

MINUTES

The meeting was called to order with Roll Call by Mayor David Anderson at 7:03 p.m.

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

PUBLIC HEARING: 2005 Budget for the City of De Soto.

City Administrator Johnson stated that state law requires the budget be adopted by August 25th. There was a decrease from the 2004 budget, with a tax rate of 24.482 mills for the area served by the City of De Soto Fire District and 14.923 mills for the area served by Rural Fire District Three. An additional 120k has been budgeted for street maintenance, and a new parks department employee. The Sheriff's Department will also add a 'power shift' patrol in 2005. Johnson continued that there has been no change in water or sewer rates. Council member Zindler commended Johnson on establishing an appropriate and accurate process. Mayor Anderson agreed that this year's budget has been a major step forward.

Mayor Anderson opened the public hearing.

Dave Vigness, 8930 Lexington Ave., asked for clarification on where the additional police patrol would be concentrated. Johnson responded that the shift can be added in anytime during the day as necessary. Vigness noted that the power shift was split between morning and early evening before. This really helped to deter speeders during peak traffic times.

Mayor Anderson closed the public hearing.

Motion by Council member Zindler to adopt the 2005 budget; second by Templin.

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

Motion carried.

Proclamation by Mayor Anderson proclaiming the week of September 17th-23rd, 2004, as Constitution Week.

Mayor Anderson read aloud the proclamation, encouraging citizens to mark the 216th anniversary of the United States Constitution.

Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.

Motion by Councilman Urbanek to add Resolution 696 for an order of violation as item 1E; second by Templin.

All Council approved by "ayes".

1. Consent Agenda:
 - a. Approve Minutes from the Council meeting of August 5th, 2004.
 - b. Approve Pay Ordinance No. 503.

- c. Approve Extension of Tower Lease between the City of Lenexa and the City of De Soto.
- d. Approve Release Agreement with Cintas Corporation.
- e. Approve Resolution 696 for an order of violation.

Motion by Council member Templin to approve the consent agenda; second by Cannon.

Roll Call:	Templin	Yes	Urbanek	Yes
	Zindler	Yes	Maniez	Absent
	Cannon	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.”

Tammy Johnson, 33302 W. 89th St., stated that she is speaking on behalf of the Zimmerman Kill Creek Farm Harvest Festival and Barbecue Festival. They are requesting permission to temporarily place banners on the Kill Creek Farm property for six weeks during the festival. The banners will be advertising for sponsors of the Festivals and will be placed on the barn or fence surrounding the property. City Attorney Patrick Reavey stated that in similar situations, the Council has decided to remove the signs only by complaint. Staff can look into the City and K-10 Corridor regulations and work with Johnson and Zimmerman.

Responding to Mayor Anderson, the Council members voiced that they had no objections. Council member Templin stated that the matter would best be addressed with a Special Use Permit. City Engineer Brungardt said that staff has been working with Zimmerman to get a Special Use Permit for the general operations at the farm. They may be required to have a temporary use permit for the festival this year. Darryl Zimmerman, 34055 W. 86th Ter., gave some additional information on the festival and related events. He stated that the banners would be placed facing in toward the farm, as opposed to outward toward the street. He voiced concerns for the impacts that the 83rd Street construction project has had on the Variety of Yummies restaurant, and asked Council to give some thought to compensating the business for it's losses.

3. Old Business: NONE

4. New Business:

- a. Renewal of Impact Fee Agreement for Country Village, LC.

Reavey stated that Country Village took expenses earmarked for public improvements and financed them as part of their loan. The agreement terminated after one year passed with no activity. What is proposed is the same agreement for an additional year. Several improvements have been stricken from the original as they were completed, and the owner delivered a sizeable check to the City to cover the costs of several public improvements. Reavey recommended the Council authorize the Mayor to sign the agreement as written.

Motion by Councilman Urbanek to authorize the Mayor to sign the agreement as written; second by Cannon.

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

Motion carried.

5. Advisory Reports:

- a. City Administrator Johnson stated that a letter had been sent to the owner of Commerce Park regarding the landscaping maintenance of the islands. The City has received a letter from Johnson County Parks contributing 87k towards the Lexington Avenue project. This is more than was expected. Johnson continued that the Pool Committee met with the Larkin Group to discuss design issues and schematics. The design is still in the preliminary stages and he will keep the Council updated. After some discussion of upcoming schedules, the Council decided to hold their regularly scheduled meetings in September.
- b. City Attorney Reavey stated that he is working on excise tax revisions, vested rights for site plans, and a text amendment to resolve the Carpenter issue. The VFW has met with staff and agreed to the development agreement. Reavey asked that the Council review the historical information given on the Sunflower Munitions Plant. Mayor Anderson noted that he intends to send letters to the County Commissioners, the Senator, and all of the state members of Congress.
- c. City Engineer Brungardt stated that KDHE has given approval for the interim improvements to the sewer plant. They are moving forward with testing and proposals, and should have bids back within the next several months. The VFW rezoning issue will be heard by the Commission next Tuesday, with the final plat next month. Responding to a question from Council member Zindler, Brungardt stated that the Carpenter property title search shows a discrepancy between legal descriptions, and indicates that the parcels are indeed right-of-way. He recommends the Council accept Carpenter's survey and work to have the right-of-way given over to the City. Responding to a question from Council member Cannon, Brungardt stated that the parking area in front of Variety of Yummies will be completed next week.

7. Council & Mayor Comments:

No comments from Council member Templin.

Council member Zindler asked if street repairs would be made to 83rd Street from Kaw to Kill Creek Road. Johnson responded that it is to be repaired in 2005, though the prioritizing has yet to be done. Zindler stated that she thinks this area is an absolute must.

Council member Urbanek stated that he attended the fire meeting with County. He thinks that there is a big push for consolidation, and the City may think of beginning the detachment process now. His position is that he would be willing to consolidate with a neighboring district, but not with a district that has a large mill rate. Mayor Anderson stated that he doesn't like taxation without representation. If there were to be a consolidation, De Soto must have a substantial presence on the board.

Council member Cannon asked how much distance was covered with the recent dust control applications. Planning Coordinator Kim Gordanier responded that of over 120 eligible properties, around 40 requested the service.

Mayor Anderson stated that the City of Lenexa would like to have dinner with the Council, and possibly the school district as well. The Council voiced their approval for a meeting in late September.

Motion by Council member Zindler to adjourn at 8:06 p.m.; second by Cannon.

All Council approved by "ayes".

Respectfully submitted:

Kim Gordanier
Planning Coordinator