

CITY OF DE SOTO
CITY COUNCIL
City Hall, 32905 W. 84th Street
June 3rd, 2004 7:00 P.M.

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 17.

Mayor Anderson led the Pledge of Allegiance.

PUBLIC HEARING: Petition by Nate Harding to vacate public right-of-way at 8380 Wyandotte along 84th Street. Mike Brungardt, City Engineer, has provided Council with information regarding the vacation of right-of-way and explained the City will be retaining a utility easement in this area. Councilman Maniez asked why the request to vacate was made. Mr. Brungardt stated there is a 60-foot wide strip of land on 84th Street, plus an additional 60 feet of right-of-way directly adjacent to and north of the 84th Street right-of-way. Discussion by Councilwoman Zindler on document filings.

Mayor Anderson opened the public hearing for comments. No one appeared for comment. Mayor Anderson closed the public hearing.

Patrick Reavey, City Attorney, stated all the statutory requirements have been met by Mr. Harding. Councilwoman Templin asked why all of the right-of-way should not be vacated. Discussion with Mr. Reavey and Council regarding the right-of-way and the taxation on the property. Discussion with Mr. Harding.

Motion by Councilman Maniez to approve Ordinance No. 2051 with the corrections that have been stated as far as the easement and date corrections; second by Urbanek.

Roll Call:	Cannon	Yes	Urbanek	Yes
	Maniez	Yes	Zindler	Yes
	Templin	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 20th, 2004.
 - b. Approve Pay Ordinance No. 498.
 - c. Approve Resolution No. 688 declaring Order of Violation of Section 8-208 of Article 2 of Chapter 8 at 87 Penner Avenue
 - d. Approve Resolution No. 689 declaring Order of Violation of Section 8-303 of Article 3 of Chapter 8 at 30600 West 83rd Street
 - e. Approve Resolution No. 690 declaring Order of Violation of Section 8-303 of Article 3 of Chapter 8 at 33804 West 88th Street

- f. Approve Resolution No. 691 declaring Order of Violation of Section 8-303 of Article 3 of Chapter 8 at 33145 West 87th Street

Motion by Councilman Maniez to remove Item 1.c. from the Consent Agenda; second by Templin.

All Council approved by "ayes".

Discussion by Councilman Maniez on Check No. 12460 for electrical repairs. Greg Johnson, City Administrator, stated it was for overhead electrical repairs; Councilman Maniez asked about Check No. 12467 for the SnapOn tool cabinets. Mr. Johnson stated it was for a roll-around tool cart.

Motion by Councilman Maniez to approve the Consent Agenda, with the corrections ; second by Templin.

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

Motion carried.

Motion by Councilman Maniez to approve Consent Agenda Item 1. c, pending correction of the address; second Templin.

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

Motion carried.

Councilwoman Zindler stated she would like someone to check on 33704 W. 88th Street.

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, Director, stated this is Kansas Business Appreciation month. The Chamber has nominated "Wally's Café" for bringing two new businesses to De Soto this year. On June 10th the Chamber lunch will honor all De Soto businesses and she encouraged Council and staff to attend at Lexington Trails Middle School.

The committee is working on the marketing plan for the City. She would like to have one more meeting before going back to the branding committee.

4. Old Business:

- a. Consider follow-up information on Hunt Midwest Conditional Use Permit application to Johnson County. Patrick Reavey has provided Council with updated information.

(Councilwoman Cannon recused herself from the open session at 7:20 p.m. for this discussion.)

Mr. Reavey sent a letter notifying the County that the haul road location was an important issue to the City. He has met with Don Jarrett and Larry Winn on this issue. The language the County has agreed to and Hunt-Midwest has agreed to, would require Hunt-Midwest to gain the City's consent before the haul road would be relocated. If the City determined that it was appropriate to hold a public hearing and send

out notice on the relocation of the haul road, the City could do that, and the expenses connected to that would be reimbursed by Hunt-Midwest. Mr. Reavey stated he feels this language does protect the City's interest and he recommends the City withdraw the haul road as an identified conflict in the overlay regulations.

Discussion by Councilman Maniez on the wording in paragraph 5. Accessibility via Existing Haul Road. Mr. Reavey stated the City may conduct public hearings and provide such notice to potentially affected property owners. Discussion by Councilwoman Zindler on the alternate access route language. Mr. Reavey stated that Hunt-Midwest has agreed to this language. Councilwoman Zindler asked if a "hold harmless" clause can be inserted. Discussion by Mr. Reavey that Mr. Jarrett did not want any conditions outside of the County's regulations be put into this agreement. Council discussion with Mr. Reavey on the legalities of the wording in this paragraph. Councilwoman Zindler stated this was an important issue and when that haul road changes it could possibly change the quality of life for the property owners next to it. If the Council wants a "hold harmless" clause in this agreement, then this matter will have to go before the zoning board, which may trigger the mediation process.

Motion by Councilman Maniez for the City to withdraw the haul road issue from the County's recommendation based on stipulation No. 5 with the current language; second by Urbanek.

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

Motion carried.

Mr. Reavey stated the County's hearing on this is June 8th at the school administration building, and he will report back to the Council. Councilwoman Templin stated she had some concerns regarding the process in general. Councilman Maniez stated he felt Dean Palos came here in good faith and discussed with the Council the overlay regulations in good faith, and Mr. Jarrett did not act in a good faith manner in the spirit of the overlay regulation when he made his negative comments about the Council. Discussion by Council members and Mr. Reavey regarding Mr. Jarrett's inappropriate comments. Discussion by Mayor Anderson and Mr. Reavey on the hearing.

(Councilwoman Cannon was recalled to open session at 7:40 p.m.)

5. New Business:

a. Presentation of 2003 Audit from Tom Singleton. Greg Johnson, City Administrator, provided a copy of the 2003 annual audit. This is the first year the City has prepared the financial statements on an actual cash basis. Mr. Johnson introduced Mr. Singleton, and he provided an overview of the new GAAP waiver standards. He provided an explanation of the audit language and the Kansas statutory basis. He stated this report a positive report on the financial accounting in the City. Mr. Singleton stated the City has received an audit committee letter this year. Mr. Singleton explained the management letter that was provided to the City. Discussion by Councilman Maniez on the entering of the bills and the journal entry transactions. An interfund transfer should be approved by one person and another person actually doing the transfer. Councilwoman Templin and Greg Johnson discussed the procedure and Mr. Johnson stated he tracks and approves all interfund transfers.

Mr. Singleton stated the IRS has been investigating the use of employer-owned vehicles for commuting or other personal purposes. He said the City should look at this closely. Mr. Singleton outlined some other IRS reimbursement items. Mr. Singleton provided an overview of all the comments made in the management letter and answered Council's questions. Mr. Singleton outlined the audit letter that was provided to the Council.

Councilwoman Zindler asked about the electric utility loans that are outstanding. Mr. Singleton responded that for the Kansas statutory accounting, these types of disclosures are not required. A footnote disclosure can be added into the report. Councilwoman Templin asked about the GAAP waiver form and asked that the City Council members be added to the cover page. Discussion on

the historical information being included. Councilwoman Templin stated she appreciated Mr. Singleton's time in providing an overview of the audit. Mr. Singleton thanked the Council and said that Greg and the City Staff are very good to work with and provide good information.

- b. Consider approving agreement for Professional Services with Patti Banks Associates. Mr. Johnson provided a memo to Council regarding the contract. He introduced Patti Banks. She said she looked forward to working with the city of De Soto and said it is a pleasure to be a part of the team. Discussion by Councilwoman Templin on when the new company begins. Mr. Johnson stated he has met with the Patti Banks firm and they have also met with the previous planners. The staff will begin working with Patti Banks immediately on new applications.

Motion by Councilman Maniez to approve the agreement with a term date of June 1, 2004, and an end date of June 1, 2005, second Zindler. Discussion by Councilwoman Templin.

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

Motion carried.

Mayor Anderson thanked the Council members who worked on this proposal with Mr. Johnson.

- c. Consider recommendation of pool selection committee for design contract. Mr. Johnson said interviews were conducted with four design firms. He provided information to the Council and stated that the committee highly recommended Larkin Aquatics of Kansas City, Missouri, as the design contractor. He discussed the committee's reasons for their selection. Councilwoman Templin stated it was exciting to hear the consultants talk about the possibilities. Mr. Coker stated it was a toss up on Larkin Aquatics and Aquatic Design.

Motion by Councilwoman Templin to recommend staff proceed with contract negotiations with Larkin Aquatics; second by Zindler.

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

Motion carried.

Mayor Anderson thanked the committee for their time in this process.

- d. Consider bids for well treatment. Mr. Johnson provided an overview for the treatment of wells 6 and 12 at a cost of \$12,956. Council discussion.

Motion by Councilwoman Zindler to authorize Douglas Pump for well treatment in the amount of \$12,956; second by Templin.

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

Motion carried.

6. Advisory Reports:

- a. City Administrator, Greg Johnson, stated July is the month to begin the budget workshops. He will try to set those for the three Wednesdays in July after the 4th holiday. Council set the time for 5:30 to 7:30 p.m.

- b. City Attorney, Patrick Reavey, stated he received a call from Chase Simmons regarding the revised plats on the Arbor Ridge project. Mr. Simmons would like to schedule a workshop with the Council to discuss the changes that have been made and obtain some feedback from the Council regarding the new revised plans. Mr. Reavey stated that any applications for rezonings will have to proceed through the formal processes the City has in place.

Councilwoman Templin stated this should go through the process just like any other plan and she does not agree with a workshop; Councilwoman Zindler stated she agreed and she did not want to give them any upfront information outside of the formal process. Councilman Maniez stated it should go through the process or go through a public hearing so the public has input. He feels they are looking for approval without the process. Discussion with Mr. Reavey that the applicant has concerns that they will have no opportunity to address Council's concerns prior to the Council's vote. Discussion by Councilman Urbanek that he feels it will appear the Council is making a deal ahead of time by avoiding the proper process. He doesn't want to make up his mind ahead of time without going through the formal planning process. He doesn't want a workshop on this. Councilwoman Cannon said she did not want a workshop either, as this is not part of the planning process, and she doesn't want the applicant to feel any comments by the Council are binding statements. Discussion by Councilman Urbanek that other cities have a specific plan and it is followed specifically for the designations and he is disappointed that the City's plan isn't that specific.

Mr. Reavey explained the concerns as relayed to him by Mr. Simmons in their request to provide information to the Council. Discussion by Council that staff can advise the applicant to proceed with the application process as required in the regulations. Council does not want a work session.

Mayor Anderson suggested a workshop with the Planning Commission and the Council to discuss the transitional overlay development area. Discussion with Mr. Brungardt on the comprehensive plan updates that the Planning Commission is working on. Discussion by Councilman Maniez on the P-D zoning regulations in the Comprehensive Plan update. Discussion by Mr. Reavey on the development details in a P-D application. Discussion by Councilwoman Templin on an application process for the P-D application. Discussion by Mr. Brungardt on P-D requirements and comments by Mr. Reavey regarding the statute's golden criteria for zoning matters.

- c. City Engineer, Mike Brungardt, provided Council with a memo updating the ongoing projects in the City. The 83rd Street project is about 2/3 paved and curbs will be installed on Monday, June 7th. He stated the storm sewer project on the Brady property should be completed by next week. Mr. Brungardt stated the property owner is treating the standing water with mosquito repellent tablets.
- d. City Clerk, Lana McPherson, thanked the Mayor and Council and staff for supporting her in her recent scholarship trip to Whistler, B.C. to attend the International Institute of Municipal Clerks conference and education program. She said there were over 1,200 municipal clerks in attendance and 10 countries were represented.

7. Council & Mayor Comments:

Councilwoman Cannon thanked the Council for the flowers sent to her after surgery. She asked if Cinco de Mayo has presented a report yet. Mr. Johnson said he hasn't received it yet. Councilwoman Cannon said she had received a call from Mr. Rodney Clark on how the property designation had been changed to R-1 and when it was changed. Mr. Brungardt stated he has been working with Mr. Clark on this matter. Upon annexation in 1998, the old County zoning was changed in a public hearing process when the City adopted a revised zoning map. Mr. Clark's property has not had livestock on his property for several years and livestock has to remain on the property or it is deemed "abandoned" and no livestock can be brought in. Discussion by Mr. Reavey and Mr. Brungardt on statutory requirements for zoning changes. Councilwoman Cannon asked about the signage for Gardner Road as she received a call from Mr. Dave Penny. She also asked about the millings that were taken up from Penner Avenue. Mr. Brungardt stated the millings were put in the township yard and the street department has been using them.

Councilman Urbanek said the east side of the park, on Kaw Avenue, is really getting torn up by the big trucks and heavy traffic use. Discussion by Mr. Brungardt that there are work zone speed limit signs posted by the park now.

Councilman Maniez asked about 89th Street having some holes patched. He asked about the repairs made by McAnany on the Penner Avenue project. Mr. Brungardt responded that he would like to release McAnany and have another contractor come in and do the job properly. Discussion by Councilman Maniez that he is surprised they haven't done a good job on this project, but he is not going to be agreeable to giving them more projects if they aren't going to repair the street properly. Mayor Anderson suggested Mr. Brungardt contact the bonding company and ask them to enforce the bond. Mr. Brungardt stated none of the work has been accepted. Mr. Johnson stated he has not awarded another contract to McAnany because of their poor performance.

Councilwoman Zindler stated she has asked Mr. Brungardt to provide some cost estimates for the 83rd & Kill Creek CDBG project that was discussed previously.

Councilwoman Templin had no comments.

Motion by Councilman Maniez to adjourn at 9:20 p.m.; second by Urbanek.

All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk