

**CITY OF SHAWNEE**  
**CITY COUNCIL MEETING**  
**MINUTES**  
**AUGUST 26, 1996**  
**7:30 P.M.**

Mayor Allen called the meeting of August 26, 1996, to order at 7:33 p.m. in the Shawnee City Hall Council Chambers. Councilmembers present were: Councilmembers Truitt, Goode, Breitenstein, Severance, Teefey, Snell and Douglas. Absent was Councilmember Meyers. Others present were: City Manager Montague, Finance Director Meyer, City Engineer Wesselschmidt, City Clerk/Human Resources Director Hodges, Police Chief Hayselden, Fire Marshal Hudson, Planning Director Chaffee, City Attorney Rainey, and Parks and Recreation Director Lodge. Mayor Allen welcomed the public and all stood and recited the Pledge of Allegiance.

Members of the public who spoke were: Charlie Vogt, Executive Director, Shawnee Area Chamber of Commerce (Item 10), Charlotte Hargis, 6925 Ballentine (Items 10, 16e, 18), Andrew Schlagel, Representative for Hillcrest Farms East (Item 11), Don Durham, 4621 Millbrook Court (Items 11, 12f, Business from the Floor c.), Joy Hayes, Rodrock & Associates, 6700 Antioch (Item 12f), Peter Grassl, 13424 W. 70th Terr. (Business from the Floor a.), Harold Shea, 5640 Cody (Business from the Floor b.), Jesse Mock, 25398 W. 66th Terr. (Business from the Floor c.)

**CONSENT AGENDA**

- 1. APPROVE MINUTES FROM THE CITY COUNCIL MEETING OF AUGUST 12, 1996.**
- 2. REVIEW MINUTES FROM THE PLANNING COMMISSION MEETING OF AUGUST 5, 1996.**
- 3. REVIEW MINUTES FROM THE PUBLIC WORKS AND SAFETY COMMITTEE MEETING OF AUGUST 20, 1996.**
- 4. CONSIDER CHANGE ORDER NO. 1 FOR LONG AVENUE DRAINAGE IMPROVEMENT.**

Consider Change Order No. 1 for the Long Avenue Drainage Improvement Project, from 70th Terrace to 71st Street, P.N. 3201. This change order reflects a net increase of \$983.75. The new contract amount for the project is \$229,862.60.

- 5. CONSIDER CHANGE ORDER NO. 29 FOR SHAWNEE MISSION PARKWAY WIDENING PROJECT.**

Consider Change Order No. 29 for the Shawnee Mission Parkway widening project: Merriam to Halsey P.N. 3173. This change order reflects a net increase of \$1,343.95. The new contract amount for the project is \$5,617,005.71.

**6. CONSIDER REVISED CHANGE ORDER NO. 28 FOR SHAWNEE MISSION PARKWAY WIDENING PROJECT.**

Consider revised Change Order No. 28 for the Shawnee Mission Parkway widening project: Merriam to Halsey P.N. 3173. This change order reflects a net increase of \$9,045.75. The new contract amount for the project is \$5,626,051.46.

**7. CONSIDER STREET LIGHT PETITION REQUEST, FROM MS. CLAUDIA TAYLOR FOR THE MEADOWS OF PARKHILL SUBDIVISION.**

Consider Street Light Petition for the installation of one (1) street light on the west side of the turnaround in the 6000 block of Parkhill. The annual lease rate for this light will be \$208.08.

Councilmember Goode, seconded by Councilmember Douglas, moved to approve the entire consent agenda. The motion carried 7-0.

**MAYOR'S ITEMS**

Mayor Allen announced that Amy Samaripa joined the Shawnee Area Chamber of Commerce as the new Operations Manager. He stated that Amy Samaripa would be in charge of the Chamber's membership recruitment, marketing and special events administration. He said that she resided in Columbia, Missouri before coming to Shawnee and she had helped coordinate the National Hot Air Balloon Championships this month, as an assistant bench coordinator with Missouri Balloon Corporation. Mayor Allen welcomed Amy Samaripa to the City of Shawnee.

**PUBLIC ITEMS**

**8. CONSIDER APPROVAL OF MASSAGE ESTABLISHMENT PERMIT APPLICATION FOR A NEW CREATION BEAUTY THERAPY.**

Mayor Allen stated that Cyndi Kunellis is requesting approval of a massage establishment permit application for "A New Creation Beauty Therapy," at 14405 W. 68th Terrace.

Councilmember Truitt, seconded by Councilmember Goode, moved to approve a permit for Cyndi Kunellis, "A New Creation Beauty Therapy," with expiration on December 31, 1996, subject to the following conditions:

1. No services shall be provided until the City of Shawnee Codes Administration Division certifies in writing to the Chief of Police that the proposed business

establishment meets all of the following conditions and complies with all other requirements of Section 5.40 of the Shawnee Municipal Code:

- a. Walls are clean and painted with washable, mold resistant paint in all rooms where water or steam baths are given;
  - b. Floors are free from any accumulation of dust, dirt, or refuse;
  - c. All equipment used is clean and sanitary;
  - d. Towels, linen and items for personal use of operator and patrons are clean and freshly laundered. Towels, cloths and sheets shall not be used by more than one patron. Heavy white paper may be substituted for sheets, but it must be changed for every patron;
  - e. No service shall be carried on within a cubicle, room, booth, or any area which is fitted with a door capable of being locked;
  - f. Toilet facilities shall be provided in convenient locations. When 5 or more massage establishment employees and massage patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided;
  - g. Washbasins must have both hot and cold running water and be provided with soap in a dispenser and sanitary towels.
2. The applicant agrees to grant immediate right of entry to the Police Department, Codes Administration Division, or County Health Department who may from time to time make an inspection at reasonable times and in a reasonable manner.
  3. All employees licensed by the City to perform massage services must at all times when working have in their possession a valid identification card issued by the City which shall be presented upon request during an inspection.
  4. The following operating regulations shall apply:
    - a. The business must be closed from 12:00 a.m. to 6:00 a.m. each day;
    - b. Customers of the opposite sex may not receive massage therapy treatment in the same room at the same time;
    - c. No service shall be given which is clearly dangerous or harmful in the opinion of the Director of the County Department of Health;
    - d. No alcoholic or cereal malt beverages shall be allowed or consumed on the premises;
    - e. Every portion of the business and the personnel must be clean. All employees must wear clean outer garments which use is restricted to the business;
    - f. If two or more massage patrons will be on the premises and receiving massage therapy at the same time, there must be provisions for a separate dressing room for each sex with individual lockers for each employee. Doors to the dressing rooms shall open inward and be self-closing;

- g. All employees must be modestly attired (flimsy, transparent, form fitting or tight clothing is prohibited). Clothing must cover the chest at all times and hemlines may be no higher than the top of the knee;
  - h. The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee. Any contact with a patron's genital area is strictly prohibited;
  - i. There shall be a sufficient quantity of clean, laundered sheets and towels laundered after each use and stored in a sanitary manner;
  - j. Wet and dry heat rooms, showers and toilet rooms shall be thoroughly cleaned each day the business is in operation; bathtubs must be thoroughly cleaned after each use.
- 5. All services must be provided at 12678 Shawnee Mission Parkway, the applicant's place of business, except that employees at the direction of a duly licensed physician may perform their services on physically incapacitated or bedfast patients in such patient's home or other designated location; however, all such services so rendered must have first received the approval of the Chief of Police or his authorized representative.
  - 6. A current register must be maintained of all employees performing massage therapy listing their names, addresses and permit numbers.
  - 7. A daily register of massage customers must be maintained, showing hours of arrival, and if applicable, the rooms assigned. This register must be kept on file for one year.
  - 8. Advertising may not depict any portion of the human body that would reasonably suggest that any service not massage related is available or that masseuses/masseurs are dressed in any other manner than allowed by the Municipal Code. Advertising may also not indicate in the text of the advertising that other services are available.
  - 9. No one under 18 years of age shall be allowed in any room in which massage therapy is offered.

The motion carried 7-0.

**9. CONSIDER RESOLUTION OF INDUCEMENT TO SET PUBLIC HEARING DATE FOR BAYER CORPORATION.**

Mayor Allen stated that this resolution declares the intent of the City of Shawnee to issue Federally taxable private activity revenue bonds in an aggregate principal amount not to exceed \$100,000,000 for the purpose of financing the acquisition, purchase, construction, installation and equipping of an addition to a manufacturing facility, Bayer Corporation.

City Attorney Rainey stated that the hearing would be established at a later date. He said this authorizes the City Manager to place this item on the agenda for the public hearing. He said at a later date, following the public hearing, we will actually issue the bonds.

Councilmember Goode, seconded by Councilmember Truitt, moved to adopt a resolution declaring the intent of the City of Shawnee to issue Federally taxable private activity revenue bonds in an aggregate principal amount not to exceed \$100,000,000 for the purpose of financing the acquisition, purchase, construction, installation and equipping of an addition to a manufacturing facility, Bayer Corporation. The motion carried 7-0. Having passed Resolution 1040 was assigned.

**10. CONDUCT PUBLIC HEARING TO RECONSIDER FINANCIAL INCENTIVES FOR HAMPTON INN.**

Mayor Allen stated that this public hearing is to allow for reconsideration of financial incentives for the Hampton Inn project.

Councilmember Goode, seconded by Councilmember Snell, moved to conduct a public hearing. The motion carried 7-0.

CHARLIE VOGT, Executive Director, Shawnee Area Chamber of Commerce, presented a Cost Benefit Analysis on Hampton Inn for the City of Shawnee, Johnson County, the State of Kansas, and the Shawnee Mission School District. He stated these four government entities derive different revenues from a hotel such as Hampton Inn, with sales tax for the City and State, and guest tax for the City of Shawnee.

CHARLIE VOGT stated the total project cost will be seven million dollars and the bond issue will be five million dollars. He said that would include land, building and personal property. He indicated the current property tax on the existing land is \$2,000 total, with the state's portion being \$600 of that. He noted that the land is appraised at \$400,000, the building \$3.8 million, and personal property \$800,000. He said that personal property is being exempted (in this case prorated) down a depreciated schedule starting at 100% of value, working down to 85%, depreciating that number down. He noted one change was with years 8, 9, 10 being 75%, 50%, 25% of value and adding those numbers together. He said currently, the City is receiving \$380 a year in property tax and the cost benefit analysis shows that with the improvements, the City will be receiving \$905,296 in real and personal property tax, sales tax, and guest tax. He said there would be \$226,498 in real and personal property tax abated.

CHARLIE VOGT stated Johnson County has a mill levy of 16.563 mills which represents 13% of the total mill levy. He said the County is currently receiving \$260 a year in property taxes on this property and has substantially less tax abated.

CHARLIE VOGT said the State of Kansas, with a 36.5 mill levy, has the largest percentage, with 30% of the total mill levy. He said the State of Kansas assesses 35 mills for school finance with the other 1.5 mills as a general mill levy. He said over a ten year

period the State will collect an additional \$768,863 in real and personal property taxes and 4.9% state sales tax.

CHARLIE VOGT stated the Shawnee Mission School District has a levy of 26.779 mills which represents 22% of the total mill levy. He said the only revenue they are deriving is real property tax and personal property tax and their depreciation of total taxes collected is much less. He said that the Shawnee Mission School District currently collects \$440 tax on this property and with the improvements, will collect \$32,135 in real and personal property tax.

CHARLOTTE HARGIS, 6925 Ballentine, stated that she thought Councilmember Severance was right when he said the City needed an outside independent firm to evaluate the applications for financial incentives. Ms. Hargis stated she did not feel it was a fair comparison for the City to say that the existing County real estate tax is \$260. She noted the real estate taxes on that property after it is improved can not be compared to what it is unimproved, and that is the faulty part of the tax abatement analyses.

Councilmember Goode, seconded by Councilmember Truitt, moved to conclude the public hearing. The motion carried 7-0.

Mayor Allen stated he had been advised by City Attorney Rainey to abstain on the next agenda item. He said he had reached a threshold on the amount of income that he received from the applicant and he turned the item over to Council President Teefey.

**11. CONSIDER THE FOLLOWING ITEMS FROM THE PLANNING COMMISSION MEETING OF JULY 15, 1996.**

Consider preliminary development plan for Hillcrest Farm East, for 215 single family lots at 47th and Mund Road.

Councilmember Teefey stated that this item was tabled at the August 12, 1996 Council Meeting at the request of the applicant. He said the Planning Commission recommended 7-2 that the Council approve PUD-3-96-7, a preliminary development plan for Hillcrest Farm East, 215 single family lots, 47th and Mund Road. He indicated approval of the request would result in a zoning change from AG (Agricultural) to PSF (Planned Single Family).

Planning Director Chaffee stated that Andrew Schlagel, representative for the applicant, requested this item to be tabled to the September 9, 1996 City Council Meeting.

DON DURHAM, 4621 Millbrook Court, stated this was the second time this item has been tabled. He said he would like to get public input for the developer to consider for the September 9, 1996 City Council meeting, for some changes to the plan. He said the developer has come back with a slight change to this plan, taking about 2% of the lots, going from 215 down to 211. He said the transition into the other developments or projects coming in should be considered R-9. He said if it is going to be a planned single

family development, the gross density that was 3.19 dwelling units per acre, and now is 3.13 should go down to 2.75. He said bringing the minimum lot size that is now 6,600 up to 8,000 square feet would make that neighborhood much more compatible.

Councilmember Goode stated that on a nationwide basis, lot sizes are decreasing while larger homes are being built, for example in San Diego, California. He indicated just reducing the size of the lots would not decrease the value of homes that are being built. He said with his experience being a builder, a home can be designed to fit on a certain size lot if pains are taken to do it right. He stated he believed the Country as a whole is fast approaching the time when all lots are going to be lesser, not larger. He stated he supported this type of development as long as there was quality development.

DON DURHAM stated that the Journal Herald had published a comparison study showing this developer's projects having a higher gross density than any other developer building subdivisions in the areas of K-7, Shawnee Mission Parkway, I-435, and the River, with the exception of one other developer. He said that lots may be getting smaller but there is a trend for this developer to be smaller than other developments that are going in these areas.

Councilmember Snell asked ANDREW SCHLAGEL if the developer has time constraints on the project and could Council bring this issue back two weeks after the September 9, 1996 City Council meeting. He said the September 9, 1996 agenda will be full of major issues.

ANDREW SCHLAGEL, representative for Hillcrest Farm East, stated it was their desire to get to a meeting with the entire Council present. He said he had been told that the September 9, 1996 City Council meeting was the only meeting in September where there would be a full Council. He stated with the issues being presented, they deserved an opportunity to present to the full Council.

Councilmember Breitenstein, seconded by Councilmember Severance, moved to table this item to the September 9, 1996 City Council meeting. The motion carried 7-0.

**12. CONSIDER THE FOLLOWING ITEMS FROM THE PLANNING COMMISSION MEETING OF AUGUST 5, 1996.**

- a) Consider review of special use permit previously issued to Family Tree Nursery.

Mayor Allen stated that the Planning Commission recommended 8-0-1 that the Council renew SUP-6-89-5, special use permit for Family Tree Nursery to allow accessory retail sales at 7036 Nieman Road.

Councilmember Goode, seconded by Councilmember Severance, moved to renew SUP-6-89-5, special use permit for Family Tree Nursery to allow accessory retail sales at 7036 Nieman Road, subject to the following conditions:

1. Outside display materials be contained in the approved area north of the parking lot; and
2. Review of the special use permit in four (4) years.

The motion carried 7-0.

- b) Consider special use permit previously issued to Shelly Hoog.

Mayor Allen stated that the Planning Commission recommended 8-0-1 that the Council renew SUP-3-95-5, special use permit for Shelly Hoog to operate Shelly's Hair Salon as a home occupation at 22110 W 64th Place.

Councilmember Breitenstein, seconded by Councilmember Douglas, moved to renew SUP-3-95-5, special use permit for Shelly Hoog to operate Shelly's Hair Salon as a home occupation at 22110 W 64th Place, subject to the following conditions:

1. The shop be limited to one chair and no outside persons be employed;
2. All parking related to the beauty shop shall be off-street on the driveway;
3. Submission of a copy of the beautician's license from the State Board of Cosmetology on an annual basis;
4. No signage be allowed; and
5. Review of the special use permit in four (4) years.

The motion carried 7-0.

- c) Consider review of special use permit previously issued to Deffenbaugh Industries.

Mayor Allen stated that the Planning Commission recommended 8-0-1 that the Council renew SUP-4-94-6, special use permit for Deffenbaugh Industries to allow landfilling operations in the Planned Industrial zoning district in the 17700 block of 53rd Street and the 5300 block of Locust.

Councilmember Goode, seconded by Councilmember Truitt, moved to renew SUP-4-94-6, special use permit for Deffenbaugh Industries to allow landfilling operations in the Planned Industrial zoning district in the 17700 block of 53rd Street and the 5300 block of Locust for one (1) year, with review at that time, subject to the following:



Annual reviews of the special use permit are required until such time as the berms are constructed. After that time, periodic reviews will be held as determined by the Planning Commission and Governing Body.

The motion carried 7-0.

- d) Consider final plat for Heartland Hills.

Mayor Allen stated the Planning Commission recommended 8-0-1 that the Council approve FP-43-96-8, final plat for Heartland Hills, for 85 lots at 58th Street and Meadow Height Drive.

Planning Director Chaffee stated that the applicant requests final plat approval for the first plat of Heartland Hills located at 58th and Meadow Height Drive. He said the plat contains 85 lots, and is in compliance with the preliminary plat. He noted that all building requirements have been satisfied. He indicated open space fees in the amount of \$17,000 are applicable with this plat. He said tracts A, B, and C are provided as common open space maintained by the subdivision. He stated the plat is subject to \$27,169.83 in peripheral street fund fees and all streets shall be designed to current City standards, which includes an enclosed stormwater collection system. Planning Director Chaffee stated all utilities will be placed in rear or side yards, and will be underground. He said on-site detention will be required for this subdivision. He noted the applicant shall obtain an EPA National Pollutant Discharge Elimination System permit from the Kansas Department of Health and Environment. He indicated an off-site easement may be required on Lot 15, City View Farms to connect with the existing area inlet. He said the Planning Commission recommends acceptance of Heartland Hills, First Plat subject to conditions listed in the staff report.

Councilmember Breitenstein asked Planning Director Chaffee to give Council information on anticipated square footage of the homes.

Planning Director Chaffee stated that the square footage of the homes begins at 1400 square feet.

Councilmember Breitenstein asked if Planning Director Chaffee could give Council information regarding what type of building materials would be used on the elevations.

Planning Director Chaffee stated they would be seeing split levels and two story homes.

Councilmember Goode asked who the engineer was on this development.

Planning Director Chaffee stated that Harold Phelps with Phelps Engineering was the engineer for the plat.

Councilmember Teefey asked what the density for lots per acre is.

Planning Director Chaffee stated that over the entire subdivision the gross density is about 3.3 lots per acre.

Councilmember Teefey asked what the average square footage of the lots is.

Planning Director Chaffee stated the minimum lot size is 9,000 square feet and it goes up to 13,000 square feet.

Councilmember Breitenstein asked Planning Director Chaffee if there was an average lot size figure.

Planning Director Chaffee stated he did not have that information.

Councilmember Breitenstein stated she felt the anticipated home size is too small and she would like to have an average size lot computed, so Council can determine if they are looking at the lower end or the upper end of sizes.

Councilmember Goode, seconded by Councilmember Snell, moved to approve FP-43-96-8, final plat for Heartland Hills, for 85 lots at 58th Street and Meadow Height Drive, subject to the following conditions:

1. Recording of the plat prior to issuance of any building permits;
2. Payment of the \$17,000 open space fee in a lump sum prior to recording of the plat or \$200 per lot prior to issuance of building permits;
3. The applicant submit two (2) copies of the Homes Association and Deed Restriction documents, along with the necessary recording fee, for recording with the final plat;
4. The \$27,169.83 Peripheral Street Fund fee shall be paid prior to commencing construction work on any public improvements;
5. The proposed streets shall be designed to local residential street standards, as discussed in the staff report;
6. The applicant shall be responsible for construction costs related to extending both Meadowsweet Lane and Meadow Height Drive beyond the limits of the subdivision to the end of the existing streets;
7. The proposed street lighting and stormwater drainage systems shall be designed to City standards, as discussed in the staff report;

8. All improvements associated with the stormwater detention facilities shall be designed in accordance with City standards;
9. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat;
10. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
11. The applicant apply for an Environmental Protection Agency National Pollutant Discharge Elimination System Permit (Construction Activity Form 1) from the Kansas Department of Health and Environment. A copy of the application shall be submitted to the City Engineer prior to the issuance of a grading permit. A copy of the permit shall be submitted upon approval by the State;
12. Erosion control measures shall be shown on the grading plans. Such measures shall be in place prior to commencing any construction;
13. All public utilities shall be fully bonded and constructed prior to the issuance of any building permits. Payment of all appropriate bonds and inspection fees to the Engineering Division and obtain all appropriate work permits, prior to any construction. The developer shall be responsible for the cost of City installed street signs;
14. All water main and fire hydrant locations shall be approved by the Fire Chief and installed prior to issuance of any building permits;
15. A computation plat shall be provided showing the coordinates of all points, the bearings and lengths of all lines, and the individual area, in square feet, of all lots, open space tracts, and right-of-ways. Also, shown on this plat shall be the centerline miles of all newly dedicated streets. The computation plat shall be submitted with the recording copies of the final plat; and
16. Two (2) revised plats shall be submitted to the Planning Department with technical items corrected prior to consideration by the City Council.

