

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 18.

Mayor Anderson led the citizens in saying the Pledge of Allegiance.

A Proclamation was read by Mayor Anderson proclaiming Relay for Life in De Soto on June 18th & 19th, 2004.

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 June 3rd, 2004.
 - b. Approve Pay Ordinance No. 499.

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.”

Mayor Anderson had one item that was called in to him. Karen Wall, an educator at De Soto High School, has requested a waiver of rental fees for the going away open house for Principal Debbie Lynn and Vice-President Tony Collins. Council discussion.

Motion by Councilwoman Cannon to waive the rental fees for the Community Center; second by Urbanek.

All Council approved by “ayes”.

No one else appeared.

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

4. Old Business:

- a. Consider Resolution Authorizing a Public Hearing to Consider Vacating a portion of public right-of-way

adjoining 83rd Street. Patrick Reavey, City Attorney, stated the legal description refers to "Third Street" and this is now known as "84th Street". Discussion by Mike Brungardt, City Engineer, on the reason for the vacation of the right-of-way.

Motion by Councilman Maniez to approve Resolution No. 692 Authorizing a Public Hearing, with the street name change as noted by Patrick; second by Templin.

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

Motion carried.

5. New Business:

- a. Consider approval of Professional Services Agreement with the Larkin Group. Greg Johnson, City Administrator, provided an outline of the scope of services of the contract. The design, bidding, and construction elements will be based on 7% of the final construction costs. Mr. Johnson introduced Treadwell Jones, of Larkin Aquatics, the lead architect for this project. The targeted date for completion and opening date is 2006. Councilwoman Templin stated the committee agreed with this target date.

Councilwoman Zindler asked about the contract and the numbers of chairs and tables that are going to be needed for the pool furniture. Discussion with Mr. Jones.

Motion by Councilwoman Templin to approve the Professional Services Agreement with the Larkin Group; second by Zindler.

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

Motion carried.

- b. Consider amendment(s) to Article 13, Section 11 of the Zoning Regulations pertaining to criteria used in recommending approval or disapproval of special use permits and zoning district amendments. Patrick Reavey, City Attorney, provided Council with a memo dated June 11th stating his recommendation to send this text amendment back to the Planning Commission for some revisions to comply with Kansas law.

Motion by Councilwoman Zindler to send the amendment to Article 13, Section 11 of the Zoning Regulations back to the Planning Commission for consideration; second by Cannon.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, asked for Council members schedules for the week of July 1st as Councilwoman Templin will be out of town. Councilman Maniez may also have a conflict.

Motion by Councilwoman Templin to reschedule the next regularly scheduled Council meeting from July 1st to June 30th at the same time; second by Maniez.

Roll Call:	Maniez	Yes	Urbanek	Yes
	Cannon	Yes	Templin	Yes

Motion carried.

The budget hearings will begin on Wednesdays in July. Mr. Johnson stated his preliminary numbers are looking much better this year than last. The streamlined sales tax figures have held and there may be some options to consider this year. The budget meetings will be July 7th, 14th, and 21st from 5:30 p.m. to 7:30 p.m.

Motion by Councilwoman Templin to move the meetings to 6:00 p.m. Motion died for lack of a second.

- b. City Attorney, Patrick Reavey, provided Council with an update. He attended the public hearing on the Hunt-Midwest conditional use permit. The hearing finally concluded around 1:15 a.m. and the meeting was tabled until July 19th. The City is officially finished on any vote on this matter. Discussion.
- c. City Engineer, Mike Brungardt, reported that at the end of next week he will be opening bids for Miller Park and the Lexington Avenue projects. He will have the results in the June 30th Council packet.
- d. City Clerk, Lana McPherson, reported she attended the Board of Directors meeting last Friday in Wichita for the City Clerks and Municipal Finance Officers. She provided a report to the Board on the IIMC international conference. Lana said she has asked Mr. Johnson to be a speaker and/or an instructor for the November Kansas city clerks institute.

7. Council & Mayor Comments:

Councilwoman Templin asked about the weeds at the old gas station being cut as they are taller than she is; and, also the weeds in the vacant lot on Kaw Avenue. The pot holes on Kaw Avenue and around the park are getting unnavigable.

Councilwoman Zindler asked about the owner of the gas station appearing before the Board of Appeals. Mr. Brungardt stated that hearing is next week.

