

Meeting Minutes

Mayor Walker called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

Roll Call

Murdock - Present

Ritter – Present

Daniels – Present

Lane – Present

Honomichl – Present

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

Mr. Patrick Reavey requested that the council amend the consent agenda to remove item 1c and add item 1e. He noted that item 1e is the approval of documents authorizing the assignment of development rights regarding the first building of the Flint Commerce Center.

1. Consent Agenda:

- a. Approve Minutes of the July 6th City Council Meeting
- b. Approve Pay Ordinance No. 953
- c. Consider Revisions to the Emergency Response Plan
- d. Approve Documents Authorizing Flint Commerce Center to Assign Its Development Rights and Obligations to New Entity That Will Own the First Building

Motion by Councilmember Murdock to approve the consent agenda items with the addition of item 1e and remove item 1c; Second by Councilmember Ritter.

Murdock Yes

Ritter – Yes

Daniels – Yes

Lane – Yes

Honomichl – Yes

Motion Carried

Councilmember Honomichl noted that he abstained from item 1e.

2. Call to Public:

Seeing no one wanting to speak, the Mayor moved on to the next item.

3. Old Business:

4. New Business:

a. Consider Bids for Installation of Emergency Generator

Mr. Cameron Maughmer, Building Official, led on this item. He noted that the 2023 Capital Improvement Plan, provided funding for an emergency generator at City Hall. The purchase of a generator and automatic transfer switch was completed in April, and subsequently, bids were requested from various contractors to undertake the installation of the generator and related equipment. He continued by stating that after careful evaluation, the city staff recommends granting approval to the most competitive bid from AB Bradley Construction Company Inc.

Motion by Councilmember Murdock to approve the low bid from AB Bradley Construction Company INC, in an amount not exceeding \$216,300 with a 10% percent contingency. Second by Councilmember Lane.

Murdock – Yes

Ritter – Yes

Daniels – Yes

Lane – Yes

Honomichl – Yes

Motion Carried

b. Consider Ordinance 2584 to Include a Concrete Batch Plant and to Extend the Special Use Permit for Ten Years from the Approval Date

Mr. Bradley Weisenburger led on this item. He noted that in February, the City Staff initiated talks with the applicant, Hamm Companies, regarding the potential expansion of their sand and gravel excavation operations. The proposed expansion involves the inclusion of a concrete batch plant in the vicinity of Gardner Road and 79th Street, situated north of the BNSF rail line. He continued by noting that the Hamm Companies currently lease these operations from Mr. Dave Penny, who is the owner of Kaw Sand. He gave an overview of the proposed concrete batch plant and special use permit. He gave an overview of the staff report, including staff recommendations to approve the permit with conditions.

Councilmember Lane asked if the traffic study considered the development in the area. Councilmember Daniels discussed how turn lanes would impact the traffic in the area. He discussed his concerns with the staff's findings regarding the golden criteria.

Mr. Patrick Watkins, Attorney representing Hamm Companies, introduced the team that worked on the study and development of the item. He gave an overview of the site, its potential customer, and the reasons why the company has selected the site. He gave an overview of the traffic study prepared by GBA. He addressed the council member's concerns, including the proposed church and apartments in the area. He gave an overview of the sound study included in the council packet. He gave an overview of the company, its locations, safety regulations, and company culture.

Councilmember Murdock asked about the citizen participation group outlined in the supplemental information in the agenda item. She asked for clarity on how it impacted the development plan. Mr. Watkins discussed that several residents near the property had concerns regarding noise, site line issues, and traffic along 83rd Street.

Councilmember Murdock asked about the monitoring of the number of trips on the road. The applicant noted that the company could provide those numbers to the city at any time.

Councilmember Daniels asked about how many trucks are visiting the site per day. Mr. Watkins noted that the site currently averages about 50 trucks a day today. Mr. Watkins noted that the number proposed is the maximum of trucks, and the site would rarely see anywhere near the maximum amount of truck traffic. He noted that if the demand were close to the maximum, they would consider a change in their business model.

Councilmember Honomichl discussed the overall traffic count on the day. Representatives from Hamm Companies noted that the typical start time is around 5 am.

Councilmember Ritter discussed the safety record of the company. Mr. Watkins gave an overview of the safety record and training program for their employees.

Councilmember Lane discussed the traffic along the site. He noted that there would be significant traffic along the road that could create a safety problem. He announced that he would like to see a contingency plan that would lessen the number of trucks allowed if a safety concern is identified. He also noted that he would like to see a traffic control unit at the intersection.

Mayor Walker discussed the history of 83rd Street. He noted that the proposed increase in trucks included in the permit would only increase traffic by roughly 1 percent and that the road is designed to handle significantly more traffic than its current usage.

Mayor Walker opened the item for public comment. He noted that it was not a public hearing.

Don 31010 W 83RD ST,
Minter De Soto, KS

Discussed his concerns about the noise at the batch plant and the traffic on site. He noted that the road is traveled by school-aged children on their way to DeSoto High School.

Seeing no one else wanting to speak, the Mayor returned the comments to the bench.

Mayor Walker discussed some proposed compromises. Including limited operations, most notably limiting the number of Sundays the plant could operate and restricting the number of days they can begin operations at 2 am.

Representatives from Hamm answered questions regarding the noise study and where the recordings were taken.

Councilmember Honomichl discussed the location of the site and his belief that it is a good location for a concrete batch plant. Councilmember Honomichl asked how the city would benefit from the site. Mr. Patrick Reavey noted that the city would receive sales tax.

Councilmember Murdock discussed the infrastructure planned along 83rd. She noted that the applicant had addressed many of her concerns. She discussed her wishes to see the city grow and noted that the overall traffic increase would not have a significant impact on the number of vehicles that travel the road daily. She noted that she would like to see the city continue to make 83rd Street a priority and monitor the traffic with an eye for expansion.

Councilmember Daniels noted his safety concerns, including traffic around De Soto School District school start and end times.

Councilmember Ritter noted that he has concerns with the traffic study. He asked where the site would get the raw materials. Mr. Watkins noted that material delivery will come from various locations throughout the KC metro and the State of Kansas.

Councilmember Lane stated that he would like to see a safety contingency plan.

Councilmember Honomichl asked Mr. Joe Johnson, City Engineer, for his professional opinion on the matter. Mr. Johnson noted that the added lanes will allow the trucks to reach about 35 mph before they merge into traffic. He noted that the lanes are like what you would see on a highway on or off-ramp.

Councilmember Daniels asked if the applicant would be willing to make any concessions given the concerns given by the city and residents.

The council discussed reducing the number of days the plant could operate at 2 am and limiting the number of Sundays, the plant could operate.

Motion by Councilmember Honomichl to approve Ordinance 2584 with modification to section 3g to read as follows:

- a. Unless specifically modified by this Ordinance 2584, the sand and gravel extraction, and concrete batch plant operations, permitted by this Ordinance 2584 shall be in compliance with all terms, conditions, and requirements recited in Ordinances 1071, 1100, 2268, 2284, and 2416, understanding, though, that the land described in said Ordinances is different than the Site that is the subject of this Ordinance No. 2584.
- b. Permittee constructing turn lanes and approach and deceleration lanes on 83rd street prior to concrete batch plant operations commencing.
- c. Permittee complying with noise regulations in the De Soto City Code.
- d. Permittee submitting plans and specifications for paving of Gardner Road, for approval by the City Engineer. Permittee to complete approved paving of Gardner Road from 83rd street to the northern scale house gate within one year of concrete batch plant operations commencing.
- e. Permittee satisfactorily maintaining Gardner Road (as determined by the City Engineer) from the northern scale house gate to the south gate at 7605 Gardner Road.
- f. Permittee limiting truck traffic to 175 trips per day based on a monthly average.
- g. Permittee ensuring concrete batch plant is not operated on Sundays or outside the hours of 5:00 a.m. until 5:00 p.m. Monday through Saturday except for 60 days during peak construction season when operation of the batch plant is allowed to start at 2:00 a.m. Any special operations that need to occur on a Sunday, or any other emergency operations outside of the hours stated herein, shall be preceded by advance written notice to the City Administrator.

- h. Permittee to maintain 100-foot excavating setback from the City of Olathe raw water lines.
- l. Permittee to maintain its lighting at the concrete batch plant to shield glare to neighboring properties and focus light streams downward toward the batch plant work area.
- J. Permittee maintaining and complying with all State of Kansas and Federal permits and regulations.
- k. Permittee ensuring sand and gravel excavation operations are not occurring earlier than dawn or later than dusk on Mondays through Saturdays. No such operations shall occur on Sundays.
- l. Permittee maintaining adequate site lines (as determined by the City Engineer) at the intersection of 83rd Street and Gardner Road by Permittee removing and trimming vegetation in the vicinity thereof.
- l. Permittee complying with the reclamation plans and requirements previously submitted to the City for the Site; Second Councilmember Murdock

Murdock -Yes

Ritter – Yes

Daniels – Yes

Lane – No

Honomichl – Yes

Mayor Walker- Yes

Motion Carried

- c. Consider Agreement a Software Subscription Agreement with Questica, LTD for Budgeting Software

Mr. Brandon Mills, Assistant City Administrator, led on this item. He noted that the staff had solicited proposals from three vendors for budgeting and forecasting software. He recommends that the Council approve the proposal from Questica, LTD and authorize the City Administrator to sign the 5-year software agreement in an amount not exceeding \$146,504.

Motion by Councilmember Honomichl to approve the software agreement to enter into a five-year software subscription agreement with Questica for budgeting and forecasting software in an amount not to exceed \$142,504; Second by Councilmember Murdock.

Murdock – Yes	Ritter – Yes
Daniels – Yes	Lane – Yes
Honomichl – Yes	Motion Carried.

- d. Consider Documents Related to the Issuance of Taxable Industrial Revenue Bonds for the Golden Lane Residential and Golden Lane Commercial Projects

Mr. Patrick Reavey led on this item. He gave an overview of the item, including the project timeline and details of each action item before the City Council. He noted that the industrial revenue bonds do not count against the city’s debt limit. He recommended approval of ordinances 2585 and 2586 as written.

- i. Consider Ordinance No. 2585 Authorizing the Issuance of Taxable

Motion by Councilmember Murdock to approve Ordinance 2585 as written;
Second by Councilmember Ritter.

Murdock – Yes	Ritter – Yes
Daniels – Yes	Lane – Yes
Honomichl – Yes	Motion Carried

- ii. Consider Ordinance No. 2586 Authorizing the Issuance of Taxable Industrial Revenue Bonds for Golden Lane Commercial

Motion by Councilmember Murdock to approve Ordinance 2586 as written;
Second by Councilmember Ritter

Murdock – Yes	Ritter –Yes
Daniels – Yes	Lane – Yes
Honomichl – Yes	Motion Carried

- e. Consider Proposal from Shockey Consulting for the Development of an Area Plan for the Southwest Activity Hub.

Mr. Mike Brungardt, City Administrator, led on this item. He noted that with ongoing infrastructure projects in the southwest growth area and a surge in economic development prospects, there arises an urgent necessity to enhance the land use plans and policies for this region. The area between K-10 and the Astra Enterprise Park has gained significance for non-industrial growth and developmental opportunities. He added that distinctive features make it highly suitable for immediate development, making it crucial to establish a cohesive vision for the area before any influx of development proposals. He recommended that the Council approve the agreement

with Shockey Consulting in an amount not to exceed \$30,000. The council discussed the layout of the boundaries of the area and the output of the area.

Motion by Councilmember Murdock to table the item for further review; Second by Councilmember Daniels.

All Ayes. Motion Carried.

f. Consider Final Plat for Flint Commerce Park Building C

Councilmember Honomichl noted a conflict of interest, left the room at 9:37 pm, and was not present for the vote or the discussion of the item.

Mr. Brad Weisenburger led on this item. He noted that prior to the issuance of building permits, the final plat must undergo approval by the planning commission and then be presented to the city council for acceptance of easements and right-of-way (ROW). He recommended approval of the final plat for the Flint Commerce Park Building C.

Representatives from the Flint Development group, including Mr. Kevin Lee, gave an overview of the project.

Motion by Councilmember Murdock to approve the final plat for the Flint Commerce Park Building C as written in the staff report; Second by Councilmember Daniels.

Murdock – Yes	Ritter –Yes
Daniels – Yes	Lane – No
Honomichl -Abstained	Mayor Walker – Yes

Councilmember Honomichl returned to the room at 9:41 pm.

g. Consider Change Order #1 for the Sunflower Road Recreational Trail Design Project

Mr. Brandon Mills led on this item. He noted that this is a request for a change order for the Sunflower Road Recreation Trail Project. He gave an overview of the change order and timeline for the completion of the project. He recommended approval of the change order in an amount not to exceed \$29,560, Second by Councilmember Ritter.

Murdock – Yes	Ritter – Yes
Daniels – Yes	Lane – Yes
Honomichl – Yes	Motion Carried

- h. Consider Progressive Design-Build Agreement for Sewer Plant upgrades with Burns & McDonnell/CAS Constructors

Mr. Patrick Reavey led on this item. He gave an overview of the contract and timeline for the completion of the Sewer Plant upgrades. He recommended approval of the contract and authorizing the Mayor to enter into a progressive design-build agreement with Burns & McDonnell/ CAS Construction.

Motion by Councilmember Honomichl to approve the contract with Burns and McDonnell/ CAS Construction pending City Attorney Review; Second by Councilmember Ritter.

Murdock – Yes
Daniels – Yes
Honomichl – Yes

Ritter – Yes
Lane – Yes
Motion Carried

- i. 2024 Budget Discussion

Mr. Mike Brungardt led on this item. He noted that the 2024 operating budget is nearly complete and asked the council if they had any final suggestions for additional programming for the 2024 budget. Mayor Walker noted that he would like to see a property tax relief fund for low-income residents be included in the 2024 budget. He suggested that city staff review programs from neighboring communities for guidance on how to structure the program.

Executive Session: None

6. Advisory Reports:

City Administrator - Mr. Brungardt asked the council to approve hiring a Utility Billing Clerk/ Deputy City Clerk as early as August 1st.

Motion by Councilmember Murdock to authorize the City Administrator to hire a Utility Billing Clerk/ Deputy City Clerk as early as August 1st; Second by Councilmember Daniels.

Murdock – Yes
Daniels – Yes
Honomichl – Yes

Ritter – Yes
Lane – Yes
Motion Carried

City Attorney No Report
City Planner- No Report
City Engineer- No Report
Assistant City Administrator- No Report

7. Council & Mayor Comments

Councilmember Murdock – Noted that there is a City Sponsored Concert at Riverfest Park on July 19th.

Councilmember Honomichl -Noted that he would be moderating a panel held in De Soto with local economic development figures, including Mayor Rick Walker.

Councilmember Ritter- No Report

Councilmember Lane- No Report

Councilmember Daniels – No Report

Mayor Walker- No Report

8. Adjournment

Motion by Councilmember Murdock; Second by Councilmember Honomichl. All Council.

approved by "ayes." The meeting was adjourned at 9:57 pm.

Respectively Submitted by:

Brandon Mills
Brandon Mills, MPA City Clerk