The motion carried 5-2, with Councilmembers Truitt, Goode, Severance, Teefey, and Snell voting “aye”, and Councilmembers Breitenstein and Douglas voting “nay.”

- e) Consider withdrawal of special use permit previously issued to Discovery Zone.

Mayor Allen stated that the Planning Commission recommended 9-0 that the Council withdraw SUP-5-95-5, special use permit previously issued to Discovery Zone, 10400 Shawnee Mission Parkway, as they are no longer in operation.

Councilmember Truitt, seconded by Councilmember Teefey, moved to withdraw SUP-5-95-5, special use permit previously issued to Discovery Zone, 10400 Shawnee Mission Parkway. The motion carried 7-0.

- f) Consider preliminary development plan for Crimson Ridge.

Mayor Allen stated that the Planning Commission recommended 9-0 that the Council approve PUD-4-96-8, preliminary development plan for Crimson Ridge, for 307 single family lots in the 22300-23100 blocks of 47th Street. He said that approval of the request would result in a change of zoning from Agricultural to Planned Single Family.

Planning Director Chaffee stated that the applicant requests rezoning approval from Agricultural to Planned Single Family and preliminary development plan approval for Crimson Ridge located in the 22300-23100 blocks of West 47th Street. He said the plat contains 307 lots, on 137 acres, at a density of 2.24 units per acre. He indicated that the land use guide of the comprehensive plan indicates low density residential land uses for the area, thus the request is in compliance with the plan. He said the A.T. S. and F. railroad tracks are located north of this plat. He noted that the developer anticipates creating two or three communities within the plat to be developed from 47th Street north in increments of 50 lots each. He stated that the development is expected to take three years to complete.

Planning Director Chaffee stated that lot sizes vary throughout the subdivision, with a minimum of 70 foot frontages at the building line. He said front yard setbacks are platted at thirty feet, as are rear setbacks, and side setbacks are proposed at 6 feet. He noted that lot sizes range from 8,400 to over 27,000 square feet. He indicated that lot sizes are similar to those in Parkview and Water's Edge of Wedgewood. He said the minimum house size is indicated to be 1,800 square feet with prices ranging from the \$170,000's to \$230,000 and that all bulk requirements have been satisfied. He noted the site is heavily wooded, and the applicant will be required to submit a tree preservation plan with the final plats.

Planning Director Chaffee stated a variance is requested for lots 10-67, 130-180, and 192-307 to preserve woods at the rear of the lots. He said the applicant is proposing to dedicate 40.39 acres of open space to the City. He indicated that Staff, the Parks and Recreation Advisory Board, and the Planning Commission have recommended the open space not be accepted, and the applicant pay \$61,400 in open space fees in a lump sum with each plat, or \$200 per lot at the time a building permit is issued for each residence. He noted that much of the open space is located within the floodplain, and is better served as a drainage way and open space. He stated that the applicant has indicated that regardless of ownership, the open space will have some improvements such as walking trails. He said at the request of the Planning Commission the developer has moved the location of a subdivision swimming pool from the 47th and Anderson intersection further north. He indicated a landscape easement is provided along 47th Street. He said the developer will make improvements to this area, and any fencing will be placed on the house side of the easement and shall be of a single style approved by the developer in the homes association documents.

Planning Director Chaffee stated that six building elevations have been submitted as required; all homes will have two or three car garages, and Timberline shingles will be used. He said that no more than 20% of the homes in the subdivision may be of the same model. He noted that in 1995 waivers were granted for properties south of the railroad tracks for payments into the peripheral street fund for 43rd Street. He said the City Engineer has determined improving just the north side of 47th Street adjacent to the site would not be practical, therefore, the subdivision is liable for \$291,401.00 in peripheral street fund fees for 47th Street. He stated that the developer has indicated they may also pursue creation of a benefit district for improvements to 47th Street. He said sidewalks are required as indicated on the plat.

Planning Director Chaffee stated that portions of the site lie within the 100 year floodplain and the FEMA maps do not accurately depict the floodplain as portions of the floodplain are on top of the hill. He said that the applicant will provide documentation necessary, and receive a letter of map revision prior to issuance of building permits. He noted that the stormwater drainage system will be designed to city standards and on-site stormwater detention is not required since there is free discharge into the 100 year floodplain; however, the applicant shall pay a stormwater detention fee of \$76,750.00. He indicated erosion control measures shall be shown on the grading plan, approved by the City Engineer, and be in place prior to the beginning of construction. He stated an invalid protest petition was filed on this project and that the Planning Commission recommends approval of PUD-4-96-8, for Crimson Ridge subject to the conditions listed in the staff report.

Councilmember Breitenstein asked Planning Director Chaffee to explain where the pool is located in relationship to its original position.

Planning Director Chaffee stated that the developer is moving the pool up a block into the subdivision where there would be at least three homes that would be constructed between the current location of the swimming pool and the original location.

Councilmember Breitenstein asked if the entryway had been shifted.

Planning Director Chaffee stated that the entryway had not been shifted, given the elevation and sight distances. He said that this is the location the entryway should be located. He indicated that the City Engineer is looking into that.

Councilmember Breitenstein stated there was concern from a family, regarding a safety issue with their driveway being in the position it is in.

Planning Director Chaffee stated that the engineering staff has looked at this and the family that filed the protest petition withdrew that petition. He said their main concern was the location of the swimming pool.

Councilmember Douglas asked for clarification on whether the proposal dedication of park land or open space fee is being accepted in the motion.

Planning Director Chaffee stated that Staff, the Parks and Recreation Advisory Board, and the Planning Commission all recommended that the park land proposed for dedication not be accepted and that an open space fee be required.

Councilmember Snell asked if adjustments could be made in 60% of the cases getting more of the utility boxes in the backyards.

Planning Director Chaffee stated that rear yards backing onto the open space were mostly in floodplains and the City does not want to encourage having utility junction boxes located in a floodplain.

Councilmember Snell stated that the landscaping issue was addressed in regards to those boxes.

Councilmember Breitenstein asked Planning Director Chaffee how many of the six homes had brick or stone trim.

Planning Director Chaffee stated one of the homes has brick or stone and stucco is another alternative building material.

Councilmember Breitenstein stated she would like to see more than one elevation have brick or stone trim.

Councilmember Goode stated individuals are given a choice and that was not a problem.

JOY HAYES, Rodrock & Associates, 6700 Antioch, stated she wanted to update Council on a few things the applicant has done since the Planning Commission meeting. She stated they are moving the pool and taking it out of sight of the southern property owners and it should be completely out of sight of 47th Street. She said there is no lighting planned for this pool; it would be restricted as to use, and there would be locked gates. She noted that only residents may use the pool. She said they have volunteered to spearhead the creation of an improvement district for 47th Street. She noted they would contact all the property owners, and have already contacted a number of residents to date, believing they will have 75% consent on the petition. She indicated the improvement of that road would be good for the residents and the City of Shawnee. She asked if they filed a valid petition, could payment of the peripheral street fund fee be waived.

City Manager Montague stated if the Council votes to create a benefit district, Councilmembers would have to agree to do so.

JOY HAYES stated concerning park land, they have talked to the developer about putting in a nine foot asphalt walk/jog/bike trail. She said that the trail would run the length of 47th Street and it would connect with the city park that is next to Frenchman's Creek. She said it would increase the utility of the existing park by Frenchman's Creek and provide all the adjoining property owners access to the entire park land area. She indicated if Council felt it was necessary, the developer would also be willing to build park amenities such as shelter houses. She stated they had contacted Parks and Recreation Director Lodge and discussed the idea with him. She indicated they would like the motion to include the option of being able to submit a plan to the appropriate board and if accepted, that the park ground be donated and accepted. She said there are about 40 acres of potential park land in this area, which would make it the second largest public park land area in the City of Shawnee. She noted that the estimated value of the land is \$1.4 million.

Councilmember Severance stated if the walking trail, is continued through Frenchman's Creek, it would cost \$250,000.

Councilmember Snell stated if the developer puts together a plan to interconnect parks he could see some value and vision for the entire plan. He stated Council is learning from the tremendous growth in Shawnee that they should proceed cautiously because of funds regarding issues of park land. He stated that the \$70,000 fee would provide an alternative in development and any park land dedicated would need to bring value to the subdivision.

Councilmember Goode stated he felt it was a reasonable proposal and they should be aggressive and meet with the Parks and Recreation Advisory Board to work out this idea.

Councilmember Breitenstein stated that the Frenchman's Creek area would take about \$250,000 to develop into a park, and the City does not have funds allocated to the park. She thanked Rodrock & Associates for developing this plan and working with Staff to revise areas that Council had issues with.

DON DURHAM, 4621 Millbrook Court, stated he felt this developer had brought in the best plan he had seen in this part of Shawnee. He stated the developer is bringing in good size lots with fairly low density and is being cooperative with residents in the area. He felt Council should leave an option open to what has been presented.

Councilmember Truitt stated Council appreciated the changes presented in the park land. She said she believed the Park and Recreation Advisory Board has priorities and are trying to acquire land on another parcel out in that area.

Councilmember Douglas stated if they were designing something it might be an option to have it eventually going to Frenchman's Creek. She said something to think about is tying some of the other walking paths from another direction.

DON DURHAM asked if a 3/4 vote would be required to pass this item since there were protest petitions on the Hillcrest Farms property.

City Attorney Rainey stated the statute is very specific, requiring 3/4 of the governing body, which is nine members, counting the Mayor and eight Councilmembers.

Councilmember Goode, seconded by Councilmember Truitt, moved to approve PUD-4-96-8, preliminary development plan for Crimson Ridge, for 307 single family lots in the 22300-23100 blocks of 47th Street, which would result in a change in zoning from Agricultural to Planned Single Family, subject to the following conditions:

1. Approval of, and recording of, final plats prior to issuance of any building permits;
2. No greater than 307 total lots be indicated on the final plats submitted for the development;
3. The minimum house size allowed is 1,800 square feet as indicated by the applicant;
4. The applicant submit a tree preservation plan along with the submittal for the first final plat;
5. The applicant submit a site plan for the proposed subdivision amenities to the Planning Department for review prior to submittal of the first final



plat. These amenities shall be constructed no later than construction of public improvements in any second phase of development;

6. The park land proposed for dedication to the City is not accepted and an open space fee of \$61,400 will be required in a lump sum per plat or \$200 per lot will be paid prior to issuance of a building permit;
7. A sample landscaping plan for the landscape easements and entry islands shall be submitted to the Planning Department for review along with the first final plat submittal;
8. All landscaping within the designated landscape easements shall be installed prior to building permits for each individual phase;
9. Two (2) copies of the Homes Association and Covenant documents be submitted with the final plats for recording at the applicant's expense;
10. No more than twenty percent (20%) of the structures in the subdivision be built with the same elevations;
11. Payment of the required \$291,401.00 Peripheral Street Fund fee prior to commencing construction on any public improvements;
12. The developer be responsible for making temporary improvements to 47th Street, as indicated in the staff report;
13. The proposed streets shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
14. The applicant shall install a temporary (or permanent) pedestrian trail from the eastern portion of the subdivision to the swimming pool in the event 47th Street has not been improved prior to issuance of any building permit in the eastern portion of the subdivision;
15. The City Council grant a waiver to allow utility junction boxes to be located in the front yard areas for Lots 10-67, 130-180, and 192-307. All remaining boxes shall be located in side and rear yard areas;
16. The proposed street lighting and stormwater drainage systems shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria;

17. In conjunction with each final plat, the applicant shall submit for review by the Engineering Division documentation indicating the distance from the edge of the channel to the property line;
18. A Letter of Map Revision for changes to the 100-year floodplain at the site shall be submitted to the Planning Department prior to issuance of any building permits. The final plats shall include notation regarding lowest floor elevations as mentioned in the staff report;
19. All improvements associated with the stormwater detention facilities shall be designed in accordance with SMC Chapter 12.24 and the City's current Manual of Technical Specifications and Design Criteria;
20. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction;
21. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
22. The applicant shall apply for an Environmental Protection Agency National Pollutant Discharge Elimination System permit (Construction Activity Form 1) from the Kansas Department of Health. A copy of the application shall be filed with the Engineering Division prior to issuance of a grading permit. Upon approval of the permit, a copy shall be filed with the Engineering Division;
23. An erosion control plan, to be approved by the City Engineer, shall be approved prior to the issuance of a grading permit;
24. Approval of all water main and fire hydrant locations by the Fire Chief and installation prior to issuance of any building permits;
25. All public utilities shall be fully bonded and constructed prior to the issuance of any building permits. Payment of all appropriate bonds and inspection fees to the Engineering Division and obtain all appropriate work permits, prior to any construction. The developer shall be responsible for the cost of City installed street signs;
26. Payment of the required \$76,750 stormwater detention fee prior to commencing construction on any public improvements; and

27. Movement of the subdivision swimming pool from the 47th and Anderson intersection to a point further north; or placement of a berm with heavy landscaping to be approved with the final plat, including this area around the swimming pool area.

The motion carried 7-0. Having passed, Ordinance 2268 was assigned.

**13. CONSIDER SIGN VARIANCE REQUEST FOR BROTHERHOOD BANK & TRUST.**

Mayor Allen stated Brotherhood Bank & Trust, 11808 W 75th is requesting a sign variance to replace an existing pole sign.

Planning Director Chaffee stated the applicant requests a sign variance to allow for the modification of an existing, non-conforming pole sign at the northeast corner of 75th Street and Quivira Road. He said City code requires that non-conforming pole signs be replaced by a ground monument sign whenever there is a change in business ownership or name. He noted that the existing sign for Citizen's Bank dates back to the 1970's. He said the applicant proposes to refurbish the existing sign structure and replace the sign faces with identification for Brotherhood Bank and Trust, who will be moving into the building in September.

Councilmember Snell stated that Staff had prepared quite a bit of information regarding this item. He said the corner is best served if the sign remains.

Councilmember Douglas asked how many pole signs are left in the City.

Planning Director Chaffee stated there are approximately 35 pole signs.

Councilmember Douglas asked if the City had renewed any of the signs since the tightening of the sign ordinance.

Planning Director Chaffee stated that none of them has been renewed.

Councilmember Douglas stated if it is going to be a monument sign it would drop down and create problems for the bank. She said she wanted to eliminate the pole signs but it is a re-landscaping issue because the sign may not be visible to customers.

Councilmember Snell, seconded by Councilmember Goode, moved to approve S-147-96-8, sign variance for Brotherhood Bank & Trust, 11808 W 75th to replace an existing pole sign. The motion carried 7-0.

**COUNCIL ITEMS**

**14. CONSIDER SELECTION OF VOTING DELEGATES AND ALTERNATES FOR THE ANNUAL CONGRESS OF CITIES CONFERENCE.**

Mayor Allen stated that the National League of Cities' Annual Business Meeting will be held Saturday, December 7, 1996, at the Congress of Cities Conference, in San Antonio. He said that the City is eligible to cast the city's one vote as provided by the NLC's bylaws. He noted that the City should select one voting delegate and could select one alternate.

Councilmember Douglas, seconded by Councilmember Snell, moved to appoint Mayor Allen as the voting delegate to cast the city's vote at the National League of Cities' Annual Business Meeting on Saturday, December 7, 1996, at the Congress of Cities Conference, in San Antonio and have Councilmember President Teefey be the alternate delegate. The motion carried 7-0.

**15. CONSIDER THE FOLLOWING ITEM FROM THE FINANCE AND ADMINISTRATION COMMITTEE MEETING OF AUGUST 6, 1996.**

Phase-in of the commercial open space fees.

Councilmember Breitenstein stated that this item was tabled at the August 12, 1996, City Council meeting to allow the full Council to vote on the item. She said the motion failed because it lacked the required five votes. She indicated that Committee recommended 3-1 that Council adopt an ordinance phasing in an increase to the commercial open space fee: six months from the effective date of the ordinance, fees would increase to two cents per square foot of building lot, and at nine months, three cents per square foot of building lot, and to specify that any multi-family dwelling would be assessed an open space fee of \$200.00 per dwelling unit. She said that Councilmember Meyers is requesting that this item be tabled to the September 9, 1996, City Council meeting, so that he can be present for the discussion.

Councilmember Goode, seconded by Councilmember Snell, moved to table this item to the September 9, 1996, City Council meeting. The motion carried 4-3, with Councilmembers Truitt, Goode, Breitenstein, and Snell voting "aye", and Councilmembers Douglas, Teefey, and Severance voting "nay."

**16. CONSIDER THE FOLLOWING ITEMS FROM THE PUBLIC WORKS COMMITTEE MEETING OF AUGUST 20, 1996.**

- a) Waiving The Civic Centre Rental Fees For Broken Arrow PTA.

Councilmember Severance stated that the Committee recommended 3-0 that Council waive the Civic Centre rental fees for Broken Arrow PTA, once a month for child care during the monthly PTA meeting.

Councilmember Severance, seconded by Councilmember Teefey, moved to waive the Civic Centre rental fees for Broken Arrow PTA, once a month for child care during the monthly PTA meeting. The motion carried 7-0.

- b) Selecting Consulting Engineers for Upcoming Capital Improvement Projects and Engineering Studies.

Councilmember Severance stated that the Committee recommended 3-0 that Council approve a qualification based selection process of recommending engineers for upcoming capital improvement projects and engineering studies based on past performance, familiarity with the project, experience with the funding program and engineering qualifications.

Councilmember Severance, seconded by Councilmember Breitenstein, moved to approve a qualification based selection process of recommending engineers for upcoming capital improvement projects and engineering studies based on past performance, familiarity with the project, experience with the funding program and engineering qualifications. The motion carried 7-0.

- c) City's Policy on Closing Streets due to Construction Activities.

Councilmember Severance stated that the Committee recommended 4-0 that Council approve the proposed policy on closing streets due to construction activities and direct staff to prepare a Policy Statement for final adoption.

Councilmember Goode asked who would be making the final decision on this item.

City Manager Montague stated the recommendation would come from the Public Works Department.

Councilmember Severance, seconded by Councilmember Truitt, moved to approve the proposed policy on closing streets due to construction activities and direct staff to prepare a Policy Statement for final adoption. The motion carried 7-0.

- d) 60' Drainage Setback Variance for the Proposed Woodedge Subdivision at 55th Street and K-7 Highway.

Councilmember Severance stated that the Committee voted to forward this item to Council with no recommendation.

Councilmember Severance, seconded by Councilmember Goode, moved to table this item to the September 9, 1996 City Council Meeting. The motion carried 7-0.

- e) Changes to the Garage Sale Ordinance.

Councilmember Severance stated that the Committee recommended 4-0 that Council adopt the following changes to the Garage Sale Ordinance: 1) change the definition of garage sale to include sales conducted in an accessory use building or on the premises of such dwelling or building; 2) include a definition for household, instead of person; 3) allow only two (2) garage sales by a household at one location in a calendar year; 4) establish a time period that garage sales may be held from 8:00 am to 8:00 pm; 5) clarify that all items must be moved inside by 8:00 pm; and 6) prohibit illuminated signs.

Councilmember Snell asked why the definition of garage sale was changed to include sales conducted in an accessory use building or on the premises of such dwelling or building.

City Clerk/Human Resources Director Hodges stated it was to clarify that a garage sale can be conducted in a house or any accessory buildings such as a shed or detached garage.

Councilmember Snell asked if a person has a hobby and sells items a couple times a year, would that constitute a violation.

City Clerk/Human Resources Director Hodges stated that a garage sale is considered anything that lasts at least two hours in duration.

Councilmember Snell stated he did not want to prohibit home businesses from prospering.

City Clerk/Human Resources Director Hodges stated that in some of those instances they would actually be home occupations rather than garage sales.

CHARLOTTE HARGIS, 6925 Ballentine, asked if this violation had always been a misdemeanor.

City Attorney Rainey stated the City does not use the terminology of misdemeanor or felony in regards to City offenses.

Councilmember Teefey, seconded by Councilmember Severance, moved to adopt the following changes to the Garage Sale Ordinance: 1) change the definition of garage sale to include sales conducted in an accessory use building or on the premises of such dwelling or building; 2) include a definition for household, instead of person; 3) allow only two (2) garage sales by a household at one location in a calendar year; 4) establish a time period that garage sales may be held from 8:00 am to 8:00 pm; 5) clarify that all items must be moved inside by 8:00 pm; and 6) prohibit illuminated signs.

The motion carried 7-0. Having passed, Ordinance 2269 was assigned.

f) Special Events at Herman Laird Park

Councilmember Severance stated that the Committee recommended 4-0 that Council direct the Historical Society not to schedule Herman Laird Park for a hot rod car show or other events outside of the intended purpose of the park, unless it comes before Council for approval.

Councilmember Douglas stated she would help anyone wanting to have a car show find an appropriate spot.

Councilmember Severance, seconded by Councilmember Snell, moved to direct the Historical Society not to schedule Herman Laird Park for a hot rod car show or other events outside of the intended purpose of the park, unless it comes before Council for approval. The motion carried 7-0.

**BUSINESS FROM THE FLOOR**

a) Blackfish Parkway

PETER GRASSL, 13424 W. 70th Terr., stated he would like to bring up the issue of the City not having sufficient funds for park development. He said he would like to ask Council to stop allocating any additional funds for development on Blackfish Pkwy. for the Indian monument and have the signs removed on Blackfish Pkwy. that tell people when to stop on the sidewalk.

Mayor Allen asked City Attorney Rainey what the procedure was for Council to reconsider the Blackfish Pkwy. Monument and if a Councilmember who voted in favor of that item would have to ask for reconsideration of that item.

City Attorney Rainey stated that the action was approved at the prior meeting, and yes that would be normal procedure.

Councilmember Teefey stated he needed clarification on a Councilmember changing their mind on an item, he asked if the motion to reconsider has to be made by a councilmember.

Mayor Allen stated yes.

Councilmember Snell stated that one of the challenges the City is facing is historically Shawnee had been a community of volunteers, today that is less and less the case and he encouraged citizens to get involved in Shawnee. He stated that citizens of Shawnee are coming to City Hall and saying that City Hall needs to accomplish these items for preservation of areas. He stated Council would like to see more people and corporations get involved in raising funds for situations like this one. He asked City Engineer Wesselschmidt what the price difference was in putting concrete around the monument.

City Engineer Wesselschmidt stated what was brought to Council was using a combination of concrete and paver brick and the price would be \$5,250.

Councilmember Snell asked if the City had a time frame and is there a contractor to begin the project.

City Engineer Wesselschmidt stated they got the price quote from a contractor the City is using presently on the curb and sidewalk program. He said the City planned to get additional quotes to find a price that was \$5,250 or less, and the time frame would be in the next thirty days.

Councilmember Snell asked if during the next thirty days, Council looked at other alternatives, could the project still be completed in the fall.

City Engineer Wesselschmidt stated there are approximately sixty construction weather days remaining to complete the project.

Councilmember Snell stated he would like Council in the next thirty days to look at citizen or corporate volunteers, that are in this type of work.

Councilmember Douglas stated that there were funds left from the Blackfish Pkwy. project and the money was allocated for this project.

Councilmember Severance stated in the attempt to get volunteers that quality must not be sacrificed for projects.

Councilmember Teefey stated if the City was taking bids and there are specifications, then someone can come in to volunteer or make a low bid if they wanted to donate their time and materials or money.

b) Historical Society - Old Shawnee Town

HAROLD SHEA, 5640 Cody, asked in regards to the Historical Society scheduling events for the park, who gave the park to Old Shawnee Town, or was it given to them.

Mayor Allen stated the day to day activities and operation of Old Shawnee Town are handled by the Historical Society and it has been that way for over twenty-five years.

City Manager Montague stated since the late sixties the Historical Society has had control of the operation of the park, subject to City approval. He said the agreement has allowed them to extend some of the activities into the Herman Laird Park area.

HAROLD SHEA asked if the rollerblade area on the tennis courts was a done deal.



Councilmember Truitt stated Council has been working on that item. She said it would be taken back to committee and if there is agreement with all Councilmembers, they would like to choose another park for the rollerblade facility.

HAROLD SHEA stated in the block from 55th Street to Johnson Drive, some of the residents have been there for forty years or longer. He said there have been a great deal of changes made; the park, pool, Old Shawnee Town, and the tennis courts. He asked Council not to forget the residents in the area.

c) Public Safety at K-7 at 55th Street and K-7 at 75th Street

JESSE MOCK, 25398 W. 66th Terr., stated he is concerned about public safety at two intersections: K-7/55th Street and K-7/75th Street. He said on July 6, 1996, there was a near fatal crash and the gentleman involved was a worker at Shawnee Mission Medical Center. He said he wanted to propose an overpass with on ramps and exit ramps to be built there. He indicated that there were already safety mechanisms in place at that intersection, such as the lower speed limit, stop light and signage. He said while K-7/75th Street is not as busy as K-7/55th Street, it certainly shows construction activity and the car traffic is significantly increasing in the area. He noted it would be another prime location for an overpass with on ramps and exit ramps.

Mayor Allen stated that the City was familiar with the K-7/55th Street interchange. He said that K-7 is a State Highway and any design or construction to those intersections would have to be approved and funded by the Kansas Department of Transportation. He said until the State has an overpass as a priority, it could not be done. He indicated with the school and additional residential activity in the area, the traffic patterns have changed dramatically.

JESSE MOCK stated it seemed that there would have to be cooperation between the State and the City if an overpass and ramp would be built.

Councilmember Severance thanked JESSE MOCK for attending the meeting. He stated this item had been on the agenda of three Public Works and Safety Committee meetings because of other complaints and concerns. He said he would like to place this item on the next scheduled Public Works and Safety Committee meeting. He indicated he would also send letters to citizens and the school district to get a dialogue going regarding this safety issue with the engineering staff.

Councilmember Breitenstein stated that JESSE MOCK had contacted her about his concerns. She said she felt that the K-7/75th Street issue should be looked into at the Public Works and Safety Committee meeting. She indicated help is needed for the City to research and organize the materials and she has another volunteer to help organize an effort to do something with the 55th Street area. She believed there are citizens' groups that would help and get involved. She said the City had made several requests to the State of Kansas and should look at the requests and what might have changed since the time of the requests. She said it's been approximately three years since the meeting was

held with Woodsonia residents and nothing was warranted, as far as change at that point. She noted the City might want to look at what traffic pattern and development changes have occurred since the last time the State was petitioned to do something with that intersection.

JESSE MOCK stated he could not attend every City Council meeting but he understood that there was development planned for the northeast and southwest corner. He said if an overpass with ramps is not considered as part of those, in relationship to those developments, maybe the land needed for the project would already be developed before the question is raised.

DON DURHAM, 4621 Millbrook Court, stated on US-50 on the west side of Lee's Summit, there is a big sign and you cannot miss it. He said that is a solution you can get in place before building an overpass, and it is a cheaper solution.

Councilmember Breitenstein stated there is no law enforcement at K-7/55th, and people realize that and run the lights knowing they will not be ticketed, almost causing accidents.

Mayor Allen stated Council could ask the Police Department about enforcing tickets in that area.

Councilmember Snell stated that there is a national company that provides services with a camera and automatically mails out tickets. He said it improves traffic control, is an enforcement tool, would not cost the City any money, and it works. He said it was like ADP, they process tickets then they take a percentage of the ticket. He said it was a no cost idea and it is a public safety enforcement. He noted that the company provides the vehicle, camera and all other equipment.

## **STAFF ITEMS**

### **17. CONSIDER AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHAWNEE AND JOHNSON COUNTY FOR SMAC PROJECT, IMPROVEMENTS ON TURKEY CREEK: YAGER LANE TO 66TH STREET.**

Mayor Allen stated that this amendment to the Interlocal Agreement increases the funding from \$187,000 to \$600,710 of the SMAC Project, Improvements on Turkey Creek: Yager Lane to 66th Street, P.N. 3192. He said that the County will pay 75% of these costs, with the City's estimated cost at \$232,000.

Councilmember Snell, seconded by Councilmember Goode, moved to authorize the Mayor to sign an Amendment to the Interlocal Agreement increasing the funding from \$187,000 to \$600,710 for the SMAC Project, Improvements on Turkey Creek: Yager Lane to 66th Street, P.N. 3192, with the County paying 75% of these costs, and the City's cost estimated at \$232,000. The motion carried 7-0.

**18. CONSIDER AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHAWNEE AND JOHNSON COUNTY FOR SMAC PROJECT, IMPROVEMENTS ON MILL CREEK: LONG AVENUE, 70TH TO 71ST STREET.**

Mayor Allen stated that this amendment to the Interlocal Agreement increases the funding commitment for completion of Phase II of the SMAC Project, Improvements on Mill Creek: Long Avenue, 70th to 71st Street, P.N. 3201. He said that the County will pay 75% of these costs, with the City's estimated cost at \$138,000, with the total project cost estimated at \$348,000.

CHARLOTTE HARGIS, 6925 Ballentine, asked if Council could tell her what the increase in the City cost is on the three amendments to interlocal agreements.

City Manager Montague stated these have already been approved and budgeted; there is no increase. He said when you see these increases, the original estimates on these projects are made by consulting engineers who estimate the cost on all drainage projects in Johnson County and establish a priority list. He indicated that once these are on the priority list the cities actually get involved by hiring engineers and the detailing engineering is done then the City has a realistic estimate of cost. He noted that initial estimates are not correct but they are estimates for the County in order to set the priorities. He said the engineer does not have the information to estimate the project because they have few details and they have to guess what these projects should cost. He indicated that there is no obligation on the part of the City until the City actually has the detail engineering so they know what the actual figure is going to be.

CHARLOTTE HARGIS stated it needs to be clear to the public what the project was originally estimated at, what the City's portion is going to be before and after changing the original amount. She said the amount is changing again because of revisions.

Councilmember Breitenstein stated this information was presented at an earlier meeting and information has been compiled in all the areas the City needs stormwater drainage and the County has done the estimates. She said when the County agrees to fund the project, the City has the engineering study done. She indicated the County has moved forward to have a better handle on how much projects will cost. She said in the future, the project would be done in two phases: 1) have the cities do the engineering; 2) then they will prioritize the projects since they have the particular cost arranged. She noted then if there is a change order in excess of engineering by more than 10% there will be controls in place.

Mayor Allen stated the City's portion of the increase is 25%.

Councilmember Douglas, seconded by Councilmember Goode, moved to authorize the Mayor to sign an Amendment to the Interlocal Agreement increasing the funding commitment for Phase II of the SMAC Project, Improvements on Mill Creek: Long Avenue, 70th to 71st Street, P.N. 3201, the County paying 75% of these costs, and the

City's cost estimated at \$138,000, with the total project cost estimated at \$348,000. The motion carried 7-0.

**19. CONSIDER AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHAWNEE AND JOHNSON COUNTY FOR SMAC PROJECT, IMPROVEMENTS ON MILL CREEK: COPENHAVEN SUBDIVISION.**

Mayor Allen stated that this amendment to the Interlocal Agreement increases the funding from \$493,350 to \$648,772 for Improvements on Mill Creek: Copenhagen Subdivision, P.N. 3209. He said the County will pay 75% of these costs, with the City's cost estimated at \$256,000 with the total project cost estimated at \$711,000.

Councilmember Douglas, seconded by Councilmember Truitt, moved to authorize the Mayor to sign an Amendment to the Interlocal Agreement increasing the funding from \$493,350 to \$648,772 for Improvements on Mill Creek: Copenhagen Subdivision, P.N. 3209, with the County paying 75% of these costs, and the City's cost estimated at \$256,000 with the total project cost estimated at \$711,000. The motion carried 7-0.

**20. CONSIDER AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHAWNEE AND JOHNSON COUNTY FOR SMAC PROJECT, IMPROVEMENTS ON MILL CREEK: WEST OF QUIVIRA, 72ND TERRACE AND 73RD STREET.**

Mayor Allen stated that this amendment to the Interlocal Agreement increases the funding from \$154,000 to \$510,000 of the SMAC Project, Improvements on Mill Creek: West of Quivira Road, 72nd Terrace and 73rd Street, P.N. 3210. He said the County will pay 75% of these costs, with the City's cost estimated at \$196,000 with the total project cost estimated at \$575,200.

Councilmember Snell, seconded by Councilmember Douglas, moved to authorize the Mayor to sign an Amendment to the Interlocal Agreement increasing the funding from \$154,000 to \$510,000 for the SMAC Project, Improvements on Mill Creek: West of Quivira Road, 72nd Terrace and 73rd Street, P.N. 3210, with the County paying 75% of these costs, and the City's cost estimated at \$196,000 with the total project cost estimated at \$575,200. The motion carried 7-0.

**MISCELLANEOUS ITEMS**

**21. CONSIDER APPROVAL OF SEMI-MONTHLY CLAIM FOR AUGUST 26, 1996, IN THE AMOUNT OF \$1,891,008.20.**

Councilmember Goode, seconded by Councilmember Breitenstein, moved to approve the semi-monthly claim for August 26, 1996, in the amount of \$1,891,008.20. The motion carried 7-0.

**22. MISCELLANEOUS COUNCIL ITEMS.**

- a) Rollerblade park moved from Herman Laird Park to Listowel Park.

Councilmember Truitt stated she would like the Finance and Administration Committee to discuss the possibility of moving the rollerblade park area from Herman Laird Park to Listowel Park at the September 4, 1996 meeting. She stated that the two courts in Listowel Park being considered have no lights and the children rollerblading will go home when it gets dark.

Councilmember Truitt, seconded by Councilmember Goode, moved to place discussion of the possibility of moving the rollerblade park from Herman Laird Park to Listowel Park on the September 4, 1996 Finance and Administration Committee meeting agenda. The motion carried 7-0.

- b) Public Forum: Neighborhood Revitalization - September 7, 1996.

Councilmember Snell stated Councilmember Meyers and he would like to invite everyone to the last neighborhood revitalization public forum, 12:30 p.m. at City Hall following the September 7, 1996 Tour of Western Shawnee.

Councilmembers Goode, Douglas, and Truitt indicated they have other commitments on September 7, 1996, and could not attend the public forum.

### **ADJOURNMENT**

Councilmember Goode, seconded by Councilmember Douglas, moved to adjourn. The motion carried 7-0, and the meeting adjourned at 9:22 p.m.

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Sonya Fendorf  
Recording Secretary