Councilman Maniez asked about the bond with McAnany. Mr. Brungardt stated he has sent a letter and it has resulted in a punch list of items that McAnany is beginning to address this week. He will do a final walk through next week and review the punch list of items he will approve or reject. Councilman Maniez stated it is a hodge-podge mess and it should all be removed and redone. Discussion by Mayor Anderson and Mr. Brungardt on the project problems. The restoration of the shoulder areas has been reseeded and straw pinched in and grass is now coming up. The overall thickness of the asphalt has been price calculated on KDOT standards. The re-milling and asphalt overlay has been discussed with McAnany and a reduced cost has been discussed. Discussion by Councilwoman Templin and Councilman Maniez on the provisions of the contract for rejecting the work.

Discussion by Mr. Brungardt and Mayor Anderson on this project, and the forthcoming Lexington Avenue project on the ride characteristics that are involved. Discussion by Councilwoman Templin and Mr. Brungardt on how an overlay of asphalt is put down on the street. Penner Avenue was an overlay only and not a mill and overlay project. Discussion by Councilman Maniez that he talked to a couple of guys from Shawnee and from Johnson County that use a probe to check the depth of the asphalt prior to the asphalt being rolled. He feels that is something we should check in future. Discussion by Mr. Brungardt and Mr. Johnson on rejecting a portion of the project work. The rejection does not have to be approved by the Council; a City representative can make the determination to reject the work. Discussion on requiring a maintenance bond, or a public works performance bond. Discussion by Mayor Anderson.

Councilwoman Cannon agreed to allow Mr. Brungardt to continue his process with McAnany; Councilman Urbanek agreed; however, he feels the numbers are not good and this road has turned into a joke. He feels Mike's plan is probably a good plan but he feels the numbers are too low, and he feels anything less than 10% should be rejected. Discussion by Mayor Anderson, Councilwoman Templin and Mr. Brungardt on the adjustment figures. Mr. Brungardt stated the patch overlays are not a maintenance issue.

Councilman Maniez said he would like to see the City change its policy on inspections. He feels the inspector should be on the job the entire time the asphalt is being laid down and it should be probed every so often. This keeps the contractor honest. We have a full-time project manager and Bruce should be there when the asphalt is being laid down. Councilwoman Zindler said everything has been said and she would like to see a requirement of a "minimum of two-inches of asphalt"; Councilwoman Templin agreed.

Councilman Maniez asked about the standing water on Brady's project. He has been receiving calls about it again. Mr. Brungardt said this area is being treated for mosquitoes and the City is monitoring the area daily for any mosquitoes or frogs, etc. There is still more grading to be done in this area. Mayor Anderson asked that Mr. Brungardt check with the contractor to get a date for when this area will be pumped and drained. Mr. Brungardt is still working on a grading permit draft. Councilman Urbanek stated this water has been standing for two months and this is a safety issue as far as children are concerned.

Councilman Maniez stated he took some branches to the well field and there are some culverts there. Mr. Brungardt stated they are part of the burning process. Councilman Maniez stated there is other material being dumped down there and there should only be brush and tree limbs and nothing else. Councilman Maniez stated we should not be allowing contractors to store poles and other items down there. It should be tree limbs and brush only. Councilman Urbanek stated he has driven by there and the gate has been open. He said we need to ensure the gate is locked at all times.

Councilman Urbanek stated there was a fire in his neighborhood and Olathe and Lenexa departments both responded to the scene. Due to the large diesel fire truck running so long, there is now a hole in the street by this burned house.

Councilwoman Cannon asked about the millings off the Penner Avenue project. She said Chuck Oswalt asked if they could be used on 91st Street, but the millings were given to private citizens instead of the City making use of them. She said they were given to two individuals in town, and most of them went to Zimmerman's farm. Discussion by Mr. Brungardt that the millings actually belong to the contractor, and in some contracts the City can accept or reject the millings. Discussion by Mayor Anderson and Mr. Brungardt on the contractual aspect. The City does not have a policy to give or sell the millings to private individuals; they are used for City purposes when a contract allows the City to accept or reject the millings from a project.

Councilwoman Cannon asked the timeframe for the completion of 83rd Street. Mr. Brungardt stated it will hopefully be completed by the end of June, weather permitting. Discussion.

Mayor Anderson said he will be unable to make the Relay for Life on Friday evening. He applauded the Council for donating \$400 and the City team, as a whole, went over \$1,000. He thanked Councilman Maniez for doing this event.

Motion by Councilman Maniez to adjourn at 8:12 p.m.; second by Urbanek.
All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk