

MINUTES

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

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

Citizens signed the book on page 23.

The Mayor led the Pledge of Allegiance.

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 August 19th, 2004.
 - b. Approve Pay Ordinance No. 504.
 - c. Approve Lease Extension with Johnson County Nutrition Site for Senior Center.
 - d. Consider Resolution No. 697 Approving Deer Depredation permit for John Russell.
 - e. Consider Resolution No. 698 Approving Deer Depredation permit for John Hackworth.

Motion by Councilman Zindler to approve the Consent Agenda; second by Cannon.

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

Motion carried.

Discussion with Councilwoman Zindler and Mr. Reavey regarding items to be secured at the Nutrition Center. Mr. Reavey will follow up on this.

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, stated the Governor has signed off on the Economic Development Growth Act. Johnson County has over 100 bioscience facilities. De Soto is working with a coalition to determine where the next facility will be located. The Governor will make an announcement in a few weeks. Discussion with Mayor Anderson on this coalition and the bioscience location project.

4. Old Business:

- a. Consider revisions to excise tax ordinance. Patrick Reavey, City Attorney, explained to Council the amendment language for the change in platting and building. Discussion by Councilman Urbanek and Mike Brungardt. Councilwoman Zindler asked if an “attached garage” was included in usable square footage. Mr. Brungardt stated this would also include an unfinished basement. Discussion by Mr. Brungardt and Councilwoman Zindler on the excise tax being based on the size of the lot area, not on the structure itself. Discussion by Councilwoman Templin and Mr. Reavey on the tax cap.

Mayor Anderson acknowledged Mr. Dave Vigness, who voiced his opinion. Council discussion on credit for existing single-family structures that are enlarged. Discussion that excise tax is charged on the lot size, not on the structure size.

Motion by Councilwoman Templin to table the ordinance amending Chapter 6; second by Urbanek.

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

Motion carried.

5. New Business:

- a. Consider Amendment to Professional Services Contract with Shafer, Kline, & Warren. Discussion by Mr. Brungardt stated these changes are brought about regarding the necessary interim improvements at the existing wastewater treatment facility. Steve Baker, of SKW, was present to answer questions.

Motion by Councilwoman Cannon to authorize the Mayor to enter into the additional services in the amount of \$11,000; second by Urbanek.

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

Motion carried.

- b. Consider Ordinances amending Articles 2 and 10 of the Zoning Regulations pertaining to telecommunications towers. Mr. Reavey and Mr. Brungardt stated there have been inquiries coming in from companies who design and install cellular towers. The City presently does not have specific standards to follow or guidelines. Mr. Brungardt stated the Planning Commission formed a sub-committee to review and recommend standards. A public hearing was held and the Planning Commission subsequently voted to recommend approval of the proposed amendments. Discussion by Councilman Urbanek stated he would like to strike the last part of the sentence in section (iii) on page 3, after the word “design”. Councilman Urbanek stated this is a fine piece of work. Mr. Brungardt stated for the record that Kim Gordanier actually put this document together and did a great job on drafting this language. Discussion.

Motion by Councilwoman Templin to approve Ordinance No. 2055 amending the text of Article 2; Section 2 of the zoning ordinance; second by Zindler.

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

Motion by Councilman Urbanek to send the text amendment, Section 4, back to the Planning Commission asking them to delete the last part of the sentence in section (iii) after the word “design” *...unless it is shown that an alternative design would equally or better satisfy this provision*; second by Cannon.

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

Motion carried.

- c. Consider Ordinance amending the text of Section 3 of Article 10 of the Zoning Regulations to revise and include additional criteria for consideration of proposed special use permits. Mr. Reavey stated this is language the Planning Commission has been working on for quite some time. The “Golden” criteria and other criteria have been added for the consideration of proposed special use permits. Mr. Brungardt stated this was discussed at length at the Planning Commission.

Motion by Councilwoman Zindler to approve Ordinance No. 2056 amending text of Section 3 of Article 10 of the Zoning Regulations; second by Templin.

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

Motion carried.

- d. Consider Ordinance amending the text of Section 11 of Article 13 of the Zoning Regulations to revise and include additional criteria for consideration of proposed zoning district amendments. Mr. Reavey outlined the changes that are essentially the same changes to the criteria as discussed in zoning districts. Discussion by Councilman Urbanek that he has a concern on Section 1, paragraph E, which discusses the length of time property has remained vacant as zoned. The property in our area may have been vacant for years, as opposed to property in the larger cities. Discussion by Mr. Reavey that this is a framework that the Court feels this is one of the criteria that should be considered.

Motion by Councilwoman Templin to adopt Ordinance No. 2057 amending the text of Section 11 of Article 13 of the Zoning Regulations; second by Cannon.

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

Motion carried.

- 6. Executive Session: Mr. Reavey stated he included a letter in the Council packet regarding the Sunflower water plant agreement. Discussions are being held with the developer. There will be another meeting on September 10th and will hopefully result in a definitive answer from Kessinger-Hunter. Council did not request an executive session. Mayor Anderson said he has expressed a concern that this may be a tactic to stall this again. Mayor Anderson stated he has also contacted Commissioner Surbaugh on this matter.

7. Advisory Reports:

- a. City Attorney, Patrick Reavey, stated the Council had discussed the banners that Mr. Zimmerman wanted to put up. Kim Gordanier has researched the ordinances and the banners are not allowed under the present regulations under the R-1 zoning. Mr. Reavey has not spoken with Mr. Zimmerman regarding these findings. Mr. Reavey stated the City has stringent sign regulations. Discussion by Council. Mr. Brungardt stated there is a special use permit proceeding that can be utilized to address the seasonal events at this location, and he has discussed this several times with Mr. Zimmerman. Discussion by Councilwoman Templin and Mr. Brungardt. In essence, Mr. Zimmerman has a code violation for any events held at this barn location since he doesn't have a special use permit for these activities. The barn is a commercial business, even though it is an agricultural farm and historic barn. Discussion by Councilwoman Templin that the City should give him an exemption until Mr. Zimmerman can go through the special use permit process. The City staff has offered to work with Mr. Zimmerman to get the process started. Council agreed this is now a year-round business and needs to comply with the City's zoning regulations and ordinances.

Mr. Reavey stated he went to the morning session of the County Commission today. Kim Gordanier attended the afternoon session regarding the redevelopment board for Sunflower.

- b. City Engineer, Mike Brungardt, said the boat ramp permit has been granted by the Corps of Engineers. He hasn't yet contacted the Friends of the Kaw or the Kansas Riverkeepers. Mr. Brungardt stated he will get with Mike Calwell and begin the design work for the ramp. The permit expires at the end of 2006. The Miller Park parking lot was just completed today, and will be open for Saturday. The tennis court parking lot will be worked on this year and bid packets go out September 3rd. The Lexington Avenue culvert work should be finished by next week. 83rd Street is not yet completed, and a punch list of items remain to be finished.
- c. City Clerk, Lana McPherson, stated the LKM needs a City member for the KMIT board meeting. Councilman Urbanek will be the City representative.

8. Council & Mayor Comments:

No comments from Councilwoman Templin.

Councilwoman Zindler stated she will not be here for the next meeting as she will be out of town.

Mayor Anderson stated the Chamber Gold Bank Day at the Kansas Speedway is October 8th. Council stated they would like to attend and directed Lana to purchase tickets.

Mayor Anderson is working on the joint dinner with the City of Lenexa and the USD 232. The meeting will be held at the USD 232 District Office and the City will pay for the food.

Councilman Urbanek asked about the junk on property located on 88th Street in DeMeadows. Discussion by Mr. Reavey on the code ordinance regarding environmental hazards. Council discussion. Councilman Urbanek asked about the ditch work being done on Lexington Avenue. Mr. Brungardt stated some culverts are being replaced in order to even out the drainage. He also asked that Ron Creason go down and look at the culvert by Monte Freeman's property on Oak Country Lane. There is a drainage problem along that section of roadway. Discussion by Mr. Brungardt and Council regarding the upkeep of culverts.

Councilwoman Cannon had no comments.

Motion by Councilwoman Templin to adjourn at 8:35 p.m.; second by Zindler. All Council approved by "ayes".

Respectfully submitted:

Lana R. McPherson, CMC
City Clerk