interest rates.

Motion by Councilman Maniez to approve Ordinance No. 2050 authorizing the issuance of General Obligation Bonds not to exceed \$2.65 million; second by Templin.

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

Motion carried.

- c. Consider approval of Resolution 687 authorizing the issuance of General Obligation Bonds in the amount of \$2.65 million, Series 2004 A. Mrs. Dottie Riley, Bond Counsel, explained the details of the bond ordinance and the resolution authorizing the bonds. Mr. Nohe stated we are still in a moderately low interest environment. Discussion by Councilman Maniez on the mill levy for the second year. Mr. Nohe stated there is interest only in the first year and then the bond is amortized beginning the second year. Discussion by Mayor Anderson and Council. Mr. Nohe stated the on-line preliminary official statement is some savings to the City. No one elected to fax in bids, mail them, or hand-deliver bids.

Motion by Councilman Maniez to approve Resolution No. 687 authorizing the issuance of General Obligation Bonds in an amount not to exceed \$2.65 million; second by Templin.

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

Motion carried.

5. New Business:

- a. Discuss Street Maintenance Program. Mike Brungardt, City Engineer, provided the Council with a memo and maps for the proposed program. He stated this report is an ongoing road rehabilitation and maintenance program that establishes levels of service and maintenance efforts to be provided and the cost projections associated with it. Mr. Brungardt provided an ArcView presentation of the City's streets and conditions report. Of the 106 lane miles of road in the City, the surface types are categorized as follows:
 - 13.5 lane miles are gravel representing 13% of the total
 - 15.8 lane miles are chip seal or asphalt millings representing 15% of the total
 - 76.9 lane miles are asphalt representing 72% of the total

Mr. Brungardt reviewed the proposed maintenance policy for each of the categories, with maps depicting the areas.

Discussion by Councilwoman Templin and Councilman Urbanek on asphalt streets and chip and seal process. Discussion by Councilman Maniez on the number of employees in the street department at present. He said you can't get much done with only three people in the street department. Councilman Maniez asked for figures on how much it would save or cost the City if the employees did the repairs. Discussion by Mr. Brungardt that this report is to obtain responses from the Council for a policy. Discussion by Councilman Maniez that a six-year crack-seal program is too long in between. Councilwoman Templin stated we should look at a four-year program for crack-sealing. Mr. Brungardt will bring more information back to the Council in June. Councilman Maniez stated he would like to have a workshop on this to discuss all the scenarios. Councilman Maniez stated you cannot maintain 52 miles of roadway with three street employees.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, said he received nine responses for the pool design. This week there was an orientation with Patty Banks & Associates, the new planning advisors. He has hired a new street department employee, Daniel Hedge, a former summer employee. Councilman Maniez asked if a replacement will be hired for Marge's position. Mr. Johnson stated he is not replacing that

position at this time. He said Marge has agreed to come back on a temporary basis, as needed.

- b. City Attorney, Patrick Reavey, has received a packet from Chase Simmons on new plans for the Arbor Ridge proposed revised preliminary plat. Discussion with Council on the Court proceedings. Mr. Reavey has sent JoAnn Thompson a letter regarding her proposed benefit district. She has pulled her preliminary plat for Cherokee Woods. Discussion with Mr. Brungardt on this matter.

Mr. Reavey stated he needed clarification on the Hunt-Midwest matter and asked Councilwoman Cannon to excuse herself from the meeting. Mr. Reavey asked if the Council specifically wants a requirement for a public hearing with notice to the property owners concerning the haul road. Mayor Anderson stated "yes" and Council all agreed.

- c. City Engineer, Mike Brungardt, had nothing further to report.
- d. City Clerk, Lana McPherson, said she will be leaving Saturday for the International City Clerks Conference in Whistler, British Columbia. She thanked the Council for their support in allowing her to take advantage of the scholarship she was awarded.

7. Council & Mayor Comments:

Councilwoman Cannon asked about drainage on the new roads that were just cut on the Brady subdivision. Mr. Brungardt stated the contractor has been contacted and told drainage must be provided. There are detailed storm sewer plans. Council wants the standing water drained out or pumped out. Council stated they do not want to see this water standing for a month as a matter of health issues.

Councilwoman Cannon asked if the properties on Waverly Road can be cleaned up. Mr. Brungardt stated Codes enforcement can address this issue.

Councilman Urbanek asked about the junk cars east of town. Mr. Reavey stated he has met with the owner on Tuesday and all of the vehicles have been moved out except two that are being dealt with.

Councilman Urbanek also asked about the testing on 83rd Street. Mr. Brungardt stated the roll test has been passed four times with all the rain. It was proof rolled this afternoon and the contractor plans to begin tomorrow. Discussion by Councilman Maniez on the compaction test with Mr. Brungardt. Mayor Anderson stated he has talked with Bruce Taylor and Mr. Brungardt twice this week and they have advised the contractor there is a potential for a contract dispute in the work being completed timely.

Councilman Maniez asked if the street department is working on potholes. There are several on 89th Street and a big one at 87th and Corliss.

Councilwoman Zindler and Councilwoman Templin had no comments.

8. Executive Session.

Motion by Councilman Maniez to go into Executive Session at 10:25 p.m. to discuss a matter under attorney-client privilege, to return at 10:35 p.m.; second by Urbanek. All Council approved by "ayes".

Motion by Councilman Maniez to return to regular session at 10:40 p.m., with a five-minute delay, and only the item stated was discussed and no votes were taken; second by Urbanek. All Council approved by "ayes".

Motion by Councilman Maniez to adjourn at 10:41 p.m.; second by Urbanek. All